

**Revised Code**  
**-of-**  
**Ordinances**  
**of**  
*Evansville,*  
*Illinois*

**[2019]**

**PREPARED BY:**  
**Illinois Codification Services**

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# **VILLAGE OF EVANSVILLE, ILLINOIS**

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**ORDINANCE NO. 2023-03**

**AN ORDINANCE ENACTING  
A REVISED CODE OF ORDINANCES  
FOR THE  
VILLAGE OF EVANSVILLE, ILLINOIS**

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**ADOPTED BY THE  
VILLAGE BOARD OF TRUSTEES  
OF THE  
VILLAGE OF EVANSVILLE, ILLINOIS**

**THIS 10<sup>TH</sup> DAY OF JULY, 2023**

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**Published in book form by authority of the Mayor and the Village Board of Trustees of the Village of Evansville, Randolph County, Illinois this 10<sup>th</sup> day of July, 2023.**

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**ORDINANCE NO. 2023-03**

**AN ORDINANCE ADOPTING A REVISED CODE OF ORDINANCES OF THE VILLAGE OF EVANSVILLE, ILLINOIS.**

**WHEREAS**, the Village of Evansville, Illinois is an Illinois non-home rule municipal corporation pursuant to Article VII, § 8 of the 1970 Illinois Constitution, organized and operating under the Illinois Municipal Code, 65 ILCS 5/1-1-1, *et seq.*; and

**WHEREAS**, the corporate authorities of each municipality may pass all ordinances and make all rules and regulations proper or necessary, to carry into effect the powers granted to municipalities, with such fines or penalties as may be deemed proper. 65 ILCS 5/1-2-1; and

**BE IT ORDAINED BY THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF EVANSVILLE, ILLINOIS, THAT:**

**SECTION 1:** The following exhibit shall be "**The Revised Code of Ordinances**" of the Village of Evansville, Randolph County, Illinois" and shall be as follows:

**SEE EXHIBIT "A" FOLLOWING**

**SECTION 2: Severability of Provisions.** Each section, paragraph, sentence, clause and provision of this Ordinance is severable, and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of the Ordinance, nor any part thereof, other than that part affected by such decision.

**SECTION 3: Conflicting Ordinances.** Any conflicting ordinances, code provisions or pertinent portions thereof in effect at the time this ordinance takes effect are hereby repealed.

**SECTION 4: Effective.** This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

**SECTION 5:** Passed this 10<sup>th</sup> day of July, 2023 by the Mayor and Village Board of Trustees of the Village of Evansville, Randolph County, Illinois, and deposited and filed in the office of the Village Clerk in said Village on that date.

\_\_\_\_\_  
BETHANY WUNDERLICH, VILLAGE CLERK  
EVANSVILLE, ILLINOIS

NAME	AYE	NAY	ABSTAIN	ABSENT
Barry Greer				
Darren Kempfer				
Donald Dougherty				
Kenneth Rhyne				
Travis Hall				
Theresa Overlgoenner				
Kenneth Kempfer, Mayor				

Approved by the Mayor of the Village of Evansville, Randolph County, Illinois, this 10<sup>th</sup> day of July, 2023.

\_\_\_\_\_  
KENNETH KEMPFER, MAYOR  
EVANSVILLE, ILLINOIS

ATTEST:

\_\_\_\_\_  
BETHANY WUNDERLICH, VILLAGE CLERK  
EVANSVILLE, ILLINOIS

**(SEAL)**

**VILLAGE CLERK’S CERTIFICATE**

**STATE OF ILLINOIS                    )**  
**COUNTY OF RANDOLPH            )**                   **ss. VILLAGE CLERK’S OFFICE**  
**VILLAGE OF EVANSVILLE        )**

I, Bethany Wunderlich, Village Clerk of the Village of Evansville, do hereby certify that the following Revised Code of Ordinances of the Village of Evansville, Randolph County, Illinois, published by authority of the Village Board of Trustees was duly passed by the Village Board of Trustees of the Village of Evansville, Illinois, approved by the Mayor, and published in book form according to law on this date, and that these ordinances are true and perfect copies of the ordinances, as passed, approved, and now of record and on file in my office as provided by law.

In witness whereof, I have set and affixed the Corporate Seal of the Village of Evansville, Illinois, this 10<sup>th</sup> day of July, 2023.

\_\_\_\_\_  
BETHANY WUNDERLICH, VILLAGE CLERK  
EVANSVILLE, ILLINOIS

**(SEAL)**

## **CHAPTER TITLES**

<b>1.</b>	<b>Administration</b>	<b>1-1</b>
<b>3.</b>	<b>Animals</b>	<b>3-1</b>
<b>4.</b>	<b>Boards and Commissions</b>	<b>4-1</b>
<b>6.</b>	<b>Buildings</b>	<b>6-1</b>
<b>7.</b>	<b>Business Code</b>	<b>7-1</b>
<b>8.</b>	<b>Cable Television</b>	<b>8-1</b>
<b>10.</b>	<b>Cemetery</b>	<b>10-1</b>
<b>11.</b>	<b>Employee Policies</b>	<b>11-1</b>
<b>14.</b>	<b>Flood Plain Code</b>	<b>14-1</b>
<b>15.</b>	<b>Franchises</b>	<b>15-1</b>
<b>20.</b>	<b>Library</b>	<b>20-1</b>
<b>21.</b>	<b>Liquor</b>	<b>21-1</b>
<b>22.</b>	<b>Mandated Policies</b>	<b>22-1</b>
<b>23.</b>	<b>Manufactured Housing Code</b>	<b>23-1</b>
<b>24.</b>	<b>Motor Vehicle Code</b>	<b>24-1</b>
<b>25.</b>	<b>Nuisances</b>	<b>25-1</b>
<b>27.</b>	<b>Offenses</b>	<b>27-1</b>
<b>28.</b>	<b>Parks and Recreation</b>	<b>28-1</b>
<b>29.</b>	<b>Property Maintenance Code</b>	<b>29-1</b>
<b>30.</b>	<b>Public Safety</b>	<b>30-1</b>
<b>32.</b>	<b>Soil Erosion Code</b>	<b>32-1</b>
<b>33.</b>	<b>Stormwater Drainage Code</b>	<b>33-1</b>
<b>34.</b>	<b>Street Regulations</b>	<b>34-1</b>
<b>35.</b>	<b>Subdivision Code</b>	<b>35-1</b>
<b>36.</b>	<b>Taxation</b>	<b>36-1</b>
<b>37.</b>	<b>Tree Code</b>	<b>37-1</b>
<b>38.</b>	<b>Utilities</b>	<b>38-1</b>
<b>40.</b>	<b>Zoning Code</b>	<b>40-1</b>

**VILLAGE OF EVANSVILLE, ILLINOIS**

<b><u>ORD. #</u></b>	<b><u>TITLE</u></b>	<b><u>DATE</u></b>	<b><u>ORD. #</u></b>	<b><u>TITLE</u></b>	<b><u>DATE</u></b>
200	Water Bonds	12/06/48	242	Civil Defense	07/21/58
201	Water Bonds	03/03/49	243	Tax Levy	07/07/58
202	Cemetery	03/07/49	244	Open Burning	03/02/59
203	Judges	03/07/49	245	Village Marshall	05/04/59
204	Village Hall	07/28/49	246	Parking Rest.	07/06/59
205	Appropriation	07/05/49	247	Appropriation	07/10/59
206	Tax Levy	08/01/49	248A	Tax Levy	12/18/59
207	Telephone	12/28/49	248B	Itinerant Merch.	12/18/59
208	Telephone	10/03/49	249	Appropriation	07/08/60
209	Appropriation	07/03/50	250	Tax Levy	07/08/60
210	Tax Levy	08/07/50	251	Water Bonds	09/06/60
211	Appropriation	08/07/50	252	Fire Dept. Regul.	11/07/60
212	Appropriation	07/02/51	253	Fire Department	01/03/61
213A	Tax Levy	08/06/51	254	Traffic	04/06/61
213B	Traffic	01/07/52	255	Salary-Police	06/05/61
214	Appropriation	07/07/52	256	Water Rates	07/03/61
215	Tax Levy	08/04/52	257	Appropriation	07/03/61
216	Salaries	03/02/53	258	Sales Tax	07/28/61
217	Appropriation	07/06/53	259	Tax Levy	08/03/61
218	Tax Levy	08/03/53	260	Vacation-Laurel	
219	Cemetery	02/01/54	261	Planning Comm.	06/06/62
220	Appropriation	07/06/54	262	Appropriation	08/02/62
221	Tax Levy	08/05/54	263	Tax Levy	08/06/62
222	Appropriation	07/05/55	264	Park Tax	06/03/63
223	Annexation	07/05/55	265	Appropriation	06/03/63
224	Tax Levy	09/06/55	266	Tax Levy	07/01/63
225	Sales Tax	09/06/55	267	Liquor Hours	07/01/63
226	Sales Tax	09/06/56	268	Civil Emergency	08/05/63
227	Vehicle Tax Rep.	09/06/56	269	Storm Water	10/07/63
228	Labor Wages	09/06/56	270	Annexation	01/04/65
229	Appropriation	07/02/56	271	Appropriation	06/01/64
230	Tax Levy	08/06/56	272	Tax Levy	07/06/64
231	Water Bonds	10/01/56	273	Tele. Franch.	09/08/65
232	Official Salary	04/01/57	274	City Park	01/04/65
233	Treas. Bond	06/03/57	275	Traffic	01/04/65
234	Appropriation	07/01/57	276	Board Salaries	03/01/65
235	Soc-Security	07/01/57	277	Appropriation	07/11/65
236	Tax Levy	08/05/57	278	Tax Levy	07/06/65
237	Water Tap-in	10/07/57	279	Wages	09/06/65
238	Sewer Tap-in	10/07/57	280	Electric Franch.	10/14/65
239	Water Regulation	10/07/57	281	Gas Franch.	10/14/65
240	Water Rates	12/02/57	282	Water Units (#256)	04/04/66
241	Appropriation	07/11/58	283	Appropriation	06/06/66

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<u>ORD. #</u>	<u>TITLE</u>	<u>DATE</u>	<u>ORD. #</u>	<u>TITLE</u>	<u>DATE</u>
284	Tax Levy	07/05/66			
285	Street Vacation	11/22/66			
286	Comp. Plan Appt.	01/03/67			
287	Appropriation	05/02/67			
288	Sales Tax	08/12/67			
289	Sales Tax	08/12/67			
290	Tax Levy	08/07/67			
291	Sales Tax	09/05/67			
292	Meat Lic. (#165)	12/04/67			
293	Liquor Fee (#152)	12/04/67			
294	Salaries	12/04/67			
295	Fire Department (#253)	12/04/67			
296	Liquor Fee (#153)	03/04/68			
297	Sales Tax	05/06/68			
298	Elec. (IPC) Street	05/06/68			
299	Elec. Village	05/06/68			
300	Appropriation	07/01/68			
301	Tax Levy	08/05/68			
302	Road Hills	09/16/68			
303	Traffic	03/03/69			
304	Salaries (#294)	05/12/69			
305	Appropriation	06/06/69			
306	Liquor	07/07/69			
307	Sales Tax	10/11/69			
308	Sales Tax	10/11/69			
309	Tax Levy	10/11/69			
310	Water Rates	10/06/69			
311	Water – Ellis Grove	10/16/69			
312	Trailers Proh.	11/03/69			
313	Board Meetings	12/01/69			
314	Traffic Reg.	12/01/69			
315	Rubbish & Brush	12/01/69			
316	160,000 Rev. Bds	05/05/70			
317	Appropriation	06/02/70			
318	Tax Levy	07/07/70			
319	Water Rates	12/01/70			
320	G.O. Election	02/02/71			
321	160,000 Bonds	04/06/71			
322	30,000 Bonds	05/25/71			
323	Appropriation	06/01/71			
324	Tax Levy	08/05/71			
325	Vacation – Alley	08/05/71			
326	Board Meetings	08/05/71			
327	Aux. Police	10/04/71			

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## EVANSVILLE, ILLINOIS

<u>ORD. #</u>	<u>TITLE</u>	<u>DATE</u>	<u>LOCATION IN CODE</u>
330	Appropriation	06/04/73	Special Legislation
331	Tax Levy	08/06/73	Special Legislation
332	Motor Vehicle	07/02/73	Chapter 23
333	Appropriation	07/02/74	Special Legislation
334	Tax Levy	08/06/74	Special Legislation
335	Motor Vehicle	10/07/74	Ch. 23; Schd. "C-1"
336	Use Tax	11/04/74	Chapter 36
337	Building Permits	1975	Chapter 6
338	Appropriation	07/07/75	Special Legislation
339	Tax Levy	08/04/75	Special Legislation
340	Cemetery	11/03/75	Chapter 9
341	Sewer Regulations	02/02/76	Chapter 38
342	Bi-Centennial Comm.	03/23/76	Special Legislation
343	Appropriation	05/03/76	Special Legislation
344	Tax Levy	06/07/76	Special Legislation
345	Water Deposits	09/07/76	Chapter 38
346	Annexation	10/04/76	Special Legislation
347	ESDA	02/07/77	Chapter 30
348	Liquor Licenses	05/18/77	Chapter 20
349	Appropriation	07/05/77	Special Legislation
350	Tax Levy	08/01/77	Special Legislation
351	Tax Levy – Amendment	09/06/77	Special Legislation
355	Flood Control Code	02/06/78	Chapter 14
356	Utilities	05/01/78	Chapter 38
358	Zoning Commission	1978	
360	Option to Buy	1978	Special Legislation
361	Appropriation	07/17/78	Special Legislation
362	Tax Levy	08/07/78	Special Legislation
371	Utilities	06/04/79	Chapter 38
372	Building Permits	06/04/79	Chapter 6
373	Appropriation	07/02/79	Special Legislation
374	Tax Levy	08/06/79	Special Legislation
375	Appropriation	07/06/80	Special Legislation
376	Tax Levy	08/04/80	Special Legislation
376	Motor Vehicle	03/02/81	Chapter 23
377	Liquor	06/01/81	Chapter 20
378	Utilities	06/01/81	Chapter 38
379	Utilities	06/01/81	Chapter 38
380	Appropriation	07/06/81	Special Legislation
381	Tax Levy	08/24/81	Special Legislation

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<b><u>ORD. #</u></b>	<b><u>TITLE</u></b>	<b><u>DATE</u></b>	<b><u>LOCATION IN CODE</u></b>
382	Parks	10/05/81	Chapter 28
383	Water Dept. – Turn-on Fee	03/01/82	Chapter 38
383A	Appropriation	07/06/82	Special Legislation
384	Tax Levy	08/02/82	Special Legislation
385	Motor Vehicle	03/04/83	Chapter 23
386	Ralph Moll Property	06/06/83	Special Legislation
388	Membership in Ill. Munic. League	06/06/83	Chapter 1
389	Appropriation	07/22/83	Special Legislation
390	Liquor – Class “C” License	12/05/83	Chapter 20
391	Tax Levy	08/01/83	Special Legislation
397	Liquor – Class “A” License	06/11/84	Repealed
398	Annexation: Becker	06/20/84	Special Legislation
399	Annexing Property: RG’Z	06/20/84	Special Legislation
400	Appropriation	07/09/84	Special Legislation
401	Tax Levy	08/06/84	Special Legislation
402	Appropriation	07/01/85	Special Legislation
402A	Liquor Code	08/06/84	Chapter 20
403	Tax Levy	08/05/85	Special Legislation
404	Annexation: Lagoon	12/02/85	Special Legislation
405	Annexation: Sonny’s	12/02/85	Special Legislation
406	Motor Vehicles: Snow Route	01/06/86	Chapter 23
407	Sale of Personal Property	01/06/86	Special Legislation
408	Utilities: Water & Sewer Rates	04/07/86	Chapter 38
409	Utilities: Meter Deposit	04/07/86	Chapter 38
410	Motor Vehicles: Weight Limits	05/05/86	Chapter 23
411	Appropriation	07/07/86	Special Legislation
412	Taxation: Fire Protection	08/04/86	Chapter 36
413	Tax Levy	08/04/86	Special Legislation
414	Motor Vehicles: Lake & Public St.	09/02/86	Chapter 23
415	Administration: Meetings	05/04/87	Section 1-2-2
416	Liquor: Class “A” License	05/04/87	Chapter 20
417	Appropriation	07/13/87	Special Legislation
418	Tax Levy	08/10/87	Special Legislation
419	Taxation: Utility Tax	09/14/87	Chapter 36
420	Cable TV Franchise	09/26/87	Chapter 8
421	Taxation: Utility Tax	10/13/87	Chapter 36
422	Abatement Util. Tax Water Bills	11/09/87	Special Legislation
423	Agreement: Ellis Grove Water	01/30/88	Chapter 38
424	Public Safety: Fire Protection	04/11/88	Chapter 30
425	Motor Vehicles: One-Way Streets	04/11/88	Chapter 23
426	Flood Hazard Area Code	04/11/88	Repealed
427	Flood Hazard Area Code	04/21/88	Repealed
428	Flood Hazard Area Code	05/09/88	Chapter 14

<b><u>ORD. #</u></b>	<b><u>TITLE</u></b>	<b><u>DATE</u></b>	<b><u>LOCATION IN CODE</u></b>
429	Street Light Contract	05/09/88	Special Legislation
430	Electric Contract	05/09/88	Special Legislation
431	Motor Vehicles: Speed Limit	05/09/88	Chapter 23
432	Appropriation	07/11/88	Special Legislation
433	Tax Levy	08/08/88	Special Legislation
R-1	IDOC-Kaskas. Riv. Area Lease 417A	09/12/88	Special Legislation
434	Motor Vehicle Parking – IDOT	09/12/88	Chapter 24
435	Discharge of Sanitary Sewer – IDOT	09/12/88	Chapter 34
436	Encroach. on Pub. Right Regul.	09/12/88	Special Legislation
437	RT. 3 Ramp – Munic. Prop.	09/12/88	Special Legislation
438	Liquor: Licenses	05/08/89	Chapter 20
438	Appropriation	1989	Special Legislation
439	Appropriation	06/12/89	Special Legislation
439	Tax Levy	1989	Special Legislation
440	Utilities: Rates	09/11/89	Chapter 38
441	Motor Vehicles: Stop	09/11/89	Ch. 23; Schd. "A"
442	Tax Levy	10/16/89	Special Legislation
443	Garbage: Licenses	03/13/90	Chapter 16
444	No Wake: Kaskaskia River	03/12/90	Special Legislation
445	Boat Regatta	03/12/90	Special Legislation
446	Storm Sewers: Phase II	04/09/90	Special Legislation
447	Right-of-Way: Phase II	04/09/90	Special Legislation
449	Appropriation	06/11/90	Special Legislation
450	Motor Vehicles: Parking Tickets	07/09/90	Chapter 24
452	Tax Levy	08/13/90	Special Legislation
453	Utilities: Cross Connection	12/10/90	Chapter 38
454	Utilities: Cross Connection	12/10/90	Chapter 38
455	Utilities: Cross Connection Program	01/15/91	Chapter 38
456	Motor Vehicles: Stop Signs	04/15/91	Chapter 23
457A	Recodification of Ordinances	05/13/91	Special Legislation
457	Utilities: Rates	06/10/91	Chapter 38
458	Appropriation	05/16/91	Special Legislation
459	Utilities: Rates	06/10/91	Chapter 29
460	Tax Levy	08/13/91	Special Legislation
461	Motor Vehicles: Stop Signs	10/14/91	Ch. 24; Schd. "A"
462	Taxation: Utility Tax	12/11/91	Section 36-2-1
463	IL Power Franchise	05/20/92	Special Legislation
464	Annexation: Wittenbrink	05/20/92	Special Legislation
465	Appropriation	05/20/92	Special Legislation
466	Tax Levy	08/11/92	Special Legislation
467	Streets: House Numbers	09/14/92	Section 34-2-19
468	Motor Vehicles: Snow Routes	1993	Ch. 24; Schd. "U"
469	Appropriation	05/10/93	Special Legislation

<b><u>ORD. #</u></b>	<b><u>TITLE</u></b>	<b><u>DATE</u></b>	<b><u>LOCATION IN CODE</u></b>
470	Prevailing Wage	06/14/93	Special Legislation
471	Tax Levy	09/13/93	Special Legislation
472	Utilities: Rates	10/11/93	Ch. 39; Art. IV
473	Appropriation	04/11/94	Special Legislation
474	Appropriation	05/09/94	Special Legislation
475	Tax Levy	09/12/91	Special Legislation
476	Overnight Camping	11/01/94	
477	Purchase of Real Estate	12/12/94	Special Legislation
478	Annexation	01/09/95	Special Legislation
480	Soil Erosion & Sediment Control	02/13/95	Chapter 32
481A	Flood Plain Code	04/10/95	Chapter 14
481B	Flood Plain Code	02/13/95	Chapter 14
482	Stormwater Control Code	02/13/95	Chapter 33
483	Building Code	02/13/95	Chapter 6
484	Purchase of Real Estate	03/01/95	Special Legislation
485	Appropriation	06/12/95	Special Legislation
486	Tax Levy	10/10/95	Special Legislation
487	Utilities: Rates	12/11/95	Chapter 39
488	Appropriation	05/01/96	Special Legislation
489	Tax Levy	09/09/96	Special Legislation
490	Waterworks & Sewerage Revenue Bonds	01/13/97	Special Legislation
491	Waterworks & Sewerage Revenue Bonds	01/13/97	Special Legislation
492	Annexation	05/12/97	Special Legislation
494	Public Safety: Police Officers	07/14/97	Chapter 30
495	Appropriation	07/14/97	Special Legislation
496	Tax Levy	09/29/97	Special Legislation
497	Addition of Street	04/13/98	Special Legislation
498	Taxation: Utility Tax	05/13/98	Chapter 36
499	Appropriation	05/13/98	Special Legislation
500	Taxation: Utility Tax	07/13/98	Chapter 36
501	Tax Levy	10/12/98	Special Legislation
502	Administration: Gift Ban	04/12/99	Chapter 1
503	Appropriation	06/14/99	Special Legislation
504	Prevailing Wage	06/14/99	Special Legislation
505	Administration: Investment Policy	06/14/99	Chapter 1
506	Tax Levy	10/11/99	Special Legislation
507	Motor Vehicles: Stop & One-Way	05/15/00	Ch. 24; Schd. "A" & "B"
508	Appropriation	06/12/00	Special Legislation
509	Equal Employment Policy	06/12/00	Chapter 12
510	Prevailing Wage	06/12/00	Special Legislation
511	Tax Levy	09/12/00	Special Legislation
512	Administration: Salaries	10/11/00	Chapter 1
513	Taxation: Taxpayer's Rights Code	2000	Chapter 36

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<b><u>ORD. #</u></b>	<b><u>TITLE</u></b>	<b><u>DATE</u></b>	<b><u>LOCATION IN CODE</u></b>
514	Vacation of Street	01/08/01	Special Legislation
515	Offenses: Truancy	02/13/01	Chapter 26
516	Vacation of Street	03/12/01	Special Legislation
517	Appropriation	05/14/01	Special Legislation
518	Liquor: Hours	05/14/01	Chapter 20
519	Public Safety: MABAS	06/29/01	Chapter 30
519	Tax Levy	10/09/01	Special Legislation
520	Utilities: Rates	11/12/01	Chapter 39
521	Motor Vehicles: Truck Routes	02/11/02	Ch. 24; Schd. "S"
522	Motor Vehicles: Parking	02/11/02	Ch. 24; Schd. "E"
523	Appropriation	05/28/02	Special Legislation
524	Tax Levy	09/09/02	Special Legislation
525	Taxation: Telecommunications	09/09/02	Chapter 36
526	Cable TV	09/23/02	Chapter 8
527	Appropriation	05/12/03	Special Legislation
529	Prevailing Wage	07/14/03	Special Legislation
530	Utilities: Rates	07/14/03	Chapter 39
531	Tax Levy	09/29/03	Special Legislation
532	Offenses: Open Burning	03/08/04	Chapter 26
533	Offenses: Open Burning	04/26/04	Chapter 26
534	Administration: Ethics Code	04/26/04	Chapter 1
535	Zoning: Industrial	05/10/04	Chapter 40
536	Appropriation	06/14/04	Special Legislation
537	Tax Levy	10/11/04	Special Legislation
538	Streets: Excavations	03/28/05	Chapter 34
539	Liquor: Licenses	03/28/05	Chapter 20
540	Utilities: Rates	04/11/05	Chapter 39
541	Liquor: Licenses	04/11/05	Chapter 20
542	Annexation: COSLHS	04/11/05	Special Legislation
543	Sale of Personal Property	06/13/05	Special Legislation
544	Vacation of Street	06/13/05	Special Legislation
545	Zoning Map Amendment	07/11/05	Special Legislation
546	Appropriation	07/11/05	Special Legislation
547	Administration: IMLRMA	05/08/05	Chapter 1
548	Tax Levy		Special Legislation
549	Zoning	01/09/06	Chapter 40
550	Prevailing Wage	04/10/06	Special Legislation
551	Animals: Pit Bulls	06/12/06	Chapter 3
552	Appropriation	06/12/06	Special Legislation
553	Tax Levy	10/17/06	Special Legislation
554	G.O. (Limited Tax) Debt Certificates	10/30/06	Special Legislation
555	Annexation: Stefani	10/30/06	Special Legislation
556	Employees	11/13/06	Chapter 11

[July, 2023]

<b><u>ORD. #</u></b>	<b><u>TITLE</u></b>	<b><u>DATE</u></b>	<b><u>LOCATION IN CODE</u></b>
557	Annexation	02/12/07	Special Legislation
558	Appropriation	07/09/07	Special Legislation
559	Tax Levy	10/08/07	Special Legislation
2008-01	Vacation Ordinance Error	01/14/08	#514
2008-02	Vacation Street in E.I.C.	01/14/08	Special Legislation
2008-03	Vacation Street in E.I.C.	02/11/08	Special Legislation
2008-04	Corrects Ord #561	02/11/08	Special Legislation
2008-05	Vacation Street in E.G.I.	02/11/08	Special Legislation
2008-06	Revised Code of Ordinances	07/14/08	New Code
2008-07	Appropriation	07/14/08	Special Legislation
2008-08	Tax Levy	10/08/08	Special Legislation
2008-09	Administration: Salaries	10/13/08	Section 1-3-1
2008-10	Vacation of Street	10/13/08	Special Legislation
2008-11	Flood Plain Code	10/13/08	Chapter 14
2008-12	Liquor: Classifications	10/13/08	Section 21-2-6
2008-13	Mandated Policies: Identity Theft	10/13/08	Chapter 22
2008-14	Sauer Perpetual Cemetery Trust	12/08/08	Special Legislation
2008-15	Motor Vehicles: Golf Carts, etc.	12/08/08	Ch. 24; Art. X
2009-01	Naming of Street	04/13/09	Special Legislation
2009-02	Motor Vehicles: Stop Signs	06/08/09	Ch. 24; Schd. "A"
2009-03	Appropriation	07/13/09	Special Legislation
2009-04	Motor Vehicles: Stop Signs	07/13/09	Ch. 24; Schd. "A"
2009-05	Motor Vehicles: Stop Signs	09/14/09	Ch. 24; Schd. "A"
2009-06	Motor Vehicle Code	09/14/09	Chapter 24
2009-08	Vacation of Street	12/14/09	Special Legislation
2009-09	Naming of Street	12/14/09	Special Legislation
2010-01	Vacation of Street	03/22/10	Special Legislation
2011-01	Parks: Hours	04/18/11	Section 28-1-14
2011-05	Appropriation	09/15/11	Special Legislation
2012-01	Prevailing Wage	06/12/12	Special Legislation
2012-02	Appropriation	07/11/12	Special Legislation
2012-03	Borrowing of Money	07/11/12	Special Legislation
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2012-07	Utilities: Contract for Utility Services	12/10/12	Section 38-2-1
2013-06	Motor Vehicles: Parking	08/12/13	Secs. 24-3-10(C); 24-3-15
2013-07	Property Maintenance Code	09/09/13	Secs. 29-1-2; 29-1-18; 29-1-19

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<b><u>ORD. #</u></b>	<b><u>TITLE</u></b>	<b><u>DATE</u></b>	<b><u>LOCATION IN CODE</u></b>
2014-03	Utilities	09/08/14	Secs. 38-2-1(K); 38-2-7; 38-3-78; 38-3-79
2015-04	Offenses: Open Burning	07/13/15	Section 26-9-3(G)
2015-05	Taxation: Utility Tax	08/10/15	Section 36-5-4
2015-06	Cemetery:	09/14/15	Secs. 10-1-2; 10-1-4; 10-1-5; 10-2-1 – 10-2-6
2015-07	Tax Levy	11/09/15	Special Legislation
2015-08	Communications Easement	11/09/15	Special Legislation
2015-03R	Appropriations – Amendment	11/09/15	Special Legislation
2016-01	Administration: Public Comment	03/14/16	Ch. 1; Art. II
2016-02	EPA Loan	04/16/16	Special Legislation
2016-03	Utilities: Water Rates	04/16/16	Section 3-3-79
2016-04	Appropriation	06/13/16	Special Legislation
2016-05	Prevailing Wage	06/13/16	Special Legislation
2016-06	Tax Levy	11/14/16	Special Legislation
2016-07	Motor Vehicles: Stop Sign Deleted	11/14/16	Ch. 24; Schd. "A"
2017-01	Animals: Chickens	03/13/17	Chapter 3
2017-02	Appropriation	06/12/17	Special Legislation
2017-03	Prevailing Wage	06/12/17	Special Legislation
2017-04	Ameren Franchise	07/10/17	Chapter 15
2017-05	Liquor: Classes	09/11/17	Section 21-2-6
2017-06	Utilities: Sewer Rate	11/13/17	Section 38-4-79
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2017-08	Utilities: Delinquent Accounts	11/13/17	Ch. 38; Art. II
2018-01	Mandated Policies: Sexual Harassment	01/18/18	Chapter 22
2018-02	Appropriation	04/09/18	Special Legislation
2018-03	Prevailing Wage	07/09/18	Special Legislation
2018-04	Zoning Code	07/09/18	Chapter 40
2018-05	Utilities: Water & Sewer	11/13/18	Secs. 38-3-79; 38-4-79
2018-06	Enterprise Zone	11/13/18	Special Legislation
2018-07	Tax Levy	12/10/18	Special Legislation
2019-01	Annexation: Broad St.	01/15/19	Special Legislation
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2020-01	Flood Plain Code	06/08/20	Chapter 14
2020-02	Cemetery: Fees	06/08/20	Section 10-1-4
2020-03	Appropriation	07/13/20	Special Legislation
2020-04	Motor Vehicles: Golf Carts – Age	09/14/20	Section 24-10-3(I)
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2021-01	Kelly Cemetery Deed	04/21/21	Special Legislation
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2021-03	Tax Levy	2021	Special Legislation

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<b><u>ORD. #</u></b>	<b><u>TITLE</u></b>	<b><u>DATE</u></b>	<b><u>LOCATION IN CODE</u></b>
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2022-02	Appropriation	06/08/22	Special Legislation
2022-03	Public Safety: Fees Outside	07/11/22	Chapter 30
2022-04	Not Used		
2022-05	Utilities: Water Rates	09/12/22	Section 38-3-79(E)
2022-06	Administration: Salaries	09/12/22	Section 1-4-1
2022-07	Tax Levy	11/14/22	Special Legislation
2023-01R	Boards and Commissions	05/11/23	Chapter 4
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2023-02			
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EXHIBIT 'A'

CHAPTER 1

ADMINISTRATION

ARTICLE I – GENERAL CODE PROVISIONS

DIVISION I - TITLE

**1-1-1** **TITLE.** Upon the adoption by the Village Board of Trustees, this Village Code is hereby declared to be and shall hereafter constitute the official "**Revised Code of Ordinances of the Village of Evansville**". The Revised Code of Ordinances shall be known and cited as the "**Village Code**", and it is hereby published by authority of the Village Board and shall be kept up-to-date as provided in **Section 1-1-3** under the direction of the Village Attorney, acting for said Village Board. Any reference to the number of any section contained herein shall be understood to refer to the position of the same number, its appropriate chapter and article heading and to the general penalty clause relating thereto as well as to the section itself when reference is made to this Village Code by title in any legal document. **(65 ILCS 5/1-2-3)**

**1-1-2** **ACCEPTANCE.** The Village Code as hereby presented in printed form shall hereafter be received without further proof in all courts and in all administrative tribunals of this State as the ordinances of the Village of general and permanent effect, except the excluded ordinances enumerated in **Section 1-1-8**. **(65 ILCS 5/1-2-6)**

**1-1-3** **AMENDMENTS.** Any ordinance amending this Village Code shall set forth the article, chapter, and section number of the section or sections to be amended, and this shall constitute a sufficient compliance with any statutory requirement pertaining to the amendment or revision by ordinance of any part of this Village Code. All such amendments or revisions by ordinance shall be forwarded to the codifiers on an annual basis and the ordinance material shall be prepared for insertion in its proper place in each copy of this Village Code. Each such replacement page shall be properly identified and shall be inserted in each individual copy of the Village Code on an annual basis. **(65 ILCS 5/1-2-3)**

**1-1-4** **CODE ALTERATION.** It shall be deemed unlawful for any person to alter, change, replace or deface in any way, any section or any page of this Code in such a manner that the meaning of any phrase or order may be changed or omitted. Replacement pages may be inserted according to the official instructions when so authorized by the Village Board. The Clerk shall see that the replacement pages are properly inserted in the official copies maintained in the office of the Clerk.

Any person having in his custody an official copy of this Code shall make every effort to maintain said Code in an up-to-date and efficient manner. He shall see to the immediate insertion of new or replacement pages when such are delivered to him or made available to him through the office of the Village Clerk. Said Code books, while in actual possession of officials and other interested persons shall be and remain the property of the Village and shall be returned to the office of the Clerk upon termination of office or separation of duties.

**1-1-5** **JURISDICTION.** Unless otherwise provided herein, this Code applies to acts performed within the corporate limits of the Village. Provisions of this Code also apply to acts performed outside the corporate limits and up to the limits prescribed by law, where the law confers power on the Village to regulate such particular acts outside the corporate limits.

**1-1-6 - 1-1-7** **RESERVED.**

**DIVISION II - SAVING CLAUSE**

**1-1-8 REPEAL OF GENERAL ORDINANCES.** All general ordinances of the Village passed prior to the adoption of this Code are hereby repealed, except such as are referred to herein as being still in force or are, by necessary implication, herein reserved from repeal **[subject to the saving clauses contained in the following sections]**, from which are excluded the following ordinances, which are not hereby repealed:

Tax Levy Ordinances; Appropriation Ordinances; Ordinances Relating to Boundaries and Annexations; Franchise Ordinances and other Ordinances Granting Special Rights to Persons or Corporations; Contract Ordinances and Ordinances Authorizing the Execution of a Contract or the Issuance of Warrants; Ordinances Establishing, Naming, or Vacating Streets, Alleys, or Other Public Places; Improvement Ordinances; Bond Ordinances; Ordinances Relating to Elections; Ordinances Relating to the Transfer or Acceptance of Real Estate by or from the Village; and all Special Ordinances.

**1-1-9 PUBLIC UTILITY ORDINANCES.** No ordinance relating to railroads or railroad crossings with streets and other public ways or relating to the conduct, duties, service or rates of public utilities shall be repealed by virtue of the adoption of this Code or by virtue of the preceding section, excepting as this Code shall be considered as amending such ordinance or ordinances in respect to such provisions only.

**1-1-10 COURT PROCEEDINGS.** No new ordinance shall be construed or held to repeal a former ordinance, whether such former ordinance is expressly repealed or not, as to any offense committed against such former ordinance or as to any act done, any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under the former ordinance, or in any way whatever to affect any claim arising under the former ordinance or in any way whatever to affect any such offense or act so committed or so done, or any penalty, forfeiture or punishment so incurred or any right accrued or claim arising before the new ordinance takes effect, save only that the proceedings thereafter shall conform to the ordinance in force at the time of such proceeding, so far as practicable. If any penalty, forfeiture or punishment be mitigated by any provision of a new ordinance, such provision may be, by the consent of the party affected, applied to any judgment announced after the new ordinance takes effect.

This Section shall extend to all repeals, either by express words or implication, whether the repeal is in the ordinance making any new provisions upon the same subject or in any other ordinance.

Nothing contained in this Chapter shall be construed as abating any action now pending under or by virtue of any general ordinance of the Village herein repealed and the provisions of all general ordinances contained in this Code shall be deemed to be continuing provisions and not a new enactment of the same provision; nor shall this Chapter be deemed as discontinuing, abating, modifying or altering any penalty accrued or to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the Village under any ordinance or provision thereof in force at the time of the adoption of this Code.

**1-1-11 SEVERABILITY OF PROVISIONS.** Each section, paragraph, sentence, clause and provision of this Code is severable, and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Code, nor any part thereof, other than that part affected by such decision.

**1-1-12 VILLAGE CLERK'S CERTIFICATE.** The Village Clerk's Certificate shall be substantially in the following form:

VILLAGE CLERK'S CERTIFICATE

STATE OF ILLINOIS )
COUNTY OF RANDOLPH ) ss.
VILLAGE OF EVANSVILLE )

VILLAGE CLERK'S OFFICE

I, Bethany Wunderlich, Village Clerk of the Village of Evansville, Illinois, do hereby certify that the following Revised Code of Ordinances of the Village of Evansville, Illinois of 2019, published by authority of the Village Board of Trustees were duly passed by the Village Board of Trustees of the Village of Evansville, Illinois, approved by the Mayor and published in book form according to law on this date, and that these ordinances are true and perfect copies of the ordinances, as passed, approved and now of record and on file in my office as provided by law.

In witness whereof, I have set my hand and affixed the corporate seal of the Village of Evansville, Illinois, this 10th day of July, 2023.

BETHANY WUNDERLICH
VILLAGE CLERK
VILLAGE OF EVANSVILLE

(SEAL)

1-1-13 - 1-1-14 RESERVED.

DIVISION III - DEFINITIONS

1-1-15 CONSTRUCTION OF WORDS. Whenever any word in any section of this Code, importing the plural number is used in describing or referring to any matters, parties or persons, any single matter, party or person shall be deemed to be included, although distributive words may not have been used.

When any subject matter, party or person is referred to in this Code by words importing the singular number only, or the masculine gender, several matters, parties or persons and females as well as males and bodies corporate shall be deemed to be included; provided that these rules of construction shall not be applied to any section of this Code which contains any express provision excluding such construction or where the subject matter or content may be repugnant thereto.

1-1-16 DEFINITIONS. Whenever the following words or terms are used in this Code, they shall have the meanings herein ascribed to them unless the context makes such meaning repugnant thereto:

"AGENT", as used in this Code shall mean a person acting on behalf of another.

"BOARD OF TRUSTEES", unless otherwise indicated shall mean the Mayor and the Board of Trustees of the Village of Evansville.

"CODE" OR "THIS CODE", shall mean the "Revised Code of Ordinances of the Village of Evansville".

**"CORPORATE AUTHORITIES"** shall mean the Mayor and the Village Board of Trustees. **(65 ILCS 5/1-1-2(2))**

**"COUNTY"** shall mean the **County of Randolph**.

**"EMPLOYEES"** shall mean the following: Whenever reference is made in this Code to a Village employee by title only, this shall be construed as though followed by the words **"of the Village"**.

**"FEE" OR "FEES"** as used in this Code shall mean a sum of money charged by the Village for carrying on of a business, profession or occupation.

**"FISCAL YEAR"**. The "fiscal year" for the Village shall begin on **May 1<sup>st</sup> of each year and end on April 30<sup>th</sup> of the following year**. **(65 ILCS 5/1-1-2[5])**

**"KNOWINGLY"** imports only a knowledge that the facts exist which bring the act or omission within the provisions of this Code. It does not require any knowledge of the unlawfulness of such act or omission.

**"LEGAL HOLIDAY"** shall mean the holidays as authorized and recognized by the Village Board in the employee agreement.

**"LICENSE"** as used in this Code shall mean the permission granted for the carrying on of a business, profession or occupation.

**"MAY"** as used in this Code means permissible.

**"MAYOR"** as used in this Code shall mean the Village President or President of the Village Board of Trustees. **(65 ILCS 5/1-1-2.1)**

**"MISDEMEANOR"** as used in this Code shall mean any offense deemed a violation of the provisions of this Code which is a lesser offense than a felony as defined by state law.

**"NEGLECT", "NEGLIGENCE", "NEGLIGENT" AND "NEGLIGENTLY"** import a want of such attention to the nature of probable consequences of the act of omission as a prudent man ordinarily bestows in acting in his own concern.

**"NUISANCE"** shall mean anything offensive or obnoxious to the health and welfare of the inhabitants of the Village or any act or thing repugnant to or creating a hazard to or having a detrimental effect on the property of another person or to the community.

**"OCCUPANT"** as applied to a building or land shall include any person who occupies the whole or any part of such building or land whether alone or with others.

**"OFFENSE"** shall mean any act forbidden by any provision of this Code or the omission of any act required by the provisions of this Code.

**"OFFICERS AND EMPLOYEES"**. Whenever reference is made in this Code to a Village Officer or employee by title only, this shall be construed as though followed by the words **"of the Village"** and shall be taken to mean the officer or employee of this Village having the title mentioned or performing the duties indicated.

No provision of this Code designating the duties of any officer or employee shall be so construed as to make such officer or employee liable for any fine or penalty provided in this Code for a failure to perform such duty, unless the intention of the Village Board to impose such a fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty.

**"OFFICIAL TIME"** Central Standard Time shall be the official time for the transaction of Village business, except during applicable Daylight Savings Time set by National or State standards when the official time shall be advanced **one (1) hour**. All clocks and other timepieces in or upon public buildings or other premises maintained by or at the expense of the Village shall be set and run at the official time prescribed by this paragraph.

**"OPERATOR"** as used in this Code shall mean the person who is in charge of any operation, business or profession.

**"OWNER"** as applied to a building or land shall include any part-owner, joint-owner, tenant-in-common, joint-tenant or lessee of the whole or of a part of such building or land.

**"PERSON"** shall mean any natural individual, firm, trust, partnership, association, or corporation in his or its own capacity as administrator, conservator, executor, trustee, receiver or other representative appointed by the Court. Whenever the word "person" is used in any section of this Code prescribing a penalty or fine as applied to partnerships or any such word as applied to corporations, it shall include the officers, agents, or employees thereof who are responsible for any violation of said section.

**"RETAILER"** as used in this Code, unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles or things in small quantities direct to the consumer.

**"SHALL"** as used in this Code means mandatory.

**"STATE" OR "THIS STATE"** unless otherwise indicated shall mean the **"State of Illinois"**.

**"STREET"** shall include alleys, lanes, courts, boulevards, public squares, public places and sidewalks.

**"TENANT"** as applied to a building or land shall include any person who occupies the whole or any part of such building or land, whether alone or with others.

**"WILLFULLY"** when applied to the intent with which an act is done or omitted implies simply a purpose or willingness to commit the act or make the omission referred to. It does not require any intent to violate law, or to injure another, or to acquire an advantage.

**"WRITTEN" AND "IN WRITING"** may include printing and any other mode of representing words and letters, but when the written signature of any person is required by law to any official or public writing or bond required by law, it shall be in the proper handwriting of such person, or in case he is unable to write, by his proper mark.

**(In Part 65 ILCS 5/1-1-2)**

**1-1-17 CATCHLINES.** The catchlines of the several sections of this Code are intended as mere catchwords to indicate the content of the section and shall not be deemed or taken to be titles of such sections, nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

**1-1-18 - 1-1-19 RESERVED.**



**DIVISION IV - GENERAL PENALTY**

**1-1-20            PENALTY.**

(A) Any person convicted of a violation of any section of this Code shall be fined not less than **Seventy-Five Dollars (\$75.00)** nor more than **Seven Hundred Fifty Dollars (\$750.00)** for any **one (1) offense.**

(B) Any minor or person designated a juvenile by this State convicted of a violation of any section of this Code shall be fined not less than **Seventy-Five Dollars (\$75.00)** nor more than **Seven Hundred Fifty Dollars (\$750.00)** for any **one (1) offense**, but may not be confined except by provisions of the **Juvenile Court Act of the State of Illinois.**

(C) Whoever commits an offense against the Village or aids, abets, counsels, commands, induces or procures its commission is punishable as a principal.

(D) Whoever willfully causes an act to be done which, if directly performed by him or another would be an offense against the Village, is punishable as a principal.

(E) **Guilty Plea – No Court Appearance.** All municipal ordinance offenses may be satisfied without a court appearance by written plea of guilty and payment of the minimum fine, plus court costs, as prescribed by court rules, unless a court appearance is required by the ordinance violated. **(65 ILCS 5/1-2-7 and 5/1-2-8)**

**1-1-21            SERVICE BY CERTIFIED MAIL.** In all actions for violation of any municipal ordinance where the fine would not be in excess of **Seven Hundred Fifty Dollars (\$750.00)** and no jail term could be imposed, service of summons may be made by the Municipal Clerk by certified mail, return receipt requested, whether service is to be within or without the State. **(65 ILCS 5/1-2-9.1)**

**1-1-22            APPLICATION.**

(A) The penalty provided in this Chapter shall be applicable to every section of this Village Code, the same as though it were a part of each and every separate section. Any person convicted of a violation of any section of this Village Code, where any duty is prescribed or obligation imposed, or where any act which is of a continuing nature or declared to be unlawful, shall be deemed guilty of a misdemeanor. A separate offense shall be deemed committed upon each day such duty or obligation remains unperformed or such act continues, unless otherwise specifically provided in this Village Code.

(B) In all cases where the same offense is made punishable or is created by different clauses or sections of this Village Code, the prosecuting officer may elect under which to proceed; but not more than one (1) recovery shall be had against the same person for the same offense; provided that the revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced.

(C) Whenever the doing of any act or the omission to do any act constitutes a breach of any section or provision of this Village Code, and there shall be no fine or penalty specifically declared for such breach, the provisions of this Code shall apply and a separate offense shall be deemed committed upon each day during or on which a breach or violation occurs or continues.

**1-1-23            LIABILITY OF OFFICERS.** The failure of any officer or employee to perform any official duty imposed by this Code shall not subject such officer or employee to the penalty imposed for violation of this Code, unless a penalty is specifically provided for.

**1-1-24            LICENSE.** When a person is convicted of a violation of any Section of this Code, any license previously issued to him by the Village may be revoked by the court or by the Village Board.

**ARTICLE II - VILLAGE OFFICIALS**

**DIVISION I - VILLAGE BOARD OF TRUSTEES**

**1-2-1 COMPOSITION AND GENERAL POWERS.** The Village Board shall consist of **six (6) Trustees**, elected in conformity with this Code and State laws governing elections in villages and shall have such powers as are granted by **Chapter 65, Illinois Compiled Statutes**, as amended. The term of office shall be for **four (4) years** or until their successors are elected and have qualified. **(65 ILCS 5/3.1-25-5 and 5/3.1-10-50(D))**

**1-2-2 REGULAR MEETINGS.** The regular stated meetings of the Village Board shall be held in the Village Hall Building on the **second (2<sup>nd</sup>) Monday** of each month at **7:00 P.M.** When the meeting date falls upon a legal holiday, the meeting shall be held on the following Tuesday at the same hour and place, unless otherwise designated. Adjourned and reconvened meetings may be held at such times as may be determined by the Trustees. **(65 ILCS 5/3.1-40-25 and 5 ILCS 120/1 et seq.)**

**1-2-3 SPECIAL MEETINGS.** Special meetings of the Village Board may be called by the Mayor or any **three (3) Trustees** by giving at least **forty-eight (48) hours** notice thereof by delivering to them personally written or printed notices of the time of such meeting at the residences of the Trustees. Such notices shall be served by mail, by the Village Clerk or a designated representative. Said notices shall specify the purpose of said special meeting and the business to be taken up at that time and place. Such notice shall be posted at the Village Hall and shall be provided to any local newspaper of general circulation or any local radio or television station that has filed an annual request for such notice. Said notice shall be provided to such news media in the same manner as said notice is given to the Mayor and members of the Village Board, provided such news media has given the Village an address within the Village at which such notice may be given. **(65 ILCS 5/3.1-40-25 and 5 ILCS 120/2.02 and 120/2.03)**

**1-2-4 COMMITTEES.** The following standing committees of the Village Board are hereby established, to-wit:

- (A) (1) Park
- (2) Finance
- (3) Utilities
- (4) Streets
- (5) Public Safety; Police, Fire, EMA

(B) The committees shall be appointed annually by the Mayor. In addition the Mayor shall appoint the Chairman of each committee.

(C) The Mayor shall be ex-officio Chairman of each and every standing committee.

(D) So far as is practicable, reports of committees shall be in writing.

(E) As provided by law, any report of a committee of the Board shall be deferred for final action thereon to the next regular meeting of the same after the report is made, upon the request of any **two (2) Trustees** present. **(65 ILCS 5/3.1-40-35)**

(F) Each standing committee of the Village Board shall exercise a general supervision over the affairs of the department of municipal government with which it is connected; shall ascertain the condition and needs of said department; shall, from time to time, report the same to the Mayor and Village Board so that a full understanding thereof may be had, and generally, shall do all acts necessary to promote the efficiency of the Department.

(G) All committee meetings are subject to the Open Meeting Act requirements and minutes shall be taken. **(5 ILCS 120/1 and 120/2.06)**

**1-2-5**        **SPECIAL COMMITTEES.** Special Committees may be appointed by the Mayor, subject to the advice and consent of the Board of Trustees, as may be needed from time to time.

**1-2-6**        **QUORUM.** At all meetings of the Village Board, a majority of the corporate authorities shall constitute a quorum for the transaction of business, and if no such quorum attends such meeting of the Board, the Trustees may adjourn from day to day until a quorum is present; and shall have power to compel the attendance of absent members, except when such members are physically unable to attend such meetings. **(65 ILCS 5/3.1-40-20)**

**EDITOR'S NOTE: When the Board has a Mayor and six (6) Trustees, a quorum is four (4), which may consist of the Mayor and three (3) Trustees, or four (4) Trustees.**

**1-2-7**        **MEMBERS: NON-ATTENDANCE AT MEETING.** Any member of the Village Board who fails to attend any regular or special Village Board meeting without good cause, which shall be determined by the other members of the Board, shall not receive any compensation for that meeting except, however, each Board member shall be allowed **two (2) absences** in each calendar year for any reason, for which compensation shall be paid. **(See Section 1-3-1 for salaries.) (65 ILCS 5/3.1-40-20)**

**1-2-8 - 1-2-10RESERVED.**

## **DIVISION II - RULES OF THE VILLAGE BOARD**

**1-2-11**        **RULES OF THE BOARD.** The following rules of order and procedure shall govern the deliberations and meetings of the Village Board.

(A)        **Order of Business.** The order of business shall be as follows:

- (1)        Call to order by presiding officer.
- (2)        Roll Call.
- (3)        The reading of the journal of the proceedings of the last preceding meeting or meetings, and correction of the same, unless dispensed with by the Board of Trustees and correction of the journal of the proceedings of previous meetings.
- (4)        Reports and communications from the Mayor and other Village Officers.
- (5)        Visitors and public comments.\*
- (6)        Reports of Standing Committees.
- (7)        Reports of Special Committees.
- (8)        Presentation of communications, petitions, resolutions, orders, and ordinances by the Board of Trustees.
- (9)        Unfinished business.
- (10)       Miscellaneous business.

All questions relating to the priority of business shall be decided by the Chair without debate, subject to appeal.

\*        **See Section 1-2-13**

(B)        **Duties of Presiding Officer.** The presiding officer shall preserve order and decorum and may speak to points of order in preference to other Trustees, and shall decide all question of order, subject to appeal.

(C)        **Duties of Members.** While the presiding officer is putting the question, no member shall walk across or out of the Board Chamber.

Every member, prior to his speaking, making a motion or seconding the same shall not proceed with his remarks until recognized and named by the Chair. He shall confine himself to the question under

debate, avoiding personalities and refraining from impugning the motives of any other Trustee's argument or vote.

(D) **Visitors.** After the public comment period, no person other than a member of the Board of Trustees shall address that body on the same question unless such person has been recognized by the presiding officer.

(E) **Presentation of New Business.** When a Trustee wishes to present a communication, petition, order, resolution, ordinance or other original matter, the member shall read such matter when reached in its proper order.

(F) **Debate.** No Trustee shall speak more than once on the same question, except by consent of the presiding officer or unless **three-fourths (3/4)** of the corporate authorities agree that one's right to debate should be limited to speak only once and then not until every other Trustee desiring to speak shall have had an opportunity to do so; provided, however, that the proponent of the matter under consideration, as the case may be, shall have the right to open and close debate.

The Village Board, by motion, may limit debate. The presiding officer shall have the right to participate in debate.

While a member is speaking, no Trustee shall hold any private discussion, nor pass between the speaker and the Chair.

(G) **Call of Trustees to Order.** A Trustee, when called to order by the Chair, shall thereupon discontinue speaking and take his seat and the order or ruling of the Chair shall be binding and conclusive, subject only to the right to appeal.

(H) **Appeals from Decision of the Chair.** Any Trustee may appeal to the Board from a ruling of the Chair, and if the appeal is seconded, the Trustee making the appeal may briefly state his reason for the same, and the Chair may briefly explain his ruling; but there shall be no debate on the appeal and no other person shall participate in the discussion. The presiding officer shall have the right to participate in debate.

The Chair shall then put the question, "**Shall the decision of the Chair be sustained?**". If a majority of the Trustees present vote "**No**", the decision of the Chair shall be overruled; otherwise, it shall be sustained.

(I) **Question of Personal Privilege.** The right of a member to address the Board on a question of personal privilege shall be limited to cases in which his integrity, character, or motives are assailed, questioned or impugned.

(J) **Voting.** Every other member who shall be present when a question is stated from the Chair shall vote thereon, unless he is personally interested in the question, in which case, he shall take whatever steps are necessary to insure that his vote is not taken.

(K) **Special Order of Business.** Any matter before the Village Board may be set down as a special order of business at a time certain if **two-thirds (2/3)** of the Trustees present vote in the affirmative, but not otherwise.

(L) **Seconding of Motions Required; Written Motions.** No motion shall be put or debated in the meeting or in committee unless it be seconded. When a motion is seconded, it shall be stated by the presiding officer before debate, and every motion in the Board, except motions of procedure, shall be reduced to writing if required by a member, and the proposer of the motion shall be entitled to the floor.

(M) **Division of Questions.** If any question under consideration contains several distinct propositions, the Trustees, by a majority vote of the Trustees present may divide such question.

(N) **Record of Motions.** In all cases where a resolution or motion is entered in the journal, the name of the Trustee moving the same shall be entered also.

(O) **Announcement and Changes of Vote.** The result of all votes by yeas and nays shall not be announced by the Clerk, but shall be handed to the Chairman for announcement, and no vote shall be changed after the tally list has passed from the hands of the Clerk.

(P) **Precedence of Motions.** When a question is under debate, the following motions shall be in order and shall have precedence over each other in order, as listed:

- (1) To adjourn to a day certain.
- (2) To adjourn.
- (3) To take a recess.
- (4) To lay on the table.

- (5) The previous question.
- (6) To refer.
- (7) To amend.
- (8) To defer or postpone to a time certain.
- (9) To defer or postpone (without reference to time.)
- (10) To defer or postpone indefinitely.

Numbers (2), (4), and (5) to be decided without debate.

(Q) **Motions to Adjourn.** A motion to adjourn the Village Board shall always be in order, except:

- (1) When a Trustee is in possession of the floor.
- (2) While the yeas and nays are being called.
- (3) When the members are voting.
- (4) When adjournment was the last preceding motion.
- (5) When it has been decided that the previous question shall be taken.

A motion simply to adjourn shall not be subject to amendment or debate, but a motion to adjourn to a time certain shall be.

The Village Board may, at any time, adjourn over **one (1)** or more regular meetings on a vote of a majority of all the Trustees authorized by law to be elected.

(R) **Previous Question.** When the previous question is moved on the main question and seconded, it shall be put on this form: **"Shall the main question now be put?"**. If such motion be carried, all further amendments and all further motions and debate shall be excluded, and the question put without delay upon the pending amendment in proper order and then upon the main question.

(S) **Motions to Lay on the Table and to Take From the Table.** A motion simply to lay the question on the table shall not be debatable, but a motion to lay on the table and publish, or with any other condition shall be subject to amendment and debate.

A motion to take any motion or other proposition from the table may be proposed at the same meeting at which such motion or proposition was laid upon the table, provided **two-thirds (2/3)** of the Trustees vote therefor.

A motion to lay any particular motion or proposition on the table shall apply to that motion or proposition only. An amendment to the main question or other pending question may be laid on the table and neither the main question nor such other pending question shall be affected thereby.

(T) **Indefinite Postponement; Motion to Defer or Postpone Without Any Reference to Time.** When consideration of a motion or other proposition is postponed indefinitely, it shall not be again taken up at the same meeting.

A motion to postpone indefinitely shall not open the main question to debate.

A motion to defer or postpone without any reference to time shall not be construed as a motion to postpone indefinitely, but shall be considered to be of the same general nature and to possess the same general attributes so far as applicable under these rules, as a motion to postpone indefinitely or to a time certain.

(U) **Motion to Refer.** A motion to refer to a standing committee shall take precedence over a similar motion to refer to a special committee.

(V) **Motion to Amend.** A motion to amend an amendment shall be in order, but one to amend an amendment to an amendment shall not be entertained.

An amendment modifying the intention of a motion shall be in order; but an amendment relating to a different subject shall not be in order.

On an amendment to **"Strike Out and Insert"**, the paragraph to be amended shall first be read as it stands, then the words proposed to be stricken out, then those to be inserted, and finally, the paragraph as it will stand if so amended shall be read.

An amendment to the main question or other pending questions may be referred to a committee and neither the main question nor such other pending question shall be affected thereby.

(W) **Filling of Blanks.** When a blank is to be filled and different sums or times proposed, the question shall be taken first on the least sum or the longest time.

(X) **Motion to Substitute.** A substitute for any original proposition under debate or for any pending amendment or such proposition may be entertained notwithstanding that at such time,

further amendment is admissible; and if accepted by the Trustees by a vote shall entirely supersede such original proposition or amendment, as the case may be, and cut off all amendments appertaining thereto.

(Y) **Reconsideration.** A vote or question may be reconsidered at any time during the same meeting, or at the first regular meeting held thereafter. A motion for reconsideration having been once made and decided in the negative shall not be renewed, nor shall a motion to reconsider be reconsidered.

A motion to reconsider must be made and seconded by Trustees who voted on the prevailing side of the question to be reconsidered, unless otherwise provided by law; provided, however, that where a motion has received a majority vote in the affirmative, but is declared lost solely on the ground that a greater number of affirmative votes is required by statute for the passage or adoption of such motion, then in such case, a motion to reconsider may be made and seconded only by those who voted in the affirmative on such question to be reconsidered.

(Z) **Adoption of Robert's "Rules of Order Revised".** The rules of parliamentary practice comprised in the latest published edition of **Robert's "Rules of Order Revised"** shall govern the Board in all cases to which they are applicable and in which they are not inconsistent with the special rules of the Board.

(AA) **Temporary Suspension of Rules - Amendment of Rules.** These rules may be temporarily suspended by a vote of **two-thirds (2/3)** of the corporate authorities entitled by law to be elected and shall not be repealed, altered or amended, unless by concurrence of **two-thirds (2/3)** of all the corporate authorities entitled by law to be elected.

(BB) **Censure of Trustees - Expulsion of Trustees.** Any Trustee acting or appearing in a lewd or disgraceful manner, or who uses opprobrious, obscene and insulting language to or about any member of the Board, or who does not obey the order of the Chair, shall be, on motion, censured by a majority vote of the members present, or expelled by a **two-thirds (2/3) vote** of all Trustees elected. **(65 ILCS 5/3.1-40-15)**

**1-2-12 AGENDA.** An itemized agenda, along with all necessary supporting documentation shall be furnished to each member of the Village Board no later than **forty-eight (48) hours** prior to the regular Village Board meeting. In the case of matters of emergency which could not have been reasonably foreseen in sufficient time to comply with this section, a revised agenda shall be furnished to each member of the Village Board prior to the opening of the Board meeting. **(5 ILCS 120/2.02)**

**1-2-13 ADDRESS BY NON-MEMBERS.**

(A) **Public Comment Request.** Any person not a member of the Village Board may address the Village Board with regard to items of proposed business under the following rules:

- (1) He or she shall rise (if not physically impaired) and state his or her name for the record and unless further time is granted by the Board to limit remarks to **three (3) minutes**. All remarks shall be addressed to the Village Board, not to any member thereof.
- (2) No person other than the Board member recognizing the individual addressing the Board and the person having the floor shall be permitted to enter into any discussion directly or through a member of the Board without the permission of the Mayor. No questions shall be asked of an Trustee except through the Mayor. Any person making personal or impertinent remarks or who shall become disruptive addressing the Village Board shall be forthwith evicted from the Board room by the Mayor.

(B) **Auxiliary Aid or Service.** The Village shall take appropriate steps to ensure that communications with applicants, participants, members of the public, and companions with disabilities are as effective as communications with orders.

- (1) The Village shall furnish appropriate auxiliary aid(s) and service(s) where necessary to afford qualified individuals with disabilities including

applicants, participants, companions, and members of the public, an equal opportunity to participate in, and enjoy the benefits, of a service, program, or activity of the Village.

- (2) Auxiliary aids and services shall be provided in a timely manner.
- (3) Individuals shall notify the Village Clerk **fourteen (14) days** in advance specifying the appropriate auxiliary aids or services required. **(See Addendum "B", Request for Auxiliary Aid(s) and/or Services)**

(C) The Chief of Police or his authorized designee shall be the Sergeant at Arms at the Board meetings. He or she shall carry out all orders and instructions of the Mayor for the purposes of maintaining order and decorum. The Sergeant at Arms shall remove any person violating order and decorum of the meeting. Such removal may be accompanied by further prosecution for any violation of any ordinance under this Code. **[5 ILCS 120/2.06]**

**DIVISION III - ORDINANCES**

**1-2-14            ORDINANCES.**

(A) **Attorney.** It shall be the duty of the Village Attorney to prepare such ordinances as may be required by the Village Board.

(B) **Introduced.** When a proposed ordinance is introduced, it shall be read one time by title only and referred to the proper committee unless the Board of Trustees shall otherwise specifically direct.

(C) **Vote required-Yeas and Nays Record.** The passage of all ordinances for whatever purpose, and of any resolution or motion (1) to create any liability against a Village or (2) for the expenditure or appropriation of its money, shall require the concurrence of a majority of all members then holding office on the Village Board, including the Mayor, unless otherwise expressly provided by the Code or any other act governing the passage of any ordinance, resolution, or motion; provided that, where the Board consists of an odd number of Trustees, the vote of the majority of the trustees shall be sufficient to pass an ordinance. The yeas and nays shall be taken upon the question of the passage of the designated ordinances, resolutions, or motions and recorded in the journal of the Village Board. In addition, the corporate authorities at any meeting may by unanimous consent to take a single vote by yeas or nays on the several questions of the passage on any **two (2)** or more of the designated ordinances, orders, resolutions or motions placed together for voting purposes in a single group. The single vote shall be entered separately in the journal under the designation "omnibus vote", and in such event the Clerk may enter the words "omnibus vote" or "consent agenda" in the journal in each case in lieu of entering names of the members of Village Board voting "yea" and of those voting "nay" on the passage of each of the designated ordinances, orders, resolutions and motions included in such omnibus group or consent agenda. The taking of such single or omnibus vote and such entries of the words "omnibus vote" or "consent agenda" in the journal shall be a sufficient compliance with the requirements of this Section to all intents and purposes and with like effect as if the vote in each case had been separately by yeas and nays on the question of the passage of each ordinance, order, resolution and motion included in such omnibus group, and separately recorded in the journal. Likewise, the yeas and nays shall be taken upon the question of the passage of any other resolution or motion at the request of any trustee and shall be recorded in the journal. **(65 ILCS 5/3.1-40-40)**

(D) **Ordinances - Approval-Veto.** All resolutions and motions (1) which create any liability against the Village, or (2) that provide for the expenditure or appropriation of its money, or (3) to sell any Village property, and all ordinances, passed by the Village Board shall be deposited with the Village Clerk. If the Mayor approves an ordinance or resolution, the Mayor shall sign it. Those ordinances, resolutions and motions which the Mayor disapproves shall be returned to the Village Board, with the Mayor's written objections, at the next regular meeting of the Village Board occurring not less than **five (5) days** after their passage. The Mayor may disapprove of any **one (1)** or more sums appropriated in any ordinance, resolution, or motion making an appropriation, and, if so, the remainder shall be effective. However, the Mayor may disapprove entirely of an ordinance, resolution, or motion making an appropriation. If the Mayor fails to return any ordinance or any specified resolution or motion with his written objections, within the designated time, it shall become effective despite the absence of the Mayor's signature. **(65 ILCS 5/3.1-40-45)**

**1-2-15**        **RECONSIDERATION--PASSING OVER VETO.** Every resolution and motion, specified in **Section 1-2-14** and every ordinance, that is returned to the Village Board by the Mayor shall be reconsidered by the Village Board at the next regular meeting following the regular meeting at which the Village Board receives the Mayor's written objection. If, after reconsideration, **two-thirds (2/3)** of all the Trustees then holding office on the Village Board agree at that regular meeting to pass an ordinance, resolution, or motion, notwithstanding the Mayor's refusal to approve it, then it shall be effective. The vote on the question of passage over the Mayor's veto shall be by yeas and nays, and shall be recorded in the journal. **(65 ILCS 5/3.1-40-50)**

**1-2-16**        **NO VOTE TO BE RECONSIDERED AT SPECIAL MEETING.** No vote of the Village Board shall be reconsidered or rescinded at a special meeting unless there are present at the special meeting at least as many Village Trustees as were present when the vote was taken. **(65 ILCS 5/3.1-40-55)**

**1-2-17**        **RESERVED.**

#### **DIVISION IV - GENERAL PROVISIONS**

**1-2-18**        **CORPORATE SEAL.**  
(A)            The Corporate Seal of the Village shall be the same as that heretofore provided and used by the Village. It shall be circular in form, with the words, "**Village of Evansville, Randolph County, Illinois**" in the exterior circle, and the words "**Incorporated, April 15, 1869**" in the center. **(65 ILCS 5/2-2-12)**

(B)            The Corporate Seal shall be used as such seal in all cases provided for by law or by the ordinances of the Village and in all other cases in which, by law and custom, it is usual and necessary for the corporation to use a seal. The seal shall be and remain with the Village Clerk who shall be the legal custodian. **(65 ILCS 5/3.1-35-90)**

**1-2-19**        **ELECTIONS.**  
(A)            **Election Procedure.** The provisions of the **Illinois Compiled Statutes, Chapter 10** concerning municipal elections shall govern the conduct of the Village elections. **(65 ILCS 5/3.1-10-10)**

(B)            **Inauguration.** The inauguration of newly elected Village officials shall occur at the first regular or special meeting of the Village Board in the month of May following the consolidated election in April. **(65 ILCS 5/3.1-10-15)**

**1-2-20**        **APPOINTMENT OF ELECTED OFFICIALS.** No Trustee of this Village, during the term of office for which he is elected, may accept or be appointed to or hold any office appointed by the Mayor except if such Trustee is granted a leave of absence from such office. However, such Trustee may serve as a volunteer fireman and receive compensation for such service. Any appointment in violation of this Section is void. **(65 ILCS 5/3.1-15-15)**

**NOTE: One (1) member may serve on the Library Board, if one exists. (75 ILCS 5/4-1 and 50 ILCS 105/2)**

**1-2-21**        **MUNICIPAL OFFICERS - REGULATIONS.**  
(A)            **Effect.** The provisions of this Division shall apply alike to all officers and employees of the Village regardless of the time of creation of the office or position or the time of the appointment of the officer or employee.



- (B) **Qualifications; Appointive Office.**
- (1) No person shall be eligible for any appointive municipal office unless that person is a qualified elector of the municipality or otherwise provided by law.
  - (2) The residency requirements do not apply, however, to municipal engineers, health officers, attorneys, or other officers who require technical training or knowledge, to appointed village treasurers, or to appointed village collectors (unless the Village has designated by ordinance that the Village Clerk shall also hold the office of collector).
- (65 ILCS 5/3.1-10-6)**

(C) **Bond.** Every officer and employee shall, if required by the Village Board upon entering upon the duties of his office, give a bond in such amount and with such sureties as may be determined by the Board, conditioned upon the faithful performance of the duties of his office or position.

**(65 ILCS 5/3.1-10-30)**

(D) **Books Delivered to Successor.** Every officer shall, upon going out of office, deliver to his successor, all books, papers, furniture, and other things appertaining to such office, and which are the property of the Village. Within **five (5) days** after notification and request, any person who has been an officer of a municipality is required to deliver to his successor in office, all property, books and effects in his possession belonging to the municipality, or pertaining to the office he has held. Upon his refusal to do so, he shall be liable for all damages caused thereby, and shall, upon conviction, be penalized according to the provisions of **Section 1-1-20** of this Code. He shall not receive his final check until his Village Code Book and keys are turned over to the Village Clerk. **(65 ILCS 5/3.1-10-35)**

(E) **Books Open to Inspection.** Every officer shall, at all times when required, submit the books and papers of his office to the inspection of the Mayor or any committee or member of the Board of Trustees.

(F) **Fees; Report of Fees.** No officer of the municipality shall be entitled to charge or receive any fees as against the Village. All officers of the Village entitled to receive fees shall keep a correct account thereof, and make a report thereof under oath to the Village Board prior to the regular meeting of each month. In the report, they shall specify from whom such fees were received, for what service, and when received. All fees received shall be paid over into the Village Treasury.

(G) **Other Rules and Regulations.** Every officer of the Village shall perform such other duties and be subject to such other rules and regulations as the Village Board may provide by law.

**(65 ILCS 5/3.1-10-40)**

(H) **Conservators of Peace.**

- (1) After receiving a certificate attesting to the successful completion of a training course administered by the Illinois Law Enforcement Training Standards Board, the Mayor, Trustees and policemen in municipalities shall be conservators of the peace. Those persons and others authorized by ordinance shall have power:
  - (a) to arrest or cause to be arrested, with or without process, all persons who break the peace or are found violating any municipal ordinance or any criminal law of the State,
  - (b) to commit arrested persons for examination,
  - (c) if necessary, to detain arrested persons in custody over night or Sunday in any safe place or until they can be brought before the proper court, and
  - (d) to exercise all other powers as conservators of the peace prescribed by the corporate authorities.
- (2) All warrants for the violation of municipal ordinances or the State criminal law, directed to any person, may be served and executed within the limits of a municipality by any policeman of the municipality. For that purpose, policemen have all the common law and statutory powers of sheriffs. **(65 ILCS 5/3.1-15-25)**

(I) **Oath.** Before entering upon the duties of their respective offices, all municipal officers, whether elected or appointed shall take and subscribe to the following oath:

**"I, \_\_\_\_\_, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of \_\_\_\_\_ according to the best of my ability."**

The Mayor and the Clerk shall have the power to administer this oath or affirmation upon all lawful occasions.

**(65 ILCS 5/3.1-15-20)**

**(See "Administration of Oaths", Section 1-2-63)**

**1-2-22 RESIGNATION OF APPOINTED OFFICIALS.** Any officer of the Village may resign from office. If such officer resigns he shall continue in office until his successor has been chosen and has qualified. If there is a failure to appoint a Village officer, or the person appointed fails to qualify, the person filling the office shall continue in office until his successor has been chosen and has qualified.  
**(65 ILCS 5/3.1-10-50)**

**1-2-23 QUALIFICATIONS; ELECTIVE OFFICE.**

(A) A person is not eligible for an elective municipal office unless that person is a qualified elector of the municipality and has resided in the municipality at least **one (1) year** next preceding the election or appointment except as provided by Illinois Statutes.

(B) A person is not eligible to take the oath of office for a municipal office if that person is, at the time required for taking the oath of office, in arrears in the payment of a tax or other indebtedness due to the municipality or has been convicted in any court located in the United States of any infamous crime, bribery, perjury, or other felony.

(C) If a person (i) is a resident of a municipality immediately prior to the active duty military service of that person or that person's spouse, (ii) resides anywhere outside of the municipality during that active duty military service, and (iii) immediately upon completion of that active duty military service is again a resident of the municipality, then the time during which the person resides outside the municipality during the active duty military service is deemed to be time during which the person is a resident of the municipality for purposes of determining the residency requirement under subsection (A).  
**(65 ILCS 5/3.1-10-5)**

**1-2-24 BONDS OF VILLAGE OFFICERS.**

(A) **Amount.** Bonds of Village officers required under **Illinois Compiled Statutes, Chapter 65, Section 5/3.1-10-30** shall be executed in the following penal sums:

(1)	Mayor	\$ 50,000.00
(2)	Village Treasurer	300,000.00
(3)	Village Clerk	50,000.00
(4)	Police Chief	50,000.00
(5)	Village Collector	50,000.00

(B) **Premium Payment by Village.** The surety bonds required by law shall be paid by the Village. **(5 ILCS 270/1)**

(C) **Surety.** The Village Board shall not receive or approve any bond or security whereon the name of the Village Board, any one of the Board of Trustees or any elected or appointed officer of the Village appear as bondsman or security. If, by mistake, a bond containing the name of any such officer is approved by the Village Board or if any bondsman, after becoming such is elected or appointed to any Village office, this Section shall not act as a release of any such obligation incurred.

**1-2-25            LIABILITY INSURANCE.**

(A)            **Purchase Of.** The Village Board shall have the power to purchase liability insurance covering and insuring all municipal officers, employees and elected officials; said insurance to cover incidents occurring while in the performance of their duties, which insurance may insure, cover and protect any liability which the municipal corporation, officer, employee or elected official may incur. When the insurance has been purchased, the Village shall be responsible for all premiums and deductible charges called for by any valid liability insurance policy covering the municipal corporation, officer, employee or elected official.

(B)            **Indemnification.** If the Village Board elects not to purchase liability insurance covering and insuring municipal officers, elected officials and employees as provided in this Section, then the Village shall indemnify and cause to defend municipal officers, elected officials and employees from any claim filed by an individual, partnership or corporation when the claim is founded on any act or omission of the municipal officers, elected officials or employees while in the performance of their official duties, except the Village shall not indemnify, but shall defend any municipal officer, elected official or employee from any claim made by an individual, partnership or corporation wherein the claim alleges that the municipal officer, elected official or employee acted intentionally, maliciously or wantonly and further, shall not indemnify or cause to defend the officials or employees where the claim is directly or indirectly related to the negligent care or use of a vehicle as defined by the **Illinois Compiled Statutes**, and the Village shall not indemnify any municipal officer, elected official or employee from any claim made by a municipal officer, elected official or employee.

Notwithstanding any other provisions of this Code, the Village shall not indemnify or cause to defend any municipal officers, elected officials or employees if the municipal officers, elected officials or employees have liability insurance insuring the municipal officers, elected officials or employees from the alleged claim; however, the Village shall indemnify the municipal officer, elected official or employee the personal deductible limits of his personal policy. **(745 ILCS 10/2-201 et seq.)**

**1-2-26            BIDDING AND CONTRACT PROCEDURES.**

(A)            **Competitive Bidding Required.** Any work or other public improvement which is not to be paid for in whole or in part by special assessment or special taxation, and all purchases of and contracts for supplies, materials, and services shall, except as specifically provided herein, be based whenever possible on competitive bids.

(B)            **Formal Contract Procedure.** All work or other public improvement which is not to be paid for in whole or in part by special assessment or special taxation, and all purchases, orders or contracts for supplies, materials, equipment or contractual services except as otherwise provided herein, when the estimated cost thereof shall exceed **Twenty-Five Thousand Dollars (\$25,000.00)**, shall be purchased from the lowest responsible bidder, after due notice inviting bids, unless competitive bidding is waived by a vote of **two-thirds (2/3)** of the Trustees then holding office.

(C)            **Notice Inviting Bids.** Notice inviting bids shall be published at least once in a newspaper with general circulation within the Village. The Village shall also advertise all pending work or purchases by posting a notice on the public bulletin board in the Village Hall.

(D)            **Scope of Notice.** The newspaper notice required herein shall include a general description of the work to be performed or the articles to be purchased, shall state where specifications may be secured, and the time and place for opening bids.

(E)            **Bid Deposits.** When deemed necessary by the Board of Trustees, bid deposits shall be prescribed in the public notices inviting bids. Unsuccessful bidders shall be entitled to the return of their bid deposits upon the award of the contract by the Board of Trustees. A successful bidder shall forfeit any bid deposit required by the Board of Trustees upon failure on his part to enter into a contract within **ten (10) days** after the award.

(F)            **Bid Opening Procedure.**

(1)            **Sealed.** Bids shall be submitted sealed to the Village and shall be identified as bids on the envelope.

(2)            **Opening.** Bids shall be opened in public at the time and place stated in the public notice.

(3) **Tabulation.** A tabulation of all bids received shall be made by the Board of Trustees or by a Village employee, in which event, a tabulation of the bids shall be furnished to the Board of Trustees at its next regular meeting.

(G) **Rejection of Bids.** The Village shall have the authority to reject all bids or parts of all bids when the public interest will be served thereby.

(H) **Bidders in Default to Village.** The Village shall not accept the bid of a contractor who is in default on the payment of taxes, licenses or other monies due the Village.

(I) **Award of Contract.**

(1) **Authority in Village.** The Board of Trustees shall have the authority to award contracts within the purview of this Section.

(2) **Lowest Responsible Bidder.** Contracts shall be awarded to the lowest responsible bidder on the basis of the bid that is in the best interest of the Village to accept. In awarding the contract, in addition to price, the Board of Trustees shall consider:

- (a) The ability, capacity and skill of the bidder to perform the contract to provide the service required;
- (b) Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference;
- (c) The character, integrity, reputation, judgment, experience and efficiency of the bidder;
- (d) The quality of the performance of previous contracts or services;
- (e) The previous and existing compliance by the bidder with laws and ordinances relating to the contract or service;
- (f) The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service;
- (g) The quality, availability and adaptability of the supplies or contractual services to the particular use required;
- (h) The ability of the bidder to provide future maintenance and service for the use of the subject of the contract;
- (i) The number and scope of conditions attached to the bid.
- (j) Whether the bidder has furnished a Certificate of Insurance indicating Worker's Compensation and Employers' Liability coverage and the policy limits for such coverage.

(3) **Performance Bonds.** The Board of Trustees shall have the authority to require a performance bond, before entering into a contract, in such amounts as it shall find reasonably necessary to protect the best interests of the Village.

(J) **Open Market Procedure.** All work and purchases of supplies, materials and services of less than the estimated value of **Twenty-Five Thousand Dollars (\$25,000.00)** shall be made in the open market, without newspaper advertisement and without observing the procedure prescribed by this Section for the award of formal contracts.

(K) **Professional Services Exempt From Bidding Requirements.** All contracts for professional services, including, but not limited to, attorneys, engineers, real estate appraisers and architects and any other profession whose ethical code involved prohibits or discourages involvement in normal bidding procedures, may be entered into by the Village without observing the bidding procedures prescribed by this Section for the award of formal contracts.

(L) **Emergency Purchases.** In case of an apparent emergency which requires immediate work or purchase of supplies, materials or services, the Board of Trustees shall be empowered to secure by open market procedure as herein set forth, at the lowest obtainable price, any work, supplies, materials or services regardless of the amount of the expenditure.

(M) **Cooperative Purchasing.** The Village shall have the authority to join with other units of government in cooperative purchasing plans when the best interests of the Village would be served thereby. **(65 ILCS 5/8-9-1 and 8-9-2)**

**1-2-27 INTERESTS IN CONTRACTS PROHIBITED.**

(A) A municipal officer shall not be financially interested directly in the officer's own name or indirectly in the name of any other person, association, trust, or corporation, in any contract, work, or business of the municipality or in the sale of any article whenever the expense, price, or consideration of the contract, work, business, or sale is paid either from the treasury or by an assessment levied by statute or ordinance. A municipal officer shall not be interested, directly or indirectly, in the purchase of any property that (1) belongs to the municipality, (2) is sold for taxes or assessments, or (3) is sold by virtue of legal process at the suit of the municipality. For the purposes of this Section only, however, a municipal officer shall not be deemed interested if the officer is an employee of a company or owns or holds an interest of **one percent (1%)** or less in the municipal officer's individual name in a company, or both, that company is involved in the transaction of business with the municipality, and that company's stock is traded on a nationally recognized securities market, provided the interested member (i) publicly discloses the fact that he or she is an employee or holds an interest of **one percent (1%)** or less in a company before deliberation of the proposed award of the contract; (ii) refrains from evaluating, recommending, approving, deliberating, or otherwise participating in the negotiation, approval, or both, of the contract, work, or business; (iii) abstains from voting on the award of the contract though he or she shall be considered present for purposes of establishing a quorum; and (iv) the contract is approved by a majority vote of those members currently holding office.

A municipal officer shall not be deemed interested if the officer owns or holds an interest of **one percent (1%)** or less, not in the officer's individual name but through a mutual fund or exchange-traded fund, in a company, that company is involved in the transaction of business with the municipality, and that company's stock is traded on a nationally recognized securities market.

This Section does not prohibit any person serving on a municipal advisory panel or commission or nongoverning board or commission from having an interest in a contract, work, or business of the municipality unless the municipal officer's duties include evaluating, recommending, approving, or voting to recommend or approve the contract, work, or business.

(B) **Exceptions.** Any elected or appointed member of the governing body may, however, provide materials, merchandise, property, services, or labor, subject to the following provisions under either (1) or (2):

- (1) If:
  - (a) the contract is with a person, firm, partnership, association in which the interested member of the governing body of the municipality member has less than a **seven and one-half percent (7 ½%)** share in the ownership;
  - (b) the interested member publicly discloses the nature and extent of the interest before or during deliberations concerning the proposed award of the contract;
  - (c) the interested member abstains from voting on the award of the contract (though the member shall be considered present for the purposes of establishing a quorum);
  - (d) the contract is approved by a majority vote of those members presently holding office;
  - (e) the contract is awarded after sealed bids to the lowest responsible bidder if the amount of the contract exceeds **One Thousand Five Hundred Dollars (\$1,500.00)** (but the contract may be awarded without bidding if the amount is less than **One Thousand Five Hundred Dollars (\$1,500.00)**); and
  - (f) the award of the contract would not cause the aggregate amount of all contracts so awarded to the same person, firm, association, partnership, corporation, or cooperative association in the same fiscal year to exceed **Twenty-Five Thousand Dollars (\$25,000.00)**.

- (2) If:
- (a) the award of the contract is approved by a majority vote of the governing body of the municipality (provided that the interested member shall abstain from voting);
  - (b) the amount of the contract does not exceed **Two Thousand Dollars (\$2,000.00)**;
  - (c) the award of the contract would not cause the aggregate amount of all contracts so awarded to the same person, firm, association, partnership, corporation, or cooperative association in the same fiscal year to exceed **Four Thousand Dollars (\$4,000.00)**;
  - (d) the interested member publicly discloses the nature and extent of his interest before or during deliberations concerning the proposed award of the contract; and
  - (e) the interested member abstains from voting on the award of the contract (though the member shall be considered present for the purposes of establishing a quorum).
- (3) In addition to the above exemptions, any elected or appointed member of the governing body may provide materials, merchandise, property, services, or labor if:
- (a) the contract is with a person, firm, partnership, association, corporation, or cooperative association in which the interested member of the governing body of the municipality, advisory panel, or commission has less than a **one percent (1%)** share in the ownership; and
  - (b) the award of the contract is approved by a majority vote of the governing body of the municipality provided that any such interested member shall abstain from voting; and
  - (c) such interested member publicly discloses the nature and extent of his interest before or during deliberations concerning the proposed award of the contract; and
  - (d) such interested member abstains from voting on the award of the contract, though he shall be considered present for the purposes of establishing a quorum.

(C) A contract for the procurement of public utility services by a municipality with a public utility company is not barred by this Section by one or more members of the governing body being an officer or employee of the public utility company, or holding an ownership interest in no more than **seven and one-half percent (7 ½%)** in the public utility company, or holding an ownership interest of any size if the municipality has a population of less than **seven thousand five hundred (7,500)** and the public utility's rates are approved by the Illinois Commerce Commission. An elected or appointed member of the governing body or a nongovernmenting board or commission having an interest described in this subsection (D) does not have a prohibited interest under this Section.

(D) An officer who violates this Section is guilty of a Class 4 felony. In addition, any officer held by an officer so convicted shall become vacant and shall be so declared as part of the judgment of the court.

(E) Nothing contained in this Section, including the restrictions set forth in subsections (B) and (C), shall preclude a contract of deposit of moneys, loans, or other financial services by a municipality with a local bank or local savings and loan association, regardless of whether a member of the governing body of the municipality is interested in the bank or savings and loan association as an officer or employee or as a holder of less than **seven and one-half percent (7 ½%)** of the total ownership interest. A member holding an interest described in this subsection (E) in a contract does not hold a prohibited interest for purposes of this Act. The interested member of the governing body must publicly state the nature and extent of the interest during deliberations concerning the proposed award of the contract but shall not participate in any further deliberations concerning the proposed award. The interested member shall not vote on the proposed award. A member abstaining from participation in

deliberations and voting under this Section may be considered present for purposes of establishing a quorum. Award of the contract shall require approval by a majority vote of those members presently holding office. Consideration and award of a contract in which a member is interested may only be made at a regularly scheduled public meeting of the governing body of the municipality.

(F) Notwithstanding any other provision of this Section or any other law to the contrary, until January 1, 1994, a member of the city council of a municipality with a population under **twenty thousand (20,000)** may purchase real estate from the municipality, at a price of not less than **one hundred percent (100%)** of the value of the real estate as determined by a written MAI certified appraisal or by a written certified appraisal of a State certified or licensed real estate appraiser, if the purchase is approved by a unanimous vote of the city council members then holding office (except for the member desiring to purchase the real estate, who shall not vote on the question).

(G) Under either of the following circumstances, a municipal officer may hold a position on the board of a not-for-profit corporation that is interested in a contract, work, or business of the municipality:

- (1) If the municipal officer is appointed by the governing body of the municipality to represent the interests of the municipality on a not-for-profit corporation's board, then the municipal officer may actively vote on matters involving either that board or the municipality, at any time, so long as the membership on the not-for-profit board is not a paid position, except that the municipal officer may be reimbursed by the not-for-profit board for expenses incurred as the result of membership on the not-for-profit board.
- (2) If the municipal officer is not appointed to the governing body of a not-for-profit corporation by the governing body of the municipality, then the municipal officer may continue to serve; however, the municipal officer shall abstain from voting on any proposition before the municipal governing body directly involving the not-for-profit corporation and, for those matters, shall not be counted as present for the purposes of a quorum of the municipal governing body.

**(65 ILCS 5/3.1-55-10)**

**1-2-28            SALARIES REGULATION.**

(A) **Elected.** No salary or compensation of any elected municipal officer who is elected for a definite term of office shall be increased or diminished during such term.

(B) **Appointed.** No salary or compensation of any appointed official who is appointed for a definite term of office shall be decreased during such term, but may be increased.

**(65 ILCS 5/3.1-50-5 and 5/3.1-50-10)**

**EDITOR'S NOTE:** The salary of appointed officials and employees may be established in the appropriation ordinance or annual budget. The salary of elected officials must be established in an ordinance other than the appropriation ordinance at least **one hundred eighty (180) days** before the beginning of the terms of the officers whose compensation is to be filed.

**1-2-29            CLAIMS.**

(A) **Presentation.** All claims against the Village for goods purchased, damaged, or originating in any other way, except for claims for salaries and other allowances that are fixed by ordinance shall be presented on or before the Monday preceding the monthly meeting of each month to the Village Clerk. All such claims must be in writing and items shall be specified.

(B) **Exception.** This does not prohibit the Village Board from passing on any claims not previously presented to the Village Clerk if, in the opinion of the Board, justice to the claimant requires it.

**1-2-30**            **MUNICIPAL YEAR.** The municipal year shall commence on **May 1<sup>st</sup>** and shall end on the following **April 30<sup>th</sup>**. No appointments shall be made during the last month of the municipal year in the year of a mayoral election.

**1-2-31**            **EXPENSE REIMBURSEMENT POLICY.**

(A)                **Definitions.**

- (1)                "Entertainment" includes, but is not limited to, shows, amusements, theaters, circuses, sporting events, or any other place of public or private entertainment or amusement, unless ancillary to the purpose of the program or event.
- (2)                "Public Business" means the expenses incurred in the performance of a public purpose which is required or useful for the benefit of the Village to carry out the responsibilities of Village business.
- (3)                "Travel" means any expenditure directly incident to official travel by employees and officers of the Village or by wards or charges of the Village involving reimbursement to travelers or direct payment to private agencies providing transportation or related services.

(B)                The Village shall only reimburse travel, meal, and lodging expenses incurred by its Trustees and Mayor for public business by roll call vote at an open meeting of the Board of Trustees of the Village.

(C)                The Village shall only reimburse travel, meal, and lodging expenses incurred by its employees and officers (other than Trustees and Mayor) for public business up to a maximum of **Two Hundred Fifty Dollars (\$250.00)** per individual per year. Expenses for travel, meals, and lodging of exceeding **Two Hundred Fifty Dollars (\$250.00)** per individual per year may only be approved by roll call vote at an open meeting of the Board of Trustees of the Village.

(D)                No reimbursement of travel, meal or lodging expenses incurred shall be authorized unless the "Travel, Meal, and Lodging Expense Reimbursement Request Form" in Addendum "C", attached hereto and made a part hereof, has been submitted. Travel, meal and lodging expenses for employees and officials other than Trustees or the Mayor shall be pre-approved by the Mayor before the expense is incurred. All documents and information submitted with the form shall be subject to disclosure under the Freedom of Information Act (**5 ILCS 140/1 et seq.**)

(E)                **Non-reimbursable Expenses.**

- (1)                The Village shall not reimburse any elected official, employee, or officer for any activities which would be considered entertainment. Activities which would otherwise be considered entertainment, but which are excluded from the prohibition on reimbursement due to being ancillary to the purpose of the program or event, may be reimbursed in accordance with the provisions of this Section.
- (2)                Alcohol shall be excluded from reimbursement.

(F)                Meal expense reimbursement shall be calculated using the per diem rates on [www.gsa.gov](http://www.gsa.gov).

(G)                The Mayor shall have authority and discretion to approve or deny requests for travel, meal and lodging expense reimbursement for employees and officers other than Trustees or the Mayor up to the amount allowed in paragraph (B) of this Section.

(H)                See **Addendum "C"** for Submission Form.

**1-2-32**            **OFFICIAL RECORDS.** All official records, including the Corporate Seal, shall be kept in the Village Hall.

**1-2-33**            **FEDERAL OLD AGE AND SURVIVOR'S INSURANCE SYSTEM.**

(A)                **Eligible employees** shall mean all employees of the Village, eligible under the Federal Act, except persons elected to office by popular election and also the Village Treasurer and Village Attorney.



(B) **Withholdings** from salaries or wages of employees for the purpose provided in sections hereof are hereby authorized to be made in the amounts and at such times as may be required by applicable State or Federal laws or regulations, and shall be paid quarterly. **(40 ILCS 5/21-101 et seq.)**

**1-2-34 CONTROL OF PROPERTY OWNED BY VILLAGE OUTSIDE OF VILLAGE LIMITS.** All property which (1) is owned by the Village, and (2) lies outside the corporate limits of the Village, and (3) does not lie within the corporate limits of any other municipality, shall be subject to the ordinances, control, and jurisdiction of the Village in all respects the same as the property owned by the Village which lies within the corporate limits thereof. **(65 ILCS 5/7-4-2)**

**1-2-35 CERTIFICATES OF INSURANCE.** All contractors and sub-contractors doing work for the Village shall first provide a Certificate of Insurance indicating Worker’s Compensation and Employers’ Liability coverage and the policy limits for such coverage.

**1-2-36 TERRITORIAL JURISDICTION ESTABLISHED.** The Village Board shall have jurisdiction in and over all places within **one-half (1/2) mile** of the corporate limits for the purpose of enforcing health and quarantine ordinances and regulations. **(65 ILCS 5/7-4-1)**

**1-2-37 RESERVED.**

**DIVISION V - VACANCIES**

**1-2-38 VACANCY BY RESIGNATION.** A resignation is not effective unless it is in writing, signed by the person holding the elective office, and notarized.

(A) **Unconditional Resignation.** An unconditional resignation by a person holding the elective office may specify a future date, not later than **sixty (60) days** after the date the resignation is received by the officer authorized to fill the vacancy, at which time it becomes operative, but the resignation may not be withdrawn after it is received by the officer authorized to fill the vacancy. The effective date of a resignation that does not specify a future date at which it becomes operative is the date the resignation is received by the officer authorized to fill the vacancy. The effective date of a resignation that has a specified future effective date is that specified future date or the date the resignation is received by the officer authorized to fill the vacancy, whichever date occurs later.

(B) **Conditional Resignation.** A resignation that does not become effective unless a specified event occurs can be withdrawn at any time prior to the occurrence of the specified event, but if not withdrawn, the effective date of the resignation is the date of the occurrence of the specified event or the date the resignation is received by the officer authorized to fill the vacancy, whichever date occurs later.

(C) **Vacancy Upon the Effective Date.** For the purpose of determining the time period that would require an election to fill the vacancy by resignation or the commencement of the **sixty (60) day** time period referred to in **Section 1-2-42**, the resignation of an elected officer is deemed to have created a vacancy as of the effective date of the resignation.

(D) **Duty of the Clerk.** If a resignation is delivered to the Clerk of the Municipality, the Clerk shall forward a certified copy of the written resignation to the official who is authorized to fill the vacancy within **seven (7) business days** after receipt of the resignation.

**1-2-39 VACANCY BY DEATH OR DISABILITY.** A vacancy occurs in an office by reason of the death of the incumbent. The date of the death may be established by the date shown on the death certificate. A vacancy occurs in an office by permanent physical or mental disability rendering the person incapable of performing the duties of the office. The corporate authorities have the authority to make the determination whether an officer is incapable of performing the duties of the office because

of a permanent physical or mental disability. A finding of mental disability shall not be made prior to the appointment by a court of a guardian ad litem for the officer or until a duly licensed doctor certifies, in writing, that the officer is mentally impaired to the extent that the officer is unable to effectively perform the duties of the office. If the corporate authorities find that an officer is incapable of performing the duties of the office due to permanent physical or mental disability, that person is removed from the office and the vacancy of the office occurs on the date of the determination.

**1-2-40            VACANCY BY OTHER CAUSES.**

(A)            **Abandonment and Other Causes.** A vacancy occurs in an office by reason of abandonment of office; removal from office; or failure to qualify; or more than temporary removal of residence from the Municipality, as the case may be. The corporate authorities have the authority to determine whether a vacancy under this Section has occurred. If the corporate authorities determine that a vacancy exists, the office is deemed vacant as of the date of that determination for all purposes including the calculation under **Sections 1-2-42 or 1-2-43.**

(B)            **Guilty of a Criminal Offense.** An admission of guilt of a criminal offense that upon conviction would disqualify the municipal officer from holding the office, in the form of a written agreement with State or federal prosecutors to plead guilty to a felony, bribery, perjury, or other infamous crime under State or federal law, constitutes a resignation from that office, effective on the date the plea agreement is made. For purposes of this Section, a conviction for an offense that disqualifies a municipal officer from holding that office occurs on the date of the return of a guilty verdict or, in the case of a trial by the court, on the entry of a finding of guilt.

(C)            **Election Declared Void.** A vacancy occurs on the date of the decision of a competent tribunal declaring the election of the officer void.

**1-2-41            ELECTION OF AN ACTING MAYOR.** The election of an acting Mayor pursuant to **Section 1-2-43 or 1-2-44** does not create a vacancy in the original office of the person on the Village Board, unless the person resigns from the original office following election as acting Mayor. If the person resigns from the original office following election as acting Mayor, then the original office must be filled pursuant to the terms of this Section and the acting Mayor shall exercise the powers of the Mayor and shall vote and have veto power in the manner provided by law for a Mayor. If the person does not resign from the original office following election as acting Mayor, then the acting Mayor shall exercise the powers of the Mayor but shall be entitled to vote only in the manner provided for as the holder of the original office and shall not have the power to veto. If the person does not resign from the original office following election as acting Mayor, and if that person's original term of office has not expired when a Mayor is elected and has qualified for office, the acting Mayor shall return to the original office for the remainder of the term thereof.

**1-2-42            APPOINTMENT TO FILL TRUSTEE VACANCY.** An appointment by the Mayor or acting Mayor, as the case may be, of a qualified person as described in **Section 1-2-23** of this Code to fill a vacancy in the office of Trustee must be made within **sixty (60) days** after the vacancy occurs. Once the appointment of the qualified person has been forwarded to the corporate authorities, the corporate authorities shall act upon the appointment within **thirty (30) days**. If the appointment fails to receive the advice and consent of the corporate authorities within **thirty (30) days**, the Mayor or acting Mayor shall appoint and forward to the corporate authorities a second qualified person as described in **Section 1-2-23**. Once the appointment of the second qualified person has been forwarded to the corporate authorities, the corporate authorities shall act upon the appointment within **thirty (30) days**. If the appointment of the second qualified person also fails to receive the advice and consent of the corporate authorities, then the Mayor or acting Mayor, without the advice and consent of the corporate authorities, may make a temporary appointment from those persons who were appointed but whose appointments failed to receive the advice and consent of the corporate authorities. The person receiving the temporary appointment shall serve until an appointment has received the advice and consent and the appointee has qualified or until a person has been elected and has qualified, whichever first occurs.

**1-2-43**      **ELECTION TO FILL VACANCIES IN MUNICIPAL OFFICES WITH FOUR (4) YEAR TERMS.** If a vacancy occurs in an elective municipal office with a **four (4) year term** and there remains an unexpired portion of the term of at least **twenty-eight (28) months**, and the vacancy occurs at least **one hundred thirty (130) days** before the general municipal election next scheduled under the general election law, then the vacancy shall be filled for the remainder of the term at that general municipal election. Whenever an election is held for this purpose, the Village Clerk shall certify the office to be filled and the candidates for the office to the proper election authorities as provided in the general election law. If a vacancy occurs with less than **twenty-eight (28) months** remaining in the unexpired portion of the term or less than **one hundred thirty (130) days** before the general municipal election, then:

(A)      **Mayor.** If the vacancy is in the office of Mayor, the vacancy must be filled by the corporate authorities electing one of their members as acting Mayor. Except as set forth in **Section 1-2-41**, the acting Mayor shall perform the duties and possess all the rights and powers of the Mayor until a Mayor is elected at the next general municipal election and has qualified. However, in villages with a population of less than **five thousand (5,000)**, if each of the trustees either declines the election as acting Mayor or is not elected by a majority vote of the trustees presently holding office, then the trustees may elect, as acting Mayor, any other Village resident who is qualified to hold municipal office, and the acting Mayor shall exercise the powers of the Mayor and shall vote and have veto power in the manner provided by law for a Mayor.

(B)      **Trustee.** If the vacancy is in the office of Trustee, the vacancy must be filled by the Mayor or acting Mayor, as the case may be, in accordance with **Section 1-2-42**.

(C)      **Other Elective Office.** If the vacancy is in any elective municipal office other than Mayor or Trustee, the Mayor or acting Mayor, as the case may be, must appoint a qualified person to hold the office until the office is filled by election, subject to the advice and consent of the Board of Trustees, as the case may be.

**1-2-44**      **VACANCIES DUE TO ELECTION BEING DECLARED VOID.** In cases of vacancies arising by reason of an election being declared void pursuant to **Section 1-2-40(C)**, persons holding elective office prior thereto shall hold office until their successors are elected and qualified or appointed and confirmed by advice and consent, as the case may be.

**1-2-45**      **OWING A DEBT TO THE MUNICIPALITY.** A vacancy occurs if a municipal official fails to pay a debt to a municipality in which the official has been elected or appointed to an elected position subject to the provisions of **65 ILCS 5/3.1-10-50(C)(4)**.

**(65 ILCS 5/3.1-10-50)**

**1-2-46 - 1-2-49**      **RESERVED.**

**ARTICLE III – VILLAGE OFFICIALS**

**DIVISION I - MAYOR**

**1-3-1**            **ELECTION.** The Mayor shall be elected for a **four (4) year** term and shall serve until a successor is elected and has qualified. **(65 ILCS 5/3.1-15-5 and 5/3.1-25-15)**

**1-3-2**            **MAYOR PRO-TEM; TEMPORARY CHAIRMAN.**

(A)                If the Mayor is temporarily absent because of an incapacity to perform official duties, but the incapacity does not create a vacancy in the office, the corporate authorities shall elect one of their members to act as Mayor pro tem. The Mayor pro tem, during this absence or disability, shall perform the duties and possess all the rights and powers of the Mayor but shall not be entitled to vote both as Mayor pro tem and as a trustee.

(B)                In the absence of the Mayor, or Mayor pro tem, the corporate authorities may elect one of their members to act as a temporary Chairman. The temporary Chairman shall have only the powers of a presiding officer and a right to vote only in the capacity as trustee on any ordinance, resolution, or motion. **(65 ILCS 5/3.1-35-35)**

**1-3-3**            **CHIEF EXECUTIVE OFFICER.** The Mayor shall be the chief executive officer of the Village and shall see to the enforcement of all laws and ordinances. The Mayor shall preside over the meetings of the Board of Trustees and perform such duties as may be required of him by statute or law. The Mayor shall have supervision over all of the executive officers and Village employees; provided, however, his or her control is subject to the power of the Village Board to prescribe the duties of various officers and employees. The Mayor shall have the power and authority at any reasonable time to inspect all books, papers and records pertaining to Village affairs and kept by any officer of the Village. **(65 ILCS 5/3.1-15-10 and 3.1-35-20)**

**1-3-4**            **MAYOR'S SIGNATURE.** The Mayor shall sign all Village warrants, commissions, permits and licenses granted by authority of the Village Board, except as otherwise provided, and such other acts and deeds as law or ordinance may require his or her official signature.

The Mayor may designate another to affix his or her signature to any written instrument that requires the Mayor's signature. The Mayor must send written notice of this designation to the Village Board stating: (1) the name of the person whom he or she has selected, and (2) what instrument the person will have authority to sign.

A written signature of the Mayor executed by the person so designated with the signature underneath the signature of the person so designated shall be attached to the notice. The notice with the signature attached shall be recorded in the journal of the Village Board and then filed with the Village Clerk. When the signature of the Mayor is placed on a written instrument at the direction of the Mayor in the specified manner, the instrument, in all respects, shall be as binding on the Village as if signed by the Mayor in person. **(65 ILCS 5/3.1-35-30)**

**1-3-5**            **APPOINTMENT OF OFFICERS.**

(A)                **Appointed.** At the first annual meeting in May, the Mayor shall appoint, by and with the advice and consent of the Village Board, all officers of the Village whose election or appointment is not otherwise provided for, and said officers shall hold their offices for the ensuing month or year, and until their respective successors are appointed and qualified. Any vacancy occurring in an appointive office shall be filled in the same manner. The Mayor shall issue a commission or certificate of appointment to all persons appointed to office in the municipality. **(65 ILCS 5/3.1-30-5)**

(B)                **Filling Vacancies.** The Mayor shall appoint, by and with the advice and consent of the Village Board, all officers of the Village whose appointment will not otherwise be provided

for by law; and whenever a vacancy shall occur in any office, which by law or ordinance the Mayor is empowered and required to fill, the Mayor shall, at the next regular meeting of the Village Board, communicate to it the name of the appointee to such office and pending the concurrence of the Village Board in such appointment, the Mayor may designate some suitable person to discharge the functions of such office. **(50 ILCS 105/2)**

**1-3-6 SUPERVISE CONDUCT OF OFFICERS; REMOVAL OF OFFICERS.** The Mayor shall supervise the conduct of all officers of the Village and see that they faithfully and efficiently discharge the duties of their respective offices. Except where otherwise provided by statute, the Mayor may remove any officer appointed by the Mayor under this Code, on any written charge, whenever the Mayor is of the opinion that the interests of the municipality demand removal. The Mayor shall report the reasons for the removal to the corporate authorities at a meeting to be held not less than **five (5) days** nor more than **ten (10) days** after the removal. If the Mayor fails or refuses to report to the corporate authorities the reasons for the removal, or if the corporate authorities by a **two-thirds (2/3) vote** of all members authorized by law to be elected disapprove of the removal, the officer thereupon shall be restored to the office from which the officer was removed. The vote shall be by yeas and nays, which shall be entered upon the journal of the corporate authorities. Upon restoration, the officer shall give a new bond and take a new oath of office. No officer shall be removed a second time for the same offense. **(65 ILCS 5/3.1-35-10)**

**1-3-7 DESIGNATION OF OFFICERS' DUTIES.** Whenever there is a dispute as to the respective duties or powers of any appointed officer of the Village, this dispute shall be settled by the Mayor, after consultation with the Village Attorney; and the Mayor shall have the power to delegate to any appointive officer, any duty which is to be performed when no specific officer has been directed to perform that duty.

**1-3-8 FORMAL OCCASIONS.** The Mayor shall act for and on behalf of the Village on formal occasions and receptions, but in the absence or inability to attend any such function, the Mayor may select any other Village officer to so act.

**1-3-9 GENERAL DUTIES.** The Mayor shall perform all the duties which are prescribed by law and shall take care that the laws and ordinances are faithfully executed.

The Mayor from time to time, may and annually shall give the Village Board information relative to the affairs of the Village, and may recommend for their consideration such measures as he or she believes expedient. **(65 ILCS 5/3.1-35-5)**

**1-3-10 BUSINESS LICENSE COMMISSIONER.** The Mayor is hereby designated as License Commissioner to issue and revoke any and all business licenses as prescribed by law, with the advice and consent of the Village Board.

**1-3-11 LOCAL LIQUOR COMMISSIONER.** The Mayor is hereby designated as Local Liquor Commissioner with all the powers to license and/or revoke any Village liquor license according to State and Village laws. **(235 ILCS 5/4-2)**

**1-3-12 HEALTH COMMISSIONER.** The Mayor is hereby declared to be Health Commissioner with all powers to abate and remove all nuisances or health hazards within the jurisdictional boundaries of the Village authority as prescribed by law.

**1-3-13**        **DECIDING VOTE - MAYOR.** The Mayor shall preside at all meetings of the Village Board. The Mayor shall not vote on any ordinance, resolution or motion, except:

- (A)            Where the vote of the Trustees has resulted in a tie; or
- (B)            Where **one-half (1/2)** of the Trustees elected have voted in favor of an ordinance, resolution or motion, even though there is no tie; or
- (C)            Where a vote greater than a majority of the corporate authorities is required by the **Illinois Compiled Statutes** to adopt an ordinance, resolution or motion.

In each instance specified, the Mayor shall vote. Nothing in this Section shall deprive an Acting Mayor or Mayor Pro-tem from voting in his or her capacity as Trustee, but he or she shall not be entitled to another vote in his or her capacity as Acting Mayor or Mayor Pro-tem. **(65 ILCS 5/3.1-40-30)**

**1-3-14 - 1-3-15**        **RESERVED.**

**DIVISION II - VILLAGE CLERK**

**1-3-16**        **ELECTION.** The Village Clerk shall be elected for a **four (4) year term** and shall serve until a successor is elected and has qualified. **(65 ILCS 5/3-5-9)**

**1-3-17**        **VACANCY.** Whenever there is a vacancy in the office of Village Clerk, the office shall be filled by the Mayor with the advice and consent of the Village Board for the remainder of the term. **(65 ILCS 5/3.1-25-90) (See Division V of this Chapter)**

**1-3-18**        **PUBLICATION OF ORDINANCES; BOARD MINUTES; RECORDS.**

(A)            **Ordinances.** The Village Clerk shall cause all ordinances passed by the Village Board and approved by the Mayor, imposing any fine, penalty, imprisonment or forfeiture, or making any appropriation to be published or printed in book or pamphlet form, published by authority of the corporate authorities, or be published at least once within **thirty (30) days** after passage, in **one (1)** or more newspapers published in the Village. **(65 ILCS 5/1-2-5)**

(B)            **Minutes; Records.**

(1)            **Open Meetings.** The Village Clerk shall attend all meetings of the Village Board and shall keep in a suitable book to be styled "**The Journal of the Village Board**", a full and faithful record of its proceedings. The Village Clerk shall record and properly index in a book kept for that purpose, all ordinances passed by the Village Board, and at the foot of the record of each ordinance so recorded, the Clerk shall make a memorandum of the date of the passage, when published, and a memorandum of the publication of such ordinance. **(65 ILCS 5/3.1-35-90)**

(2)            **Closed Meetings.** The Clerk shall prepare and preserve the minutes of closed meetings according to the provisions of the Closed Meetings Act. At least twice a year, corporate authorities shall meet to review minutes of all closed sessions and make a public statement as to whether there is still a need to maintain such matters in confidence or whether minutes or portions of minutes from closed meetings no longer require confidential treatment and are available for public inspection. **(5 ILCS 120/2.06(c))**

(C)            **Bonds.** The Clerk shall also record in proper books for the purpose, all official bonds and note upon each bond so recorded when the same was entered of record and the book and pages where recorded. **(65 ILCS 5/3.1-35-110)**

(D) **Issue Notices.** The Clerk shall issue and cause to be served upon all Trustees, notices of all special meetings of the Village Board; also notices to the members of the different committees of that body and all persons whose attendance may be required before any such committee, when so directed by the Chairman thereof. **(65 ILCS 5/1-2-4, 5/1-2-5 and 5/3.1-35-90)**

**1-3-19 DELIVERY OF PAPERS TO OFFICERS.** The Clerk shall deliver to the several committees of the Village Board and to the officers of this Village, all petitions, communications, reports and resolutions, orders, claims and other papers referred to those committees or officers by the Board on demand therefor. The Clerk shall also, without delay, deliver to the Mayor, all ordinances or resolutions, orders and claims in his or her charge which may require to be approved or otherwise acted upon by the Mayor. **(65 ILCS 5/3.1-35-90)**

**1-3-20 PREPARATION OF DOCUMENTS, COMMISSIONS AND LICENSES.** The Clerk shall prepare all commissions, licenses, permits and other official documents required to be issued by him or her under this Code and shall attest the same with the corporate seal, and the Clerk shall, in like manner, attest all deeds for the sale of real estate owned and conveyed by this Village.

**1-3-21 VILLAGE LICENSES.** In all cases where the Village requires a license to be obtained for the purpose of engaging in or carrying on any business or occupation, and the licensee is required to obtain plates, tags or stickers from the Clerk, it shall be the duty of the Clerk to provide such plates, tags, or stickers to the person paying the license fee.

**1-3-22 REPORT OF LICENSES.** The Clerk shall report to the Village Board at its regular meeting each month and more often if the Board so requires the data contained in the license register with respect to licenses issued during the previous month.

**1-3-23 ADMINISTRATION OF OATHS.** The Clerk shall have the power to administer oaths or affirmations for all lawful purposes. **(65 ILCS 5/3.1-15-20)**

**1-3-24 OUTSTANDING BONDS.** The Clerk shall keep in his office in a book or books kept expressly for that purpose a correct list of all the outstanding bonds of the Village, showing the number and amount of each, for and to whom the bonds are issued; and when the Village bonds are issued, or purchased, or paid, or cancelled, the book or books shall show that fact; [and in the annual report, the Clerk shall describe particularly the bonds sold during the year and the terms of sale with each and every item of expense thereof]. **(65 ILCS 5/3.1-35-110)**

**1-3-25 REPORTS.** The Clerk shall, on or before the regular meeting in each month, make out and submit to the Village Board a statement or report in writing of all the monies received and warrants drawn during the preceding month, showing therein from or what sources and on what account monies were received, and for what purposes and on what account the warrants were drawn or paid.

**1-3-26 SUCCESSOR.** The Village Clerk shall carefully preserve all books, records, papers, maps and effects of every detail and description belonging to the Village or pertaining to the office, and not in actual use and possession of other Village officers; and upon the expiration of his or her official term, the Clerk shall deliver all such books, records, papers and effects to the successor in office. **(65 ILCS 3.1-10-35)**

**1-3-27**        **PAYMENTS.** The Clerk shall prepare monthly an itemized list of all monies received and shall deliver a copy of the same to the Village Treasurer and shall also pay over to the Treasurer all monies received in the office and take a receipt therefor.

**1-3-28**        **NOTIFICATION TO PERSONS APPOINTED TO OFFICE.** Within **five (5) days** after an appointment is made, the Clerk shall notify all persons appointed to office of their appointment. The office becomes vacant unless the person appointed qualifies within **ten (10) days** after such notice.

**1-3-29**        **OTHER DUTIES.** In addition to the foregoing duties, the Clerk shall perform all such other duties pertaining to the office as are or may be imposed upon the office by law or resolution or ordinance of the Village Board. **(65 ILCS 5/3.1-10-40)**

**1-3-30**        **DEPUTY CLERK.** The Village Clerk, when authorized by the Village Board, may appoint the Deputy Clerk who shall have the power and duty to execute all documents required by any law to be executed by the Clerk and affix the seal of the Village thereto whenever required. In signing any documents, the Deputy Clerk shall sign the name of the Village Clerk followed with the word, **"By"** and the Deputy Clerk's name and the words, **"Deputy Clerk"**.

The powers and duties herein described shall be executed by such Deputy Clerk only in the absence of the Village Clerk from the Village Clerk's office in the Village Hall, and only when either written direction has been given by the Village Clerk to such Deputy Clerk to exercise such power or the Village Board has determined by resolution that the Village Clerk is temporarily or permanently incapacitated to perform such functions. **(65 ILCS 5/3.1-30-10 and 5/3.1-10-45 and 5/3.1-35-95)**

**1-3-31 - 1-3-32**        **RESERVED.**

**DIVISION III - VILLAGE TREASURER**

**1-3-33**        **TREASURER APPOINTED; VACANCY.** The Treasurer shall be appointed for a **two (2) year term** by the Mayor with the advice and consent of the Village Board and shall serve until a successor is appointed and has qualified. All vacancies shall be filled in the manner prescribed in **Division V** of this Chapter. **(65 ILCS 5/3.1-30-5)**

**1-3-34**        **FINANCE COMMITTEE.** The standing committee on Finance shall exercise a general supervision over the affairs of the Finance Department. It shall ascertain the condition and needs thereof; shall, from time to time, report the same to the Mayor and Village Board so that a full understanding thereof shall be had and generally, shall do all the acts necessary to promote the efficiency of the Department.

**1-3-35**        **PERSONAL USE OF FUNDS.** The Village Treasurer shall keep all money belonging to the Municipality and in the Treasurer's custody separate and distinct from the Treasurer's own money and shall not use, either directly or indirectly, the Municipality's monies or warrants for the personal use and benefit of the Treasurer or of any other person. Any violation of this provision shall subject the Treasurer to immediate removal from office by the corporate authorities, who may declare the Treasurer's office vacant. **(65 ILCS 5/3.1-35-55)**



**1-3-36**      **BOND.**      The Treasurer shall give bond conditioned upon the faithful performance of his duties and to indemnify the Village for any loss due to neglect of duty or wrongful act on his part; and the amount of such bond shall not be less than **ten percent (10%)** of the highest amount of taxes and special assessments received by the Treasurer during any fiscal year in the preceding **five (5) fiscal years**, nor less than one and one-half times the largest amount which the Board estimates will be in his custody at any one time, nor less than **three (3) times** the number of residents of the Village, as determined by the last Federal Census. Such bond shall be filed with the Clerk as required by statute. **(65 ILCS 5/3.1-10-45)**

**1-3-37**      **SPECIAL ASSESSMENTS.**      The Treasurer shall collect all payments on special assessments and shall see to it that the same are properly recorded and credited to the particular account entitled thereto. **(65 ILCS 5/3.1-35-85)**

**1-3-38 - 1-3-47**      **RESERVED.**

**DIVISION IV - VILLAGE ATTORNEY**

**1-3-48**      **APPOINTMENT OF ATTORNEY.**      The Attorney shall be appointed by the Mayor, by and with the advise and consent of the Village Board for the term of **one (1) year**, unless sooner removed for cause, and until a successor shall have been appointed and qualified. The Attorney shall have full charge of the law affairs of the Village and shall be known as the Village Attorney, and shall receive reasonable fees for services rendered when, in his or her judgment, or in the judgment of the Mayor or Village Board, the same are necessary or are for the best interests of the Village. **(65 ILCS 5/3.1-30-5)**

**1-3-49**      **DUTIES.**

(A)      **Prosecute for Village.**      The Village Attorney shall prosecute or defend on behalf of the Village in all cases in which the interests of the corporation or any officer thereof are involved; and the Village Clerk shall furnish him or her with certified copies of any ordinance, bond or paper in keeping necessary to be filed or used in any suit or proceedings.

(B)      **Preparation of Ordinances.**      The Attorney shall, when required, advise the Village Board or any officer in all matters of law in which the interests of the corporation are involved, and shall draw such ordinances, bonds, forms and contracts, or examine and pass upon the same, as may be required by the Mayor, the Village Board, or any committee thereof.

(C)      **Judgments.**      The Attorney shall direct executions to be issued upon all judgments recovered in favor of the Village, and shall direct their prompt service. The Attorney shall examine all the bills of the officers of courts, and of other officers of the law, and shall certify to their correctness and the liability of the Village therefore.

(D)      **Violations of Ordinances.**      The Attorney shall institute and prosecute an action in every case of violation of a Village ordinance when instructed to do so by the Mayor or the Village Board.

(E)      **Prosecution of Suits.**      The Attorney shall not be required to prosecute any suit or action arising under the ordinances of the Village when, upon investigation of the same, the Attorney shall become satisfied that the complaint was instituted maliciously, vexatiously, or without just cause; and shall dismiss or discontinue any such suit or proceeding upon such terms as he or she may deem just or equitable.

(F)      **Collection of Taxes.**      The Attorney is hereby authorized and instructed to enforce the collection of any and all taxes and special assessments in the collection of which the Village is interested and to attend all sales of real or personal property made to enforce the collection of such taxes or special assessments and to bid thereat on behalf of the Village.

(G) **Commissions.** The Village Attorney shall act as the legal advisory for the Utilities Systems, for the Plan Commission, for the Zoning Board of Appeals and for all other boards and commissions hereafter established by the Village Board. The Attorney shall perform all legal services as may be required for those boards and commissions.

**1-3-50 - 1-3-52     RESERVED.**

**DIVISION V - VILLAGE ENGINEER**

**1-3-53     APPOINTMENT.** With the advice and consent of the Village Board, the Mayor may appoint an engineer for the Village, who shall serve for the term of the Mayor or for such period not exceeding the term of the Mayor, as may be designated by the Mayor and Village Board.

**1-3-54     DUTIES - SALARY.** The Village Engineer shall make and submit plans, estimates and specifications for any public work which may be proposed or ordered by the Village Board. The Engineer shall also examine all public works under his or her charge and see that the plans, estimates and specifications for the same are properly executed. The Engineer shall receive reasonable compensation for his services and the same will be provided for in the annual appropriation ordinance on an estimated basis. **(See 65 ILCS Sec. 5/3.1-30-5)**

**1-3-55 - 1-3-59     RESERVED.**

**DIVISION VI - SUPERINTENDENT OF PUBLIC WORKS**

**1-3-60     OFFICE CREATED.** There is hereby created the office of Superintendent of Public Works, who may be appointed by the Mayor with the advice and consent of the Board of Trustees for a term of **one (1) year.**

**1-3-61     AUTHORITY.** The Superintendent of Public Works shall have charge of and be responsible for:

- (A) The operation and maintenance of the municipal water and sewer distribution systems as otherwise provided in this Code.
- (B) The construction and care of all public streets, alleys, and driveways in the Village.
- (C) The cleaning and safekeeping of all public streets, alleys and driveways.
- (D) The construction, repair, and maintenance of all gutters and drains located within or upon public streets, alleys and driveways and elsewhere by easement or right-of-way insuring that the same are kept free from defects.
- (E) Supervise the lighting of public streets and alleys.
- (F) Such other duties and responsibilities as may be otherwise defined in other chapters of this Code.
- (G) Take custody of all Village property which is not otherwise assigned to the care and custody of any other Village officer or official.

**1-3-62**      **DEPARTMENT EMPLOYEES.** All officers or employees assigned to the Department of Public Works shall perform their duties subject to the directions and under the supervision of the Superintendent of Public Works.

**1-3-63**      **PROPERTY CUSTODIAN.** The Superintendent of Public Works shall be the custodian of all Village property which is not assigned to the care or custody of any other Village officer.

**1-3-64 - 1-3-65**      **RESERVED.**

**DIVISION VII - CODE ENFORCEMENT OFFICER -- ZONING ADMINISTRATOR**

**1-3-66**      **CREATION OF POSITION.** There is hereby created the position of Zoning Administrator. The Zoning Administrator shall be hired under the provisions of **Section 1-2-46** of the Revised Code. The Zoning Administrator shall also serve as the building inspector, flood plain inspector, and as the code enforcement officer. Additional duties shall be outlined in the zoning administrator's job description and may be amended from time to time by the Village Administrator.

**1-3-67**      **DUTIES.** The Zoning Administrator or his authorized representative shall administer and enforce the Zoning Code, as amended from time to time and is in effect, in accordance with the powers and duties therein set forth, and in furtherance of such activity shall:

(A)            Issue all Building Permits and Zoning Certificates, and make and maintain records thereof.

(B)            Issue all Certificates of Occupancy, and make and maintain records thereof.

(C)            Issue Building and Zoning Occupancy Permits as authorized by the Zoning Code.

(D)            Conduct inspections of buildings, structures, and land to determine compliance with the Zoning Code and to notify in writing the person responsible for any violation found, indicating the nature of the violation and ordering the action necessary to correct it.

(E)            Order the discontinuance of illegal use of land, buildings or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes, discontinuance of any illegal work being done; or shall take any other action authorized by statute or by the Zoning Code to ensure compliance with or to prevent violation of the provisions.

(F)            Prepare and cause to be published on or before **March 31<sup>st</sup>** of each year, a map showing the existing zoning uses, divisions, restrictions, regulations, and classifications in effect on the preceding **December 31<sup>st</sup>**.

(G)            Maintain permanent and current records of the Zoning Code, including, but not limited to, all maps, amendments, special-use permits, planned building developments, variances, appeals, and applications therefor.

(H)            Provide and maintain a source of public information relative to all matters arising out of the Zoning Code.

(I)            Receive, file, and forward to the Plan Commission, all applications for amendments, use variances and special permits, and other matters upon which the Plan Commission is required to act under the Zoning Code.

(J)            Receive, file, and forward to the Zoning Board of Appeals all applications for variance, appeals, and other matters upon which the Zoning Board of Appeals is required to act under the Zoning Code.

(K)            Keep the Mayor and Village Board advised of zoning activities by written report once each month, including statements of permits and certificates issued and orders promulgated.

(L)            The Zoning Administrator may request and shall receive so far as may be necessary in the discharge of his duties, the assistance and cooperation of the Chief of Police in enforcing orders, of the Village Attorney in prosecuting violators, and of other Village officials and officers.

(M) The Zoning Administrator shall perform other duties as a Code Enforcement Officer as prescribed by Laws and the Village Code and as may be specifically assigned to him or her by the Village Board. Such Laws and Code may include, but not be limited to, the Mobile Home Code, Subdivision Code, and the Building Code, as adopted and amended from time to time by the Village Board.

**1-3-68 - 1-3-69      RESERVED.**

**DIVISION VIII – VILLAGE COLLECTOR**

**1-3-70      OFFICE ESTABLISHED; HOURS.** There is hereby established the office of Village Collector who shall be appointed by the Mayor with the advice and consent of the Board of Trustees for a term of **four (4) years**. The Collector shall work **thirty-five (35) hours** at the Village Hall.

**1-3-71      VILLAGE CLERK AS COLLECTOR.** The person who holds the elective office of Village Clerk may be appointed as Village Collector. Any person serving in both capacities shall receive compensation for each of these offices. **(See 65 ILCS 5/3-13-11)**

**1-3-72      COMPENSATION.** The salary of the Village Collector shall be set in the annual appropriation ordinance.

**1-3-73      BONDED.** The Collector shall be bonded for at least **One Hundred Thousand Dollars (\$100,000.00)**.

**1-3-74      DUTIES.** The Village Collector shall have such duties as may be prescribed by statute and shall preserve all warrants returned to the office, and shall keep all books and accounts in a manner that the Board of Trustees may prescribe. All of the Village Collector's warrants, books, and vouchers, and all papers pertaining to the office, may be examined at any time by the Mayor, Village Clerk, or any member or committee of the Board of Trustees. Weekly, and oftener if required by the Board of Trustees, the Village Collector shall pay over to the Village Treasurer all money collected by him or her from any source whatever, taking the Village Treasurer's receipt therefor in duplicate and filing one of the receipts immediately with the Village Clerk. At that time, or on demand, the Village Clerk shall give the Village Collector a copy of any receipt so filed.

(A) The Collector shall be responsible for all financial aspects of the Utilities chapter including but not limited to the following: utility bills, utility deposits, utility reports, delinquent notices, and disconnect notices. **(See Chapter 38)**  
**(See 65 ILCS 5/3-11-25)**

**1-3-75      WARRANT REGISTER.** The Collector shall keep a register of all warrants redeemed and paid, showing the number, date, and amount of each, the fund from which paid, and the name of the person to whom and when paid; and the Collector shall cancel all warrants as soon as they are redeemed. **(65 ILCS 5/3.1-35-40 and 5/3.1-35-45)**

**1-3-76      MONEY; WARRANTS; ACCOUNTS; PAYMENTS.** The Village Collector shall receive all monies belonging to this Village and shall pay all warrants signed by the Mayor and

countersigned by the Village Clerk and not otherwise; and shall keep a separate account of each fund or appropriation and the debits and credits belonging thereto. The Collector shall give to every person paying money into the Village Treasury a receipt therefor, specifying the date of payment, and upon what account paid, and shall file copies of such receipts with the Clerk with the monthly reports. **(65 ILCS 5/3.1-35-40)**

**1-3-77**        **BOOKKEEPING.** The Collector shall keep the books and accounts in such a manner as to show with accuracy, all monies received and disbursed for the Village, stating from whom and on what account received, and to whom and on what account paid out, and in such a way that the books and accounts may be readily investigated and understood, and the books and accounts and all files and papers of the office shall be, at all times, open to examination by the Mayor or the Finance Committee of the Board. **(65 ILCS 5/3.1-35-40)**

**1-3-78**        **STATEMENTS.** The Collector shall report to the corporate authorities at the regular monthly meeting, a full and detailed account of all receipts and expenditures of the municipality as shown by his books up to the time of the report. **(65 ILCS 5/3.1-35-45)**

**1-3-79**        **REPORT DELINQUENT OFFICERS.** It shall be the duty of the Collector to report to the Village Clerk any officer of the Village authorized to receive money for the use of the Village who may fail to make a return of the monies received by the Collector at the time required by law or by ordinances of the Village.

**1-3-80**        **YEAR-END REPORT.** Within **six (6) months** after the end of each fiscal year, the Collector shall prepare and file annually with the Village Clerk an account of monies received and expenditures incurred during the preceding fiscal year as specified in this Section. The Collector shall show the following in such account:

(A)            All monies received by the Village, indicating the total amounts in the aggregate received in each account of the Village, with a general statement concerning the source of such receipts; provided, however, for the purposes of this paragraph, the term "**account**" shall not be construed to mean each individual taxpayer, householder, licensee, utility user, or such other persons whose payments to the Village are credited to the general account; and

(B)            Except as provided in paragraph (C) of this Section all monies paid out by the Village where the total amount paid during the fiscal year exceeds **Two Thousand Five Hundred Dollars (\$2,500.00)**, giving the name of each person to whom paid, on what account paid, and the total amount in the aggregate paid to each person from each account; and

(C)            All monies paid out by the Village as compensation for personal services, giving the name of each person to whom paid, on what account paid, and the total amount in the aggregate paid to each person from each account; and

(D)            A summary statement of operations for all funds and account groups of the Village as excerpted from the annual financial report, as filed with the appropriate state agency of the State of Illinois.

Upon receipt of such account from the Village Collector, the Village Clerk shall publish the account at least once in one or more newspapers published in the Village. **(65 ILCS 5/3.1-35-65)**

**[NOTE: The Collector shall file a copy of the report with the County Treasurer as provided in Sec. 5/3.1-35-70 of Chapter 65 of the Illinois Compiled Statutes.]**

**1-3-81**        **SUBMIT APPROPRIATION TO VILLAGE BOARD.** The Collector shall on or before the **fifteenth (15<sup>th</sup>) day of May in each year**, and before the annual appropriations to be made by the Village Board, submit to the Village Board a report of the estimates as nearly as may be of monies necessary to defray the expenses of the corporation during the current fiscal year. The Collector

shall, in said report, classify the different objects and branches of expenditures, giving as nearly as may be the amount required for each; and for the purpose of making such a report, the Collector is hereby authorized to require of all officers their statement of the condition and expenses of their respective offices or departments with any proposed improvements, and the probable expense thereof, all contracts made and unfinished and the amount of any and all unexpended appropriations of the preceding year.

The Collector shall, in such report, show the aggregate income of the preceding fiscal year, from all sources, the amount of liabilities outstanding upon which interest is to be paid, the bonds and debts payable during the year, when due and when payable; and in such report, shall give such other information to the Village Board as he or she may deem necessary to the end that the Village Board may fully understand the money exigencies and demands upon the corporation for the current year. **(65 ILCS 5/3.1-35-115)**

**1-3-82 DEPOSIT OF FUNDS.**

(A) **Designation by Board.** The Collector is hereby required to keep all funds and monies in his or her custody belonging to the Village in such places of deposit as have been designated by **Section 1-3-82(F)**. When requested by the Collector, the corporate authorities shall designate a bank or banks in which may be kept the funds and monies of the Village in the custody of the Collector. When a bank or savings and loan association has been designated as a depository, it shall continue as such depository until **ten (10) days** have elapsed after a new depository is designated and has qualified by furnishing the statements of resources and liabilities as required by this Section. When a new depository is designated, the corporate authorities shall notify the sureties of the Village Collector of that fact in writing at least **five (5) days** before the transfer of funds. The Collector shall be discharged from responsibility for all funds or money that the Collector deposits in a designated bank or savings and loan association while the funds and money are so deposited.

(B) The Village Collector may require any bank or savings and loan association to deposit with the Collector securities or mortgages that have a market value at least equal to the amount of the funds or monies of the municipality deposited with the bank or savings and loan association that exceeds the insurance limitation provided by the Federal Deposit Insurance Corporation.

(C) The Village Collector may enter into agreements of any definite or indefinite term regarding the deposit, redeposit, investment, reinvestment, or withdrawal of municipal funds.

(D) Each Village Collector may:

- (1) combine monies from more than one fund of a single municipality for the purpose of investing those funds and;
- (2) join with other municipal treasurers or municipalities for the purpose of investing the municipal funds of which the Collector has custody.

Joint investments shall be made only in investments authorized by law for the investment of municipal funds. When monies of more than one fund of a single municipality or monies of more than one municipality are combined for investment purposes, the monies combined for that purpose shall be accounted for separately in all respects and the earnings from investments shall be separately and individually computed, recorded, and credited to the fund or municipality, as the case may be, for which the investment was acquired.

(E) No bank or savings and loan association shall receive public funds as permitted by this Section unless it has complied with the requirements established by Section 6 of the Public Funds Investment Act. **(65 ILCS 5/3.1-35-50 and 30 ILCS 235/6) (See Chapter 22 – Mandated Policies)**

(F) The following bank(s) are herewith designated as places of deposit where the Collector of the Village is required to keep all funds and monies in his custody belonging to this municipality:

- (1) Buena Vista National Bank
- (2) North County Savings Bank
- (3) Illinois State Treasurer’s Investment Fund

**ARTICLE IV - SALARIES**

**1-4-1 SALARIES OF VILLAGE OFFICIALS.** The following salaries are hereby established for elected Village Officials:

- (A) **Mayor.** The Mayor shall receive **Two Hundred Dollars (\$200.00)** per month.
- (B) **Trustees.** The Village Trustees shall receive **One Hundred Dollars (\$100.00)** per month for all trustees elected after **March 1, 2023**.
- (C) **Village Clerk.** The Village Clerk shall receive **Three Hundred Dollars (\$300.00)** per month effective **May 1, 2023**.
- (D) **Village Treasurer.** The Village Treasurer shall be paid a salary of **Two Hundred Seventy-Five Dollars (\$275.00)** per month.
- (E) **Village Collector.** The Village Collector shall be paid a salary as established by the appropriation ordinance.

**(Ord. No. 2022-06; 09-12-22)**

**(65 ILCS 5/3.1-50-5; 5/3.1-50-10; 5/3.1-50-15)**

**[ED. NOTE: The salaries of elected officials who hold elective office for a definite term shall neither be increased nor diminished during that term and shall be fixed at least one hundred eighty (180) days before the beginning of the terms of the officers whose compensation is to be filed.**

**The ordinance fixing compensation for members of the corporate authorities shall specify whether those members are to be compensated (i) at an annual rate or, (ii) for each meeting of the corporate authorities actually attended if public notice of the meeting was given.]**

**ARTICLE V - MANAGEMENT ASSOCIATION**

**1-5-1 PARTICIPATION.** The Village Board of Trustees does hereby authorize and approve membership in the Illinois Municipal League Risk Management Association and directs the Mayor and Clerk to execute an Intergovernmental Cooperation Contract with the Illinois Municipal League Risk Management Association for membership for a period of **one (1) year** beginning the date the Association commences providing risk coverage to its members and each year thereafter unless this ordinance is repealed.

**1-5-2 CONTRIBUTION.** Each member hereby agrees to contribute to the Association a sum of money to be determined by the Association at the time of application based on the needs of the Association and the loss experience of the Member, which sum shall constitute the cost of the Member's first year contribution for membership in the Association. Membership contributions for second and subsequent years shall be calculated in accordance with the loss experience of the Village, and the needs of the Association including total losses and expenditures of the Self-Insured Retention Fund of the Association.

**ARTICLE VI – MEETING PROCEDURES**

**DIVISION I – RECORDING CLOSED MEETINGS**

**1-6-1 RECORDING CLOSED SESSIONS.** The Village shall keep a verbatim record of all closed or executive session meetings of the corporate authorities of the Village or any subsidiary “public body” as defined by the Illinois Open Meetings Act, **5 ILCS 120/1**. The verbatim record shall be in the form of an audio or video recording as determined by the corporate authorities. **(See 5 ILCS 120/2)**

**1-6-2 RESPONSIBILITY FOR RECORDING CLOSED SESSIONS AND MAINTAINING RECORDINGS.** The Village Clerk or his or her designee shall be responsible for arranging for the recording of such closed or executive sessions. In the absence of the Village Clerk or his or her designee, the meeting Chair will arrange for the audio or video recording of the closed or executive session of the Village Board. Each subsidiary public body of the Village shall designate an individual who will be responsible for the recording of any and all closed or executive sessions of the subsidiary body and for providing the Village Clerk with a copy of such recording. The Village Clerk, or his or her designee, shall securely maintain the verbatim recordings of all closed sessions of the corporate authorities of the Village and all subsidiary public bodies of the Village.

**1-6-3 CLOSED SESSION MINUTES.** In addition to the recordings of the closed and executive session as addressed in this Division, the Village will keep minutes of all closed meetings in accordance with the requirements of the Open Meetings Act, **5 ILCS 120/2.06**.

**1-6-4 PROCEDURE FOR RECORDING.** At the beginning of each closed session, those present shall identify themselves by voice for the audio recording. If the meeting is videotaped, those present shall individually appear on camera and identify themselves by voice at the beginning of the closed session. The meeting Chair shall also announce the times the closed session commences and ends at the appropriate points on the recording.

**1-6-5 BACK-UP EQUIPMENT/PROCEDURE FOR EQUIPMENT MALFUNCTION.** The Village shall maintain sufficient tapes, batteries and equipment for the Village to comply with this Division. The Village Clerk or his/her designee shall periodically check the equipment to confirm that it is functioning. In the event that anyone present at a closed session determines that the equipment is not functioning properly, the closed session will be temporarily suspended to attempt to correct any malfunction. In the event that an equipment malfunction cannot be corrected immediately, the closed session will terminate until such time as the closed session may proceed with a functioning recording device.

**1-6-6 PROCEDURE FOR REVIEW OF CLOSED SESSION MINUTES AND RECORDINGS.** At one meeting at least every **six (6) months**, the agenda shall include the item: “Review of the minutes and recordings of all closed sessions that have not yet been released for public review, and determination of which minutes, if any, may be released.” Minutes shall be reviewed in closed session and shall not be released unless the corporate authorities of the Village find that it is no longer necessary to protect the public interest or the privacy of an individual by keeping them confidential. As to any minutes not released, the corporate authorities shall find that the “need for confidentiality still exists” as to those minutes. Minutes of closed sessions shall be kept indefinitely.



**1-6-7**            **MAINTENANCE AND PUBLIC RELEASE OF RECORDINGS AND ACCESS TO TAPES.** The audio or video tape recordings of closed sessions shall be maintained for **eighteen (18) months** after the closed session and shall not be released to the public unless such release is required by a court order or specifically authorized for release by a vote of the Village Board. Members of the corporate authorities may listen to the closed session recordings in the presence of the Village clerk or his or her designee. Copies of such tapes will not be made or provided to anyone unless specifically authorized by vote of the Village Board.

**1-6-8**            **PROCEDURE FOR DESTRUCTION OF RECORDINGS.** The Village Clerk or his or her designee is hereby authorized to destroy the audio and video recordings of those closed sessions for which:

- (A)            The corporate authorities of the Village have approved the minutes of the closed sessions as to accurate content, regardless of whether the minutes have been released for public review;
- (B)            More than **eighteen (18) months** have elapsed since the date of the closed session;
- (C)            There is no court order requiring the preservation of such recording; and
- (D)            The corporate authorities of the Village have not passed a motion requiring the preservation of the verbatim recording of that meeting.

**1-6-9 - 1-6-10**            **RESERVED.**

## **DIVISION II – REMOTE MEETING PARTICIPATION**

**1-6-11**            **STATUTORY AUTHORITY FOR PARTICIPATION.** Pursuant to Public Act 94-1058 which amends the Open Meetings Act in **5 ILCS 120/7**, this municipality does hereby establish a policy that permits members of the corporate body to attend meetings by means other than physical presence.

**1-6-12**            **DEFINITION OF MEETING.** The term “meeting” shall mean “any gathering, whether in person or by video or audio conference, telephone calls, electronic means (such as, without limitation, electronic mail, electronic chat and instant messaging), or other means of contemporary interactive communication, of a majority of a quorum of the members of a public body held for the purpose of discussing public business” or such other definition as shall be contained within the state statutes.

**1-6-13**            **AMENDMENT OF PREVIOUS TERMS.** The definition of “meeting” set forth in **Section 1-6-12** shall supersede and replace any other definition used in any previous or existing ordinance.

**1-6-14**            **REMOTE PARTICIPATION POLICIES.** The Village hereby adopts the Remote Participation Policy, as outlined in Addendum “A” and “D”, that permits a member of the public body to attend and participate in any meeting of a public body as defined in the Open Meetings Act from a remote location via telephone, video, or internet connection provided that such attendance and participation is in compliance with the policy and any applicable laws.

ADDENDUM "A"

GOVERNMENTAL UNIT  
REMOTE ATTENDANCE POLICY

(A) **Policy Statement.** It is the policy of the Village that a member of any group associated with this unit of government which is subject to the provisions fo the Open Meetings Act may attend and participate in any open or closed meeting of that Covered Group from a remote location via telephone, video or internet connection, provided that such attendance and participation is in compliance with this policy and any other applicable laws.

(B) **Prerequisites.** A member of the Covered Group of the Village shall be provided the opportunity to attend an open and closed meeting or only one of such meetings from a remote location if the member meets that following conditions and a majority of a quorum of the Covered Body votes to approve the remote attendance;

- (1) the member must notify the recording secretary or clerk of the Covered Body at least **twenty-four (24) hours** before the meeting unless advance notice is impractical;
- (2) the member must meet one of three reasons described herein why he or she is unable to physically attend the meeting, including either: (a) that the member cannot attend because of personal illness or disability; (2) the member cannot attend because of employment purposes or the business of the Village; or (3) the member cannot attend because of a family or other emergency; and
- (3) a quorum of the Covered Body must be physically present.

(C) **Voting Procedure.** After roll call, a vote of the Covered Body shall be taken, considering the prerequisites set forth in paragraph (B), on whether to allow an off-site board member to participate remotely. All of the members physically present are permitted to vote on whether remote participation will be allowed. A vote may be taken to permit remote participation for a stated series of meetings if the same reason applies in each case. Otherwise, a vote must be taken to allow each remote participation.

(D) **Quorum and Vote Required.** A quorum must be established by members physically present at any meeting before it can be considered whether to allow a member to participate in the meeting remotely. A vote of a majority of a quorum shall be necessary to decide the issue. For the meeting to continue there shall always need to be a quorum physically present.

(E) **Minutes.** The member participating remotely shall be considered an off-site participant and counted as present by means of video or audio conference, for that meeting of the members and is allowed to participate. The meeting minutes of the Village shall also reflect and state specifically whether each member is physically present, present by video, or present by audio means.

**ADDENDUM "B"**

**REQUEST FOR AUXILIARY AID(S) AND/OR SERVICE(S)**

NAME OF APPLICANT: \_\_\_\_\_

NAME OF COMPANION: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

TELEPHONE: \_\_\_\_\_ CELL NO.: \_\_\_\_\_

DATE OF NEEDED AUXILIARY AID OR SERVICE: \_\_\_\_\_

SPECIFY AUXILIARY AID(S) AND/OR SERVICES REQUIRED: \_\_\_\_\_

DATE: \_\_\_\_\_ SIGNED: \_\_\_\_\_

Please keep in mind that pursuant to Section 1-2-13 that establishes rules governing the address of the Village Board, all remarks must be kept to a maximum of five minutes, shall be addressed to the Village Board, and shall not be disruptive to the business of the Board. The Mayor is empowered to remove individuals from any meeting should they fail to adhere to the rules regarding address of the Board.

**ADDENDUM "C"**

**TRAVEL, MEAL, AND LODGING EXPENSE REIMBURSEMENT REQUEST FORM**

Before an expense for travel, meals, or lodging may be approved under Village Section 1-2-31, the following minimum documentation must first be submitted, in writing, to the corporate authorities of the Village:

1. The name of the individual who received or is requesting the travel, meal, or lodging expense and the individual's job title or office.

\_\_\_\_\_  
Name of the Employee or Officer

\_\_\_\_\_  
Job Title/Office

2. The date or dates and nature of the official business in which the travel, meal, or lodging expense was or will be expended. Please attach supporting documentation describing the nature of the official business event or program.

\_\_\_\_\_  
Name of Event or Program

\_\_\_\_\_  
Date(s) of Event or Program

\_\_\_\_\_  
Location of Event or Program

\_\_\_\_\_  
Purpose of Event or Program

3. An estimate of the cost of travel, meals, or lodging if expenses have not been incurred or a receipt of the cost of the travel, meals, or lodging if the expenses have already been incurred. Please attach either (a) a document explaining the basis for your estimate if expenses have not yet been incurred or (b) receipts if the expenses have already been incurred.

You may also provide such other documentation as would assist the corporate authorities in considering your request for reimbursement. In the discretion of the corporate authorities, additional documentation relevant to the request for reimbursement may be required prior to action by the corporate authorities with respect to the reimbursement request.

\_\_\_\_\_  
Employee/Officer Signature

\_\_\_\_\_  
Date

ADDENDUM "D"

GOVERNMENTAL UNIT  
REMOTE ATTENDANCE POLICY  
DURING A DISASTER DECLARATION

(A) **Policy Statement.** It is the policy of the Village that a member of any group associated with this unit of government which is subject to the provisions of the Open Meetings Act may attend and participate in any open or closed meeting of that Covered Group from a remote location via telephone, video or internet connection during a disaster declaration, provided that such attendance and participation is in compliance with this policy and any other applicable laws.

(B) **Conditions.** An open or closed meeting subject to the Open Meetings Act may be conducted by audio or video conference, without the physical presence of a quorum of the members, so long as the following conditions are met:

- (1) the Governor of the State of Illinois or the Director of the Illinois Department of Public Health has issued a disaster declaration related to public health concerns because of a disaster as defined in Section 4 of the Illinois Emergency Management Agency Act, and all or part of the jurisdiction of the Village is covered by the disaster area;
- (2) the Mayor determines that an in-person meeting or a meeting conducted under this policy is not practical or prudent because of the disaster;
- (3) all members of the body participating in the meeting, wherever their physical location, shall be verified and can hear one another and can hear all discussion and testimony;
- (4) for open meetings, members of the public present at the regular meeting location of the body can hear all discussion and testimony and all votes of the members of the body, unless attendance at the regular meeting location is not feasible due to the disaster, including the issued disaster declaration, in which case the Village must make alternative arrangements and provide notice pursuant to the policy of such alternative arrangements in a manner to allow any interested member of the public access to contemporaneously hear all discussion, testimony, and roll call votes, such as by offering a telephone number or a web-based link;
- (5) at least one member of the body, chief legal counsel, or chief administrative officer is physically present at the regular meeting location, unless unfeasible due to the disaster, including the issued disaster declaration; and
- (6) all votes are conducted by roll call, so each member's vote on each issue can be identified and recorded.

(C) **Notice.** Except in the event of a bona fide emergency, **forty-eight (48) hours'** notice shall be given of a meeting to be held pursuant to this policy. Notice shall be given to all members of the Covered Group, shall be posted on the website of the Village, and shall also be provided to any news media who has requested notice of meetings pursuant to subsection (a) of Section 2.02 of the Open Meetings Act. If the Village declares a bona fide emergency:

- (1) Notice shall be given pursuant to subsection (a) of Section 2.02 of the Open Meetings Act, and the presiding officer shall state the nature of the emergency at the beginning of the meeting;
- (2) The Village must comply with the verbatim recording requirements set forth in Section 2.06 of the Open Meetings Act.

(D) **Quorum.** Each member of the body participating in a meeting by audio or video conference for a meeting held pursuant to this policy is considered present at the meeting for purposes of determining a quorum and participating in all proceedings.

(E) **Record.** A Covered Group holding open meetings under this policy must also keep a verbatim record of all its meetings in the form of an audio or video recording. Verbatim records made under this paragraph shall be made available to the public under, and are otherwise subject to, the provisions of Section 2.06 of the Open Meetings Act.

(F) **Costs.** The Village shall bear all costs associated with compliance with this policy.



## CHAPTER 3 - ANIMALS

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## CHAPTER 3

## ANIMALS

## ARTICLE I - GENERAL REGULATIONS

**3-1-1**            **SHORT TITLE.** This Chapter shall be known and may be cited as the Animal Control Code. **(510 ILCS 5/1)**

**3-1-2**            **DEFINITIONS.** For the purposes of this Chapter, the following definitions are adopted and shall be used:

**"ANIMAL"** shall mean any animal, other than man, which may be affected by rabies. **(510 ILCS 5/2.02)**

**"ANIMAL CONTROL WARDEN"** means any person appointed by the Mayor and approved by the Village Board to perform duties enforcing this Code or any animal control official appointed and acting under authority of the Village Board. **(510 ILCS 5/2.03)**

**"AT LARGE"**. Any dog shall be deemed to be at large when it is off the property of its owner and not under the control of a responsible person.

**"CAT"** shall mean any feline, regardless of age or sex.

**"CONFINED"** means restriction of an animal at all times by the owner, or his agent, to an escape-proof building or other enclosure away from other animals and the public. **(510 ILCS 5/2.05)**

**"DANGEROUS DOG"** means:

(A) any individual dog anywhere other than upon the property of the owner or custodian of the dog and unmuzzled, unleashed, or unattended by its owner or custodian that behaves in a manner that a reasonable person would believe poses a serious and unjustified imminent threat of serious physical injury or death to a person or companion animal, or

(B) a dog that, without justification bites a person and does not cause serious injury. **(510 ILCS 5/2.052A)**

**"DEPARTMENT OF AGRICULTURE"** means the Department of Agriculture of the State of Illinois. **(510 ILCS 5/2.06)**

**"DOG"**. "Dog" means all members of the family Canidae. **(510 ILCS 5.211)**

**"ENCLOSURE"** means a fence or structure of at least **six (6) feet** in height, forming or causing an enclosure suitable to prevent the entry of young children, and suitable to confine a vicious dog in conjunction with other measures that may be taken by the owner or keeper, such as tethering of the vicious dog within the enclosure. The enclosure shall be securely enclosed and locked and designed with secure sides, top, and bottom and shall be designed to prevent the animal from escaping from the enclosure. If the enclosure is a room within a residence, it cannot have direct ingress from or egress to the outdoors unless it leads directly to an enclosed pen and the door must be locked. A vicious dog may be allowed to move about freely within the entire residence if it is muzzled at all times. **(510 ILCS 5/2.11a)**

**"FERAL CAT"** means a cat that:

(A) is born in the wild or is the offspring of an owned or feral cat and is not socialized,

- (B) is a formerly owned cat that has been abandoned and is no longer socialized, or  
 (C) lives on a farm.

**(510 ILCS 5/2.11b)**

**"HAS BEEN BITTEN"** means has been seized with the teeth or jaws so that the person or animal seized has been nipped, gripped, wounded, or pierced, and further includes contact of saliva with any break or abrasion of the skin. **(510 ILCS 5/2.12)**

**"INOCULATION AGAINST RABIES"** means the injection of an anti-rabies vaccine approved by the Department. **(510 ILCS 5/2.13)**

**"KENNEL"** means any structure or premises or portion thereof on which more than **three (3) dogs**, cats, or other household domestic animals, over **four (4) months** of age, are kept or on which more than **two (2)** such animals are maintained, boarded, bred, or cared for in return for remuneration or are kept for the purpose of sale.

**"LEASH"** means a cord, rope, strap, or chain which shall be securely fastened to the collar or harness of a dog or other animal and shall be of sufficient strength to keep such dog or other animal under control. **(510 ILCS 5/2.14)**

**"LICENSED VETERINARIAN"**. "Licensed veterinarian" means a veterinarian licensed by the State in which he engages in the practice of veterinary medicine. **(510 ILCS 5/2.15)**

**"OWNER"**. For the purpose of this Code, the word "owner" means a person having a right of property in a dog or other animals or who keeps or harbors a dog, or who has a dog in his care, or who acts as its custodian, or who knowingly permits a dog or other domestic animal to remain on or about any premises occupied by him. **(510 ILCS 5/2.16)**

**"POTENTIALLY DANGEROUS DOG"** means a dog that is unsupervised and found running at large with **three (3)** or more other dogs. **(510 ILCS 5.17c)**

**"POUND"**. "Pound" means any facility approved by the Administrator and licensed as such by the Department of Agriculture for the purpose of enforcing this Code and used as a shelter for seized, stray, homeless, abandoned, or unwanted dogs or other animals. **(510 ILCS 5/2.18)**

**"REGISTRATION CERTIFICATE"**. "Registration Certificate" means a printed form prescribed by the Department of Agriculture for the purpose of recording pertinent information as required by the Department under the Animal Control Act. **(510 ILCS 5/2.19)**

**"RESTRAINT"**. A dog is under "restraint" within the meaning of this Code if it is controlled by a leash; within an enclosed vehicle being driven or parked on the streets; or within the property limits of his owner or keeper.

**"SHADE"** shall mean protection from the direct rays of the sun during the months of June through September.

**"SHELTER"**, as it applies to dogs, shall mean a moisture-proof structure of suitable size to accommodate the dog and allow retention of body heat, made of durable material with a solid floor raised at least **two (2) inches** from the ground and with the entrance covered by a flexible, windproof material. Such structure shall be provided with a sufficient quantity of suitable bedding to provide insulation and protection against cold and dampness.

**"UNOWNED STRAY DOG"**. "Unowned stray dog" means any dog not on the premises of the owner or keeper or under control by leash or other recognized control methods, and which does not, at that time

and place, bear a current rabies inoculation tag issued pursuant to the provisions of this Code, by means

of which, by reference to records of current registration certificates, the Administrator or his deputies or assistants may determine the name and address of the owner or keeper thereof, or some other means of identification from which the Administrator or his deputies or assistants may directly determine the name and address of the owner or keeper thereof. **(510 ILCS 5/2)**

**"VICIOUS ANIMAL"** shall mean any animal which has previously attacked or bitten any person or which has behaved in such a manner that the person who harbors said animal knows or should reasonably know that the animal is possessed of tendencies to attack or bite persons.

**"WILD ANIMAL"** shall mean any live monkey or ape, raccoon, skunk, fox, snake, or other reptile, leopard, panther, tiger, lion, lynx or any other animal or any bird of prey which can normally be found in the wild state. **(510 ILCS Sec. 5/24)**

**3-1-3            INJURY TO PROPERTY.**

(A) **Unlawful.** It shall be unlawful for any person owning or possessing a dog or cat to permit such dog or cat to go upon any sidewalk, parkway, or private lands or premises without the permission of the owner of such premises and break, bruise, tear up, crush or injure any lawn, flower bed, plant, shrub, tree or garden in any manner whatsoever, or to defecate thereon.

(B) **Waste Products Accumulations.** It shall be unlawful for any person to cause or permit a dog or cat to be on property, public or private, not owned or possessed by such person unless such person has in his immediate possession an appropriate device for scooping excrement and an appropriate depository for the transmission of excrement to a receptacle located upon property owned or possessed by such person. This section shall not apply to a person who is visually or physically handicapped.

**3-1-4            MANNER OF KEEPING.**

(A) **Pens, Yards, or Runs.** All pens, yards, runs or other structures wherein any animal is kept shall be of such construction so as to be easily cleaned and kept in good repair.

(B) **Fences.** Fences which are intended as enclosures for any animal shall be securely constructed, shall be adequate for the purpose, kept in good repair and shall not be allowed to become unsightly.

**3-1-5            KEEPING BARKING DOGS AND CRYING CATS.**

(A) **Harboring.** It shall be unlawful for any person to knowingly keep or harbor any dog which habitually barks, howls or yelps, or any cat which habitually cries or howls to the great discomfort of the peace and quiet of the neighborhood, or in such manner as to materially disturb or annoy persons in the neighborhood who are of ordinary sensibilities. Such dogs and cats are hereby declared to be a public nuisance.

(B) **Petitions of Complaint.** Whenever any person shall complain to the Police Department that a dog which habitually barks, howls or yelps or a cat which habitually cries or howls is being kept by any person in the Village, the Police Department shall notify the owner of said dog or cat that a complaint has been received and that the person should take whatever steps are necessary to alleviate the howling, yelping or crying.

**3-1-6            CRUELTY TO ANIMALS PROHIBITED.**

(A) **Cruelty to Animals Prohibited.** It shall be unlawful for any person to willfully or maliciously inflict unnecessary or needless cruelty, torture, abuse or cruelly beat, strike or abuse any animal, or by an act, omission or neglect, cause or inflict any unnecessary or unjustifiable pain, suffering, injury or death to any animal, whether such animal belongs to such person or to another, except that

reasonable force may be employed to drive away vicious or trespassing animals. Any unwanted animals should be delivered to the County Animal Control Facility for proper disposal.

(B) **Food and Shelter.** It shall be unlawful for any person in charge of any animal to fail, refuse, or neglect to provide such animal with food, potable water, shade or shelter, or to cruelly or unnecessarily expose any such animal in hot, stormy, cold or inclement weather, or to carry any such animal in or upon any vehicle in a cruel or inhumane manner. The terms used in this section shall comply with **Section 3-1-2. (65 ILCS 5/11-5-6)**

**3-1-7 EXHIBITING WILD OR VICIOUS ANIMALS.**

(A) It shall be unlawful for any person to keep or permit to be kept on his premises any wild or vicious animal as described in this Chapter for display or for exhibition purposes, whether gratuitously or for a fee. This section shall not be construed to apply to zoological parks, performing animal exhibitions, or circuses.

(B) It shall be unlawful for any person to keep or permit to be kept any wild animal as a pet, unless a permit is granted by the Department of Natural Resources of the State of Illinois.

(C) It shall be unlawful for any person to harbor or keep a vicious animal within the Village. Any animal which is found off the premises of its owner may be seized by any police officer or humane officer and upon establishment to the satisfaction of any Court of competent jurisdiction of the vicious character of said animal, it may be killed by a police officer or humane officer; provided, however, that this section shall not apply to animals under the control of a law enforcement or military agency nor to animals which are kept for the protection of property, provided that such animals are restrained by a leash or chain, cage, fence, or other adequate means from contact with the general public or with persons who enter the premises with the actual or implied permission of the owner or occupant.

(D) The Department of Agriculture shall issue a temporary permit for the keeping, care, and protection of any infant animal native to this area which has been deemed to be homeless, then said animal may be kept on a temporary basis.

**3-1-8 HEALTH HAZARD.** The Mayor shall have the power to issue an order prohibiting the keeping of any animal, fowl or bird which is deemed to be a nuisance or pose a health hazard to the general public.

**3-1-9 LIMITATION ON NUMBER OF DOGS AND CATS KEPT.**

(A) **Nuisance.** The keeping of an unlimited number of dogs and cats in the Village for a considerable period of time detracts from and, in many instances, is detrimental to the healthful and comfortable life for which such areas were created.

The keeping of an unlimited number of dogs and cats is, therefore, declared to be a public nuisance. The terms "dog" and "cat" shall be construed as provided in **Section 3-1-2.**

(B) **Limitation; Exception.**

(1) It shall be unlawful for any person or persons to keep more than **three (3) dogs** or **cats** within the Village, with the exception that a litter of pups, a litter of kittens or a portion of a litter may be kept for a period of time not exceeding **five (5) months** from birth.

(2) The provisions of this section shall not apply to any establishment wherein dogs or cats are kept for breeding, sale, sporting purposes or boarding.

(C) **Kennels.** In the areas where kennels are permitted, no kennel shall be located closer than **two hundred (200) feet** to the boundary of the nearest adjacent residential lot. **(See Zoning Code, if any.)**

**3-1-10 ANIMALS, ETC. IN VILLAGE.**

(A) **Certain Prohibitions.** It shall be unlawful, and is hereby declared a nuisance for any person to keep or allow to be kept any animal of the species of horse, mule, swine, sheep, goat,

cattle, poultry (with the exception of chickens, ducks, quail, pheasant, pigeons and rabbits as herein provided), skunks, or poisonous reptiles within the limits of the Village.

- (1) It shall be unlawful to keep roosters within Village limits.
- (2) Allowable animals shall be deemed Hobby Animals.
- (3) The number of allowable fowl shall be no less than **two (2)**, and no more than **six (6)**.
- (4) The number of rabbits shall not exceed **ten (10)**.
- (5) Any structures housing hobby animals shall be termed an "accessory structure".
- (6) Applicants shall register with Village Hall obtaining annual permit and have proof of registration on-site. Registration fee of **Twenty-Five Dollars (\$25.00)** per year.
- (7) Care for Hobby Animals shall follow the provisions set forth in this Article.
  - (a) Hobby Animals shall be kept in such a way so as not to cause a nuisance.
  - (b) Hobby Animal runs, yards and coops shall be constructed and maintained to reasonably prevent the collection of standing water; and shall be cleaned of droppings, uneaten or discarded feed, feathers, and other waste with such frequency as is necessary to ensure the yard, coop and pen do not become nuisances.
    - (i) Coops, pens and yards shall be large enough to provide at least **four (4) square feet** per animal.
    - (ii) The coop must be built to provide ventilation, shade, protection from precipitation, protection from cold weather and to be secure from predators, wild birds and rodents.
    - (iii) Openings in windows and doors must be covered by wire mesh or screens to deter predators.
    - (iv) Access doors must be sized and placed for ease of cleaning.
    - (v) The enclosed run must be attached to the coop or must surround the coop. The sides of the run must be made of fencing or wire mesh that discourages predators.
    - (vi) The run must be enclosed on all sides, including the top or roof plane.
    - (vii) Odors from pens, manure or related substances shall not be detectable from property lines. Manure must be stored and disposed of. Manure may be composted. All manure not composted must be removed from property regularly.
  - (c) Licenses for coops must be obtained and shall meet the rules of this Chapter where applicable.
    - (i) Prior to a license being granted to an applicant, the applicant must show proof of notice to all adjacent landowners except landowners that are municipalities or utilities.
    - (ii) Coops over **one hundred twenty (120) square feet** will require a building permit.
    - (iii) A license shall not be granted unless the applicant has obtained all necessary building permits and can show proof that a pen, yard and coop that comply with this Section have been erected.



- (iv) The chicken coop and run shall be located in the rear of the residential structure. The pen, coop and run are allowed in the rear yard, but not the side or front yards.
- (v) The coop and run shall be located at least **fifteen (15) feet** from the property line and at least **twenty-five (25) feet** from any dwelling.
- (vi) Coop licenses shall not run with the land.
- (vii) Licenses will only be granted to persons who reside on parcels with single-family dwellings. An applicant who lives in an apartment, multi-family units or condominium building is not eligible to receive a Hobby Animal license.
- (viii) The Village may deny a license to any person who:
  - a. Owes money to the Village; or
  - b. has, in the last **five (5) years** prior to application for a license under this Section been convicted or plead guilty to any code violation of animals, nuisance, noise, property maintenance or zoning.
- (ix) If the licensee is found to be in violation of this Section or of Cruelty to Animals, the license will be immediately and permanently revoked.
- (x) Applications shall be submitted to the Village Clerk's office.
- (xi) No person shall slaughter any Hobby Animal within Village limits in view of the public.
- (xii) No Hobby Animal shall be permitted to run at large. All animals shall be kept in a designated coop or run. Hobby Animals may be allowed to exercise in a rear yard with a **six (6) foot** or higher fence with supervision.
- (xiii) No lawfully owned cat or dog shall be deemed dangerous, vicious or otherwise punished for attacking or killing any Hobby Animal allowed to run astray whether by accident or design.
- (xiv) Any resident currently owning a designated Hobby Animal shall have **ninety (90) days** from enactment of this Section to comply with all the provisions set forth.
- (xv) If the licensee is found to be in violation of these standards **three (3)** or more times, the license will be immediately and permanently revoked.
- (xvi) Pens, coops and runs not maintained according to this Section shall be deemed a public nuisance and the license will be immediately and permanently revoked.
- (xvii) Any person found to be in violation of this Section shall be fined not less than **One Hundred Dollars (\$100.00)**, nor more than **Seven Hundred Fifty Dollars (\$750.00)** for each offense. Each day an owner is not compliant with this Section shall constitute a separate offense.

(B) **Exceptions.** This Section shall not apply in areas of the Village that are zoned agricultural in nature nor shall this Section apply to livestock brought into the Village for the purpose of being shipped out of the Village.

**3-1-11**      **ANIMAL FEED PROHIBITED.** It shall be unlawful for anyone to place or distribute any animal feed on public property, public easements and accesses to public property. It shall be unlawful for anyone to place or distribute animal feed on vacant lots or in unoccupied structures in the Village.

**(65 ILCS 5/11-1-1; 5/11-5-6 and 5/11-20-9)**

## ARTICLE II - DOGS

**3-2-1**            **DEFINITIONS.** The terms used in this Article shall comply with **Section 3-1-2** of this Chapter unless otherwise provided in this Article.

**3-2-2**            **DOGS TO BE INOCULATED AND TO HAVE NAME TAGS AFFIXED TO COLLARS.**

(A)                Each calendar year or at such intervals as may hereafter be promulgated by the Department of Agriculture, every owner or keeper of a dog **four (4) months** or more of age shall cause such dog to be inoculated against rabies. Such owner or keeper of such dog shall cause a serially numbered tag evidencing such inoculation to be attached to a collar or harness worn by the dog.

(B)                Every owner or keeper of a dog, regardless of age, shall cause the dog to wear a collar or harness and shall affix thereto a metallic or other suitable tag inscribed with the name, address and phone number, if any, of the owner or keeper of the dog.

**3-2-3**            **INOCULATION TO BE PERFORMED BY LICENSED VETERINARIAN; ISSUANCE OF CERTIFICATE.** The inoculation of dogs required by **Section 3-2-2(A)** shall be performed by a veterinarian duly licensed to practice his profession in this State. Upon performing such inoculation, such veterinarian shall issue to the owner or keeper a certificate showing such fact and shall also deliver to the owner or keeper a metallic or other suitable tag to be attached to the collar or harness of the dog, which tag shall also certify to the fact of the inoculation against rabies.

**3-2-4**            **DURATION OF INOCULATION.** The inoculation performed under the provisions of **Section 3-2-3** shall be effective until the expiration of the calendar year in which the vaccination was performed or the expiration of such period of time as may be promulgated by the Department of Agriculture.

**3-2-5**            **SPECIFICATIONS FOR TAG.** The tag issued under the provisions of **Section 3-2-3** shall be in such form as shall be determined by the Department of Agriculture.

**3-2-6**            **EXHIBITION OF CERTIFICATE UPON REQUEST.** At any reasonable time upon request of any member of the Police Department or Village employee, the owner or keeper of any unmuzzled dog shall exhibit his certificate issued under the provisions of **Section 3-2-3**, showing the inoculation against rabies of any dog owned or controlled by him.

**3-2-7**            **RESTRAINT OF DOGS.** The owner or keeper of a dog shall keep the dog under restraint at all times and shall not permit such dog to be at large, off the premises of the property of the owner or keeper, unless the dog is under complete control as defined in **Section 3-1-2. (65 ILCS 5/11-20-9)**

**3-2-8**            **IMPOUNDMENT OF DOGS RUNNING AT LARGE OR UNLICENSED DOGS; CITATION OF OWNER OR KEEPER.**

(A)                It shall be the duty of such employees and officers of the Police Department as shall be designated for that purpose by the Mayor to take up and impound in such place as may be designated and set apart for that purpose, any dog found running at large or unlicensed in the Village, contrary to any of the provisions of this Chapter or other regulations of the Village or State.

(B) When dogs are found running at large or unlicensed and their ownership is known to the designated employee(s), such dogs may be impounded at the discretion of such employee(s), but the employee(s) may cite the owner of such dog to answer charges of violation of this Chapter.

(C) Any dog permitted to run at large within the Village is hereby declared to be a nuisance.

(D) Any impounded dog which shall not be redeemed within **seven (7) days** shall be humanely destroyed or otherwise disposed of by the poundkeeper.

(E) The Village Board may establish a reasonable fee by motion for each day that a dog is housed in the pound. **(510 ILCS 5/10)**

**3-2-9 NOTICE AND CITATION TO OWNER OR KEEPER OF IMPOUNDMENT.** In case of impounding and where the owner or keeper of such dog is disclosed by any tax or license tag worn by it or is otherwise known to the officers impounding the same, the designated official shall make reasonable attempts to contact the owner, informing him of the impounding of his dog and shall cite the owner or keeper of such dog to answer charges of violation of this Chapter.

**3-2-10 OBSTRUCTING POUNDMASTER.** Any person(s) who shall bring any dog into the Village for the purpose of causing the same to be impounded or any person who shall resist, hinder or molest the poundmaster or dogcatcher or police officer while engaged upon the duties imposed upon them by this Chapter or any person who shall break into the dog pound and release or deliver any dog therefrom without having first paid the fees herein specified, or any owner or keeper of any dog who shall permit any dog to run at large within the corporate limits of the Village, upon conviction of any part of this Chapter shall be fined according to Chapter 1-Administration of this Code.

**3-2-11 IMPOUNDMENT OF DOGS WHICH HAVE BITTEN PERSONS.** Any dog which shall have bitten or otherwise injured any person so as to cause an abrasion of the skin shall be immediately taken, impounded and kept separated from other dogs for **ten (10) days**. If, during that period, such dog develops symptoms of illness, a veterinarian shall be called to diagnose its condition. If the symptoms disclosed are such as to indicate the presence of rabies, such dog shall be destroyed in such a manner, however, as to preserve intact the head, which shall thereupon be detached and immediately sent to the diagnostic laboratory of the Department of Agriculture. In case such dog cannot be safely taken up and impounded, it may be shot, care being taken to preserve the head intact which shall thereupon be immediately detached and be delivered to the diagnostic laboratory of the Department of Agriculture.

If, at the expiration of the **ten (10) days** no symptoms of rabies have developed in such dog so impounded, the same may be redeemed by the owner upon payment of the redemption fees and charges specified by this Chapter; provided, however, that in case any dog so impounded for biting a person shall have previously bitten any person, such dog shall be humanely destroyed by the poundkeeper. After having been notified that his dog has bitten or otherwise injured any person, the owner or keeper thereof shall not, under any circumstances, permit such animal to be at large unless securely muzzled. **(510 ILCS 5/13)**

**3-2-12 IMPOUNDMENT.** Those persons charged with the duty of enforcing this Chapter may employ any method found practical and humane in capturing and impounding any dog found running at large.

**3-2-13 REDEMPTION OF IMPOUNDED ANIMALS.** The owner of any animal impounded under this Chapter may redeem the same by paying all the costs and charges assessed, if

any, that have accrued up to the time of making redemption and on paying the same; it shall be the duty of the authorities to release the animal from the pound and deliver it to its owner, or certify the release thereof to any County authority having possession of the animal.

**3-2-14**            **VILLAGE POUND DESIGNATED.** The Village Board shall designate a Village Pound.

**3-2-15**            **DISPOSITION OF DOGS DEEMED NUISANCES.** Any dog which may, in any manner, continually disturb the quiet of any person or neighborhood or shall destroy or in any manner injure any animal, plant, shrub or other property not on the premises of its owner or keeper is hereby declared to be a nuisance, and such dog shall be taken up and impounded and may be redeemed or disposed of in the manner provided for under this Code.

**3-2-16**            **DANGEROUS DOG - FEMALE DOG AT LARGE.** It shall be unlawful for the owner or keeper of any vicious or dangerous dog as defined in **Section 3-1-2** or of any female dog, while in heat, to run at large within the limits of this Village.

**3-2-17**            **FEMALE DOG WITH OTHER DOGS.** No person in control or possession of a female dog or permitting the same to remain upon his or her premises, shall permit any such female dog, while in heat, to consort with any other dog or dogs in an indecent manner in any place of public view, whether upon his own or any other premises.

**3-2-18**            **CONFINEMENT IN MOTOR VEHICLE.** No owner or person shall confine any animal in a motor vehicle in such a manner that places it in a life or health threatening situation by exposure to a prolonged period of extreme heat or cold, without proper ventilation or other protection from such heat or cold. In order to protect the health and safety of an animal, an animal control officer, law enforcement officer, or Department investigator who has probable cause to believe that this Section is being violated shall have authority to enter such motor vehicle by any reasonable means under the circumstances after making a reasonable effort to locate the owner or other person responsible. **(510 ILCS 70/7.1)**

**3-2-19**            **VICIOUS ANIMALS PROHIBITED.** It shall be unlawful for any person to bring or transfer into the unincorporated area of the Village any dog or animal that has been declared "vicious" by any unit of local government.

**(65 ILCS 5/11-1-1 and 5/11-20-9)**

### ARTICLE III - VICIOUS AND DANGEROUS DOGS

**3-3-1** **DEFINITIONS.** As used in this Article, the following words shall have the following meanings and definitions:

- (A) **"Vicious dog"** means:
- (1) Any individual dog that when unprovoked inflicts bites or attacks a human being or other animal either on public or private property.
  - (2) Any individual dog with a known propensity, tendency or disposition to attack without provocation, to cause injury or to otherwise endanger the safety of human beings or domestic animals.
  - (3) Any individual dog that has a trait or characteristic and a generally known reputation for viciousness, dangerousness or unprovoked attacks upon human beings or other animals, unless handled in a particular manner or with special equipment.
  - (4) Any individual dog which attacks a human being or domestic animal without provocation.
  - (5) Any individual dog which has been found to be a "dangerous dog" upon **three (3)** separate occasions.

No dog shall be deemed "vicious" if it bites, attacks, or menaces a trespasser on the property of its owner or harms or menaces anyone who has tormented or abused it or is a professionally trained dog for law enforcement or guard duties. Vicious dogs shall not be classified in a manner that is specific as to breed.

If a dog is found to be a vicious dog, the dog shall be subject to enclosure.

(B) **"Dangerous dog". See Section 3-1-2.**

(C) **"Enclosure"** means a fence or structure of at least **six (6) feet** in height, forming or causing an enclosure suitable to prevent the entry of young children, and suitable to confine a vicious dog in conjunction with other measures that may be taken by the owner or keeper, such as tethering of the vicious dog within the enclosure. The enclosure shall be securely enclosed and locked and designed with secure sides, top, and bottom and shall be designed to prevent the animal from escaping from the enclosure. If the enclosure is a room within a residence, it cannot have direct ingress from or egress to the outdoors unless it leads directly to an enclosed pen and the door must be locked. A vicious dog may be allowed to move about freely within the entire residence if it is muzzled at all times. **(510 ILCS 5/2.11a)**

(D) **"Impounded"** means taken into the custody of the public pound in the Village or town where the vicious dog is found.

(E) **"Found to Be Vicious Dog"** means:

- (1) that the County Veterinarian, Animal Control Warden, or a law enforcement officer has conducted an investigation and made a finding in writing that the dog is a vicious dog as defined in **Section 3-1-2** and, based on that finding, the County Veterinarian, or the Animal Control Warden has declared in writing that the dog is a vicious dog or
- (2) that the circuit court has found the dog to be a vicious dog as defined in **Section 3-1-2** and has entered an order based on that finding.

**3-3-2** **UNLAWFUL TO MAINTAIN.** It shall be unlawful for any person to keep or maintain any dog which has been found to be a vicious dog unless such dog is at all times kept in an enclosure. The only times that a vicious dog may be allowed out of the enclosure are:

- (A) If it is necessary for the owner or keeper to obtain veterinary care for the dog or
- (B) To comply with the order of a court of competent jurisdiction, provided that the dog is securely muzzled and restrained with a chain having a tensile strength of **three hundred (300)**

**pounds** and not exceeding **three (3) feet** in length, and shall be under the direct control and supervision of the owner or keeper of the dog.

Any dog which has been found to be a vicious dog and which is not confined to an enclosure shall be impounded by the Animal Control Warden, or the police and shall be turned over to a licensed veterinarian for destruction by lethal injection.

(C) The owner charged with maintaining a vicious or dangerous dog may request a hearing before the Village Board within **five (5) days** of being charged.

**3-3-3 OWNER'S RESPONSIBILITY.** If the owner of the dog has not appealed the impoundment order to the circuit court in the County in which the animal was impounded within **fifteen (15) working days**, the dog may be humanely dispatched. A dog found to be a vicious dog shall not be released to the owner until the Animal Control Warden approves the enclosure as defined in this Article.

No owner or keeper of a vicious dog shall sell or give away the dog. **(510 ILCS 5/15)**

**3-3-4 DOG PERMITTED TO LEAVE PREMISES.** It is unlawful for any person to maintain a public nuisance by permitting any dangerous dog or other animal to leave the premises of its owner when not under control by leash or other recognized control methods.

Guide dogs for the blind or hearing impaired, support dogs for the physically handicapped, and sentry, guard, or police-owned dogs are exempt from this Section; provided, no attack or injury to a person occurs while the dog is performing duties as expected. To qualify for exemption under this Section, each such dog shall be currently inoculated against rabies in accordance with this Code. It shall be the duty of the owner of such exempted dog to notify the Warden of changes of address. In the case of a sentry or guard dog, the owner shall keep the Warden advised of the location where such dog will be stationed. The Warden shall provide police and fire departments with a categorized list of such exempted dogs, and shall promptly notify such departments of any address changes reported to him. **(510 ILCS 5/15)**

**3-3-5 INJUNCTION.** The Animal Control Warden, the Village Attorney, or any citizen of the Village in which a dangerous or vicious dog or other animal exists may file a complaint to enjoin all persons from maintaining or permitting such, to abate the same, and to enjoin the owner of such dog or other animal from permitting same to leave his premises when not under control by leash or other recognized control methods. Upon the filing of a complaint in the circuit court, the court, if satisfied that this nuisance may exist, shall grant a preliminary injunction with bond in such amount as the court may determine enjoining the defendant from maintaining such nuisance. If the existence of the nuisance is established, the owner of such dog or other animal shall be in violation of this Act, and in addition the court shall enter an order restraining the owner from maintaining such nuisance and may order that such dog or other animal be humanely dispatched. **(510 ILCS 5/17)**

**3-3-6 LIABILITY OF OWNER OR DOG ATTACKING OR INJURING PERSON.** If a dog, or other animal, without provocation, attacks or injures any person who is peaceably conducting himself in any place where he may lawfully be, the owner of such dog or other animal is liable in damages to such person for the full amount of the injury sustained. **(510 ILCS 5/16)**

**3-3-7 RIGHT OF ENTRY - INSPECTIONS.** For the purpose of carrying out the provisions of this Code and making inspections hereunder, the Animal Control Warden, or his authorized representative, or any officer of the law may enter upon private premises to apprehend a straying dog or other animal, a dangerous dog or other animal, or a dog or other animal thought to be infected with rabies. If, after request therefor, the owner of such dog or other animal shall refuse to deliver the dog or other animal to the officer, the owner shall be in violation of this Code. **(510 ILCS 5/17)**



**(65 ILCS 5/11-1-1 and 5/11-20-9)  
(See also 510 ILCS 5/24)**

**ARTICLE IV – TETHERING**

**3-4-1 TETHERING DOG REGULATIONS.** The following regulations shall be applicable to owners and guardians of dogs in their care to-wit:

(A) **Animal Welfare.** A dog that is outside for **one (1) hour** or more, whether fenced, kenneled, or tethered shall have proper food, water, and shelter. Owners and guardians shall be responsible for the welfare of their pets in severe heat, cold, rain, snow, ice, and wind.

(B) No dog shall be tethered within **fifty (50) feet** of a school, daycare, or school bus stop.

(C) No dog shall be tethered on any public easement, or public access to private property.

(D) No dog shall be tethered on private property within **ten (10) feet** of public or neighboring property.

(E) No dog shall be tethered on land without a dwelling or a vacant dwelling.

(F) No dog shall be left inside a vacant dwelling.

(G) No more than **one (1) dog** shall be attached to a tether.

(H) A properly constructed fence, of a height and strength, that prevents the dog from jumping, climbing, or digging out, and running at large, is acceptable containment.

(I) A properly constructed kennel, of a height and strength, that prevents the dog from jumping, climbing, or digging out, and running at large, is acceptable containment if the following conditions are met. The dimensions of the kennel shall be dictated by the size of the dog. The kennel shall have a doghouse large enough for the dog to stand and turn around, with roof and **four (4) sides**. The acceptable kennel size is **one hundred twenty-five (125) square feet** per dog of under **fifty (50) pounds**.

(J) Tethering shall not be used as permanent means of containment for any companion pet.

(K) Tethering shall be acceptable under the following conditions:

(1) Trolley or pulley types of tethering systems are recommended.

(2) Fixed point tethers shall be acceptable upon inspection and approval by Animal Control.

(3) All tethers will be a minimum of **fifteen (15) feet** in length and no more than **one-eighth (1/8)** the dog's weight.

(4) The tether shall have a swivel mechanism on both ends and attached to a properly fitting, non-metal, buckle type collar or a harness.

(5) No pinch or choke collars shall be allowed.

(6) No tether shall be directly attached to the dog.

(L) Owners shall be responsible to maintain a clean and healthy environment on their property and provide medical treatment when needed.

**3-4-2 VARIANCES.** Any person seeking a variance from the regulations in this Article shall complete an application at the Animal Control Agency of the Village. The variance shall be reviewed by the Animal Control Committee for approval or disapproval.

**(510 ILCS 70/3)**

## CHAPTER 4 – BOARDS AND COMMISSIONS

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**CHAPTER 4**

**BOARDS AND COMMISSIONS**

**ARTICLE I – PLAN COMMISSION**

**4-1-1**            **ESTABLISHED.** A Plan Commission is hereby created under authority of the **Illinois Compiled Statutes, Chapter 65, Sections 5/11-12-4 through 5/11-12-12. (Ord. No. 261; 06-06-62)**

**4-1-2**            **MEMBERSHIP.** The Plan Commission shall consist of **seven (7) members;** said members to be residents of the Village, appointed by the Mayor on the basis of their particular fitness for their duty on the Plan Commission and subject to the approval of the Village Board.

**4-1-3**            **TERM OF OFFICE.** The members shall serve for a period of **three (3) years.** Vacancies shall be filled by appointment for the unexpired term only. All members of the Commission shall serve without compensation, except that if the Village Board deems it advisable, they may receive such compensation as provided by the Village Board by appropriation.

**4-1-4**            **PROCEDURE.** The Plan Commission shall elect such officers as it may deem necessary and adopt rules and regulations of organization and procedure consistent with the Village Code and State Law. The Commission shall keep written records of its proceedings. It shall be open at all times for and to the inspection of the public, and the Commission shall file an annual report with the Mayor and Village Board, setting forth its transactions and recommendations.

**4-1-5**            **POWERS AND DUTIES.** The Plan Commission shall have the following powers and duties:

(A)                To prepare and recommend to the Village Board a comprehensive plan for the present and future development or redevelopment of the Village and contiguous unincorporated territory not more than **one and one-half (1 1/2) miles** beyond the corporate limits of the Village and not included in any other municipality. Such plan may be adopted in whole or in separate geographical or functional parts, each of which, when adopted, shall be the official comprehensive plan or part thereof of the Village. Such plan shall be advisory except as to such part thereof as has been implemented by ordinances duly enacted by the Village Board.

All requirements for public hearing, filing of notice of adoption with the County Recorder of Deeds, and filing of the plan and ordinances with the Village Clerk shall be complied with as provided for by law. To provide for the health, safety, comfort, and convenience of the inhabitants of the Village and contiguous territory, such plan or plans shall establish reasonable standards of design for subdivisions and for resubdivisions of unimproved land and of areas subject to redevelopment in respect to public improvements as herein defined and shall establish reasonable requirements governing the location, width, course, and surfacing of public streets and highways, alleys, ways for public service facilities, curbs, gutters, sidewalks, street lights, parks, playgrounds, school grounds, size of lots to be used for residential purposes, storm water drainage, water supply and distribution, sanitary sewers, and sewage collection and treatment. The requirements specified herein shall become regulatory only when adopted by law.

(B)                To designate land suitable for annexation to the Village and the recommended zoning classification for such land upon annexation.

(C)                To recommend to the Village Board from time to time, such changes in the comprehensive plan or any part thereof, as may be deemed necessary.

(D) To prepare and recommend to the Village Board from time to time, plans and/or recommendations for specific improvements in pursuance to the official comprehensive plan.

(E) To give aid to the officials of the Village charged with the direction of projects for improvements embraced within the official plan or parts thereof, to further the making of such improvements and generally, to promote the realization of the official comprehensive plan.

(F) To arrange and conduct any form of publicity relative to its activities for the general purpose of public understanding.

(G) To cooperate with municipal or regional plan commissions and other agencies or groups to further the local plan program and to assure harmonious and integrated planning for the area, subject to approval of the Village Board.

(H) To exercise such other powers germane to the powers granted under authority of an act of the General Assembly of the State of Illinois, as may be conferred by the Village Board.

**4-1-6 LAND SUBDIVISION OR RE-SUBDIVISION AND THE OFFICIAL MAP.** At any time or times before or after the formal adoption of the official comprehensive plan by the corporate authorities, an official map may be designated by ordinance, which may consist of the whole area included within the official comprehensive plan or one or more geographical or functional parts and may include all or any part of the contiguous unincorporated area within **one and one-half (1 1/2) miles** from the corporate limits of the Village. All requirements for public hearing, filing notice of adoption with the County Recorder of Deeds and filing of the plan and ordinances, including the official map with the Clerk shall be complied with as provided for by law. No map or plat of any subdivision or re-subdivision presented for record affecting land within the corporate limits of the Village or within contiguous territory which is not more than **one and one-half (1 1/2) miles** beyond the corporate limits shall be entitled to record or shall be valid unless the subdivision shown thereon provides for standards of design and standards governing streets, alleys, public ways, ways for public service facilities, street lights, public grounds, size of lots to be used for residential purposes, and distribution, sanitary sewers, and sewage collection and treatment in conformity with the applicable requirements of the Code, including the official map. **(See 65 ILCS Sec. 5/11-12-12)**

**4-1-7 IMPROVEMENTS.** The Village Clerk shall furnish the Plan Commission for its consideration, a copy of all ordinances, plans and data relative to public improvements of any nature. The Plan Commission may report in relation thereto, if it deems a report necessary or advisable, for the consideration of the Village Board.

**4-1-8 FURTHER PURPOSES.** The Commission shall recommend the boundaries of districts for land use and shall recommend regulations to the corporate authorities for the following:

(A) To regulate and limit the height and bulk of buildings hereafter to be erected.

(B) To establish, regulate and limit the building or setback lines on or along the street, traffic way, drive, parkway, or storm or flood water runoff channel or basin.

(C) To regulate and limit the intensity of the use of lot areas and to regulate and determine the area of open spaces, within and surrounding such buildings.

(D) 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.

(E) To divide the entire municipality into districts of such number, shape, area, and of such different classes (according to use of land and buildings, height, and bulk of buildings, intensity of the use of lot area, area of open spaces, or other classification), as may be deemed best suited to carry out the purpose of this Section.

(F) To fix standards to which buildings or structures therein shall conform.

(G) To prohibit uses, buildings, or structures incompatible with the character of such districts.

(H) To prevent additions to and alteration or remodeling of existing buildings or structures in such a way as to avoid the restrictions and limitations lawfully imposed under this Section.

**4-1-9 EXPENDITURES.** Expenditures of the Commission shall be at the discretion of the Village Board and if the Commission shall deem it advisable to secure technical advice or services, it shall be done upon authority of the Village Board and appropriations by the Village Board therefor. **(See 65 ILCS Sec. 5/11-12)**

**ARTICLE II – FOREIGN FIRE INSURANCE BOARD**

**4-2-1**        **BOARD ESTABLISHED.** There is hereby established a Foreign Fire Insurance Board in the Evansville Fire Department pursuant to the provisions of **65 ILCS 5/11-10-2.**

**4-2-2**        **BOARD COMPOSITION.** The Foreign Fire Insurance Board shall consist of **three (3)** officers, namely a president, secretary and treasurer, who shall be members of the Evansville Fire Department, to be elected by the members of the Evansville Fire Department.

**4-2-3**        **RULES AND REGULATIONS.** The duly elected officers shall make all necessary rules and regulations with respect to the Board and the management of the money appropriated to the Board, not inconsistent with this Article, provided such money is expended for the maintenance, use and benefit of the Evansville Fire Department.

**4-2-4**        **LIST OF ITEMS.** The officers of the Foreign Fire Insurance Board shall develop and maintain a listing of those items that the Board determines are appropriate expenditures under the provisions of **65 ILCS 5/11-10-2**, a copy of such listing to be filed with the Village Clerk.

**4-2-5**        **RECEIPTS PAID TO TREASURER.** All of the money paid to the Village Treasurer as provided in Section 5/11-10-1 of the Illinois Municipal Code shall be set apart and shall be appropriated annually by the Village board to the Foreign Fire Insurance Board.

**4-2-6**        **BOND.** The Treasurer of the Board shall provide a bond, to be approved by the Mayor, conditioned upon the faithful performance by the Treasurer of his duties under this Article and the rules and regulations provided by **Section 4-2-3** hereinabove.

## CHAPTER 6 – BUILDINGS

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## CHAPTER 6

## BUILDINGS

## ARTICLE I – BUILDING CODES

## DIVISION I – ADOPTION OF BUILDING CODE

**6-1-1** **ADOPTION OF BUILDING CODE.** Effective **October 1, 2019**, a certain document, **one (1) copy** of which is on file in the office of the Zoning Administrator of the Village is hereby adopted as the Building Codes of the Village of Evansville. Each and all of the regulations, provisions, conditions, and terms of said Building Regulations are hereby referred to, adopted, and made a part hereof as if fully set out in this Chapter.

**6-1-2** **SPECIFIC CODES ADOPTED.** The building codes adopted by reference in **Section 6-1-1** are as follows:

- (A) International Building Code 2012 (IBC)
- (B) International Residential Code 2012 (IRC)
- (C) International Mechanical Code 2012 (IMC)
- (D) International Fuel Gas Code 2012 (IFGC)
- (E) International Energy Conservation Code 2012 (IECC)
- (F) National Electrical Code NEC 2011 (NEC)
- (G) International Code Council Electrical Code 2012 (ICCEC)
- (H) International Code of Administrative Provisions
- (I) International Swimming Pool and Spa Code 2012
- (J) National Fire Alarm and Signaling Code 2013
- (K) Illinois Accessibility Code 1997 (IAC)
- (L) Illinois Plumbing Code, Current

## DIVISION II – BUILDING CODE FEES

**6-1-3** **PERMITS AND FEES.** A permit to begin work for new construction, alteration, removal, demolition or other building operation shall not be issued until the fees prescribed in this Article shall have been paid to the Village or other authorized agency of the jurisdiction, nor shall an amendment to a permit necessitating an additional fee be approved until the additional fee has been paid. **(See Schedule "A")**

**6-1-4** **SPECIAL FEES.** The payment of the fee for the construction, alteration, removal or demolition for all work done in connection with or concurrently with the work contemplated by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law or ordinance for water taps, sewer connections, electrical permits, zoning permits, erection of signs and display structures, marquees or other appurtenant structures, or fees of inspections, certificates of use and occupancy or other privilege or requirements, both within and without the jurisdiction of the Department of Building Inspection.

**6-1-5** **RESIDENTIAL CONSTRUCTION PERMIT FEES.**  
 (A) The fee for a building permit and inspections of residential construction, of new structures, alterations and additions on one- and two-family residential structures and apartment



structures, shall be calculated by applying the table of fee rates listed in Appendix A to the total estimated

cost of construction as determined heretofore or by applying **Sixty Dollars (\$60.00)** per square foot of construction to determine building value, whichever is greater.

(B) **Residential in-ground swimming pools**, accessory buildings and all other miscellaneous residential construction shall be determined by applying the table of fee rates to the total estimated cost of construction.

(C) Permit processing, plan review, and inspection charges are included in the fee rate.

(D) The minimum total permit fee shall be **Thirty Dollars (\$30.00)**.

(E) The standard permit fee, review fee and inspection fee are all included in the total fee shown. Fees for any "additional inspection" (an "additional inspection" is defined as an inspection which is required as a result of unusual or complicated construction) required including inspections for compliance with approved development or site plans or fees for any "extra inspection" (an "extra inspection" is defined as an inspection which is made as a result of noncompliance, not ready, lock out and the like) that may be required are not shown here and shall be added to the total permit fee at the rate of **Fifty Dollars (\$50.00)** for each inspection.

**6-1-6 MANUFACTURED HOME PERMANENT FOUNDATIONS.** Permanent foundations installed for the placement of a manufactured home shall be inspected prior to the placement of said home. Permit processing, plan review and inspection charges are included in the fee rate shown.

**6-1-7 COMMERCIAL AND INDUSTRIAL CONSTRUCTION PERMIT FEES.**

(A) The fee for a building permit and inspection of commercial and industrial shall be determined by applying the table of fee rates (listed in Appendix B) to the total estimated cost of construction, as determined heretofore. Permit processing, plan review and inspection charges are included in the fee rate shown.

(B) The minimum total permit fee shall be **Sixty-Five Dollars (\$65.00)**.

(C) Fees for any "additional inspection" (an "additional inspection" is defined as an inspection which is required as a result of unusual or complicated construction) required included inspections for compliance with approved development or site plans or fees for any "extra inspection" (an "extra inspection" is defined as an inspection which is made as a result of noncompliance, not ready, lock out and the like) that may be required are not shown here and shall be added to the total permit fee at the rate of **Fifty Dollars (\$50.00)** for each inspection.

**6-1-8 CONSTRUCTION PERMIT FEES – TAX EXEMPT ENTITIES.** The Village hereby waives its portion of construction permit fees required by this Chapter for all tax exempt, non-profit entities. Zoning fees and that portion of construction permit fees which the Village is required to collect are not waived.

**6-1-9 FIRE FLOW REQUIREMENTS.** Notwithstanding any exemptions allowed in the various adopted codes listed under **Section 6-1-2**, all new and substantially renovated structures, with the exception of structures regulated under the International Residential Code, within Village which are subject to the provisions of **Chapter 6: Building Regulations** of the Revised Code of Ordinances of the Village shall be evaluated by the applicant's Registered Professional Engineer for required fire flow needs according to the fire suppression rating schedule of the Insurance Services Office, Inc. (ISO) (or any successor agency thereto) as part of the building permit process. Any such new or substantially renovated structure which, under normal operating conditions, will not have the fire flow required by the ISO Grading Schedule shall be required to install an automatic fire suppression system in accordance with NFPA (National Fire Protection Association) Standard 13 for sprinkler systems or an equivalent system or a private water system sufficient to meet the ISO Grading Schedule. The method and/or equipment employed to meet this requirement shall be subject to the approval of the Village. A certification of a Registered Professional Engineer shall be submitted certifying that the proposed construction or structure

will, under normal operating conditions, have the required fire flow or that the automatic fire suppression system installed in the structure will meet or exceed the requirements of this Section.

**ARTICLE II - BUILDING CODE**

**6-2-1 PERMIT.** No person shall build any shelter, building or other structure, subject to ad valorem taxes, within the Village without first obtaining a permit from the Zoning Administrator and/or Building Inspector.

(A) **Display of Permit.** The permit shall be displayed on the structure during the construction period and for a minimum of **one (1) month**.

(B) **Non-Transferable.** All permits issued under and by virtue of this Chapter shall be non-transferable.

**6-2-2 COOPERATION OF OTHER OFFICIALS.** The Zoning Administrator may request and shall receive, so far as may be necessary in the discharge of his duties, the assistance and cooperation of other officials of the municipality.

**6-2-3 COUNTY RECORD.** The Zoning Administrator shall be responsible for the mailing of all permits to the County Assessor and the County Zoning Administrator for inclusion on the tax assessment records and building inspections.

**6-2-4 BUILDING REMOVAL.** All persons desiring to remove or demolish any structure, building or shelter shall secure a permit from the Zoning Administrator/Building Inspector and shall pay a fee of **Ten Dollars (\$10.00)**. The permit shall include the time and date of the removal so the Superintendent of Water and Sewer and the Zoning Administrator may inspect the property. The County Assessor shall be notified by the Zoning Administrator.

**6-2-5 CONFORMITY.** All permits issued under this Chapter shall conform with the provisions of **Section 6-1-1 et seq., Chapter 34** and **Chapter 40** of the Village Code.

**6-2-6 LOCATION OF LOT LINES.** Prior to the issuance of building permit, a contractor or builder must locate and identify by pins all corners of lots on which improvements are proposed and must identify by markers the location of all proposed structures for verification of setback and side lot line measurements by the Zoning Administrator. **(Ord. No. 390; 04-06-98)**

## ARTICLE III - SWIMMING POOL CODE

**6-3-1 COMPLIANCE REQUIRED.** It shall be unlawful to construct, maintain, install or enlarge any swimming pool in the Village, except in compliance with all the provisions of this Chapter and the Zoning Code.

**6-3-2 PRIVATE POOL.** The term "swimming pool" is hereby defined as a receptacle for water, or an artificial pool of water having a depth at any point of more than **three (3) feet**, intended for the purpose of immersion or partial immersion therein of human beings, and including all appurtenant equipment.

**6-3-3 LOCATION.** All swimming pools shall be located in accordance with the setback lines established in the Zoning Code and subject to the requirement of the Zoning Code.

**6-3-4 PERMIT REQUIRED.** It shall be unlawful to proceed with the construction, installation, enlargement or alteration of any private residential swimming pool and appurtenances within the Village unless permits therefor shall have first been obtained from the Building Inspector.

**6-3-5 DRAWINGS, PLANS AND PERMITS.**

(A) All drawings and plans for the construction, installation, enlargement or alteration of any swimming pool and appurtenances shall first be presented to the Building Inspector for examination and approval as to proper location and construction.

(B) All plans and drawings shall be drawn to a scale of not less than **one-eighth (1/8)** of an inch to the foot, on paper or cloth, in ink, or by some process that will not fade or obliterate. All distances and dimensions shall be accurately figured and drawings made explicit and complete, showing the lot line, and including information pertaining to the pool, walk, and fence construction, water supply system, drainage and water disposal systems, and all appurtenances pertaining to the swimming pool. Detail plans and vertical elevations shall also be provided in accordance with the Building Code.

(C) All private residential swimming pools, appurtenances, water supply and drainage systems shall be constructed in conformity with the approved plans.

**6-3-6 RECIRCULATION POOLS.** All swimming pools shall be of the recirculation type in which circulation of the water is maintained through the pool by pumps; the water drawn from the pool being clarified and disinfected before being returned to the pool.

**6-3-7 MATERIALS.** Swimming pool walls and floors shall be constructed of any impervious material which will provide a tight tank with white or light colored finish and easily cleaned surfaces. The floor or bottom surface of the pool shall have a non-slip finish as smooth as possible. The side and end walls of a pool shall present a smooth finish and shall be vertical to a depth of at least **six (6) feet** or shall have a slope or curvature meeting one of the following conditions:

(A) The pool wall may be vertical for **thirty (30) inches** from the water level, below which the wall may be curved to the bottom with a radius at any point equal to the difference between the depth at that point, and **thirty (30) inches**.

(B) To a depth of **six (6) feet**, except as in (A) above, the wall's slope shall not be less than **one (1) foot** horizontal in **six (6) feet** vertical.

**6-3-8**        **STRUCTURAL DESIGN.** Swimming pools shall be designed to withstand the water pressure from within and to resist the pressure of the earth when the pool is empty, to a pressure of **twenty-two hundred (2,200) pounds** per square foot. The slope of the bottom of any part of a pool in which the water is less than **five (5) feet** in depth shall not be more than **one (1) foot** in each **ten (10) feet**. The maximum slope where water is **five (5) feet** or more in depth shall not exceed **one (1) foot** in **two (2) feet**.

**6-3-9**        **WALK AREAS.** Unobstructed walk areas not less than **thirty-six (36) inches** wide shall be provided to extend entirely around the in ground pool. The walk area shall be constructed of impervious material, and the surfaces shall be of such as to be smooth and easily cleaned and of nonslip construction. The slope of the walks shall have a pitch of at least **one-fourth (1/4)** inch to the foot, designated so as to prevent back drainage from entering the pool.

**6-3-10**       **FENCES.** All in-ground swimming pools shall be completely enclosed by a fence. All fence openings or points of entry into pool area enclosure shall be equipped with gates. The fence and gates shall be **six (6) feet** in height above the grade level and shall be constructed of a minimum number 9 gauge woven wire mesh corrosion-resistant material, or similar material such as wood. All gates shall be equipped with self-closing and self-latching mechanisms.

Village of Evansville  
 PO Box 257  
 Evansville, Illinois 62242  
 Phone: (618) 853-2613

**APPLICATION FOR PLAN EXAMINATION AND BUILDING PERMIT**

**APPLICANT INSTRUCTIONS:** For all applications, complete Parts 1, 2, 3, 4, and 5 of this form. If electrical work, complete also Part 6. If plumbing work, complete also Part 7. If mechanical work, complete also Part 8. For other permits, complete also Part 9. Site Plan (Part 10) is to be shown on Page 4 or attached hereto. Parts 11-18 (Pages 5 and 6) are for department use only.

App. Date __/__/__	Type Permit <input type="checkbox"/> Building (B)	<input type="checkbox"/> Electrical (E) <input type="checkbox"/> Mechanical (M)	<input type="checkbox"/> Plumbing (P) <input type="checkbox"/> Other (O) (See Item 9)	Is owner Applicant (Y/N)
-----------------------	--	--	--	-----------------------------

**I. PROPERTY INFORMATION**

Street Address	Apt	Zip	Parcel Number	Zoning
Subdivision	Lot Number	Parcel Type <input type="checkbox"/> Residential (R) <input type="checkbox"/> Commercial (C) <input type="checkbox"/> Industrial (I) <input type="checkbox"/> Other (O)		

**II. OWNER INFORMATION**

First Name	Last Name or Business Name	Phone	
Street Address	City	State	Zip

**III. CONTRACTORS INFORMATION**

	NAME OF CONTRACTOR	ST. ADDRESS	CITY, ST	LICENSE NO.
Applicant (not owner)				
Architect/Engineer				
General Contractor				
Excavation				
Concrete				
Carpentry				
Electrical				
Plumbing				
Sewer				
Mechanical				
Roofing				
Masonry				
Drywall or Lathing				
Sprinkler				
Paving				
Fire Alarm				

**IV. CERTIFICATION**

I hereby certify that I am the owner of record of the named property, or that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as his authorized agent to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the code official or the code official's authorized representative shall have the authority to enter

areas covered by such permit at any reasonable hour to enforce the provisions of the code(s) applicable to such permit.

Signature of Applicant Address Phone No.

Responsible Person in Charge of Work, Title Phone No.

**V. BUILDING PERMIT APPLICATION**

For Dept. Use Only	Request Plan No. Assignment (Y/N)	Plan Number
--------------------	-----------------------------------	-------------

**Improvement Type:**

New Construction (1)
  Addition (2)
  Alteration (3)
  Repair/Replacement (4)
  Demolition (5)
  Relocation (6)
  Foundation Only (7)
  Change of Use Only (8)

---

**Proposed Use:**

**Assembly**

Theatre (1)
  Church (4)
  Night Club (2)
  Other Assembly (5)
  Restaurant (3)

---

**Business (6)**

---

**Educational**

(Grades 1-12) (7)
  Day Care Facility (8)

---

**Factory**

Moderate Hazard (9)
  Low Hazard (10)
  High Hazard (11)

---

**Institutional**

Group Home (12)
  Jail (14)
  Hospital (13)

---

**Mercantile (15)**

---

**Residential**

Hotel/Motel (16)
  CABO Two Family (19)
  Multi-Family (17)
  BOCA Single Family (20)
  BOCA Two Family (18)
  CABO Single Family (21)

---

**Storage**

Moderate Hazard (22)
  Low Hazard (23)



**Other (24)**

Parking Garage	Carport
Motor Fuel Service	Repair Garage
Public Utility	HPM
_____	_____
_____	_____
_____	_____

---

**Structural Frame** (Check those applicable)

<input type="checkbox"/> Steel (1)	<input type="checkbox"/> Wood (4)
<input type="checkbox"/> Masonry (2)	<input type="checkbox"/> Other (5) Identify:
<input type="checkbox"/> Concrete (3)	_____

---

**Exterior Walls** (Check those applicable)

<input type="checkbox"/> Steel (1)	<input type="checkbox"/> Wood (4)
<input type="checkbox"/> Masonry (2)	<input type="checkbox"/> Other (5) Identify:
<input type="checkbox"/> Concrete (3)	_____

---

**Are any structural assemblies fabricated off-site?**     Yes     No

Street Frontage (Feet)	Stories (Number)	Lot Area (Sq. Ft.)
Front Setback (Feet)	Bedrooms (Number)	Building Area (Sq. Ft.)
Rear Setback (Feet)	Full Baths (Number)	Parking Area (Sq. Ft.)
Left Setback (Feet)	Partial Baths (Number)	Living Area (Sq. Ft.)
Right Setback (Feet)	Garages (Number)	Basement Area (Sq. Ft.)
Height Above Grade (Feet)	Windows (Number)	Garage Area (Sq. Ft.)
New Residential Units (Number)	Fireplaces (Number)	Office/Sales (Sq. Ft.)
Existing Residential Units (Number)	Enclosed Parking (Number)	Service (Sq. Ft.)
Elevators/Escalator (Number)	Outside Parking (Number)	Manufacturing (Sq. Ft.)
Est. Start    /    /	Est. Finish    /    /	Building Est. Value \$

**6. ELECTRICAL PERMIT APPLICATION**

**Electrical Work**  Yes  No

Total Service ____ AMPS	Number of Circuits: __ 2 wire __ 3 wire __ 4 wire	Number of Service Outlets: ____ 110 V    ____ 220V
-------------------------	---	---

Power Devices	No.	Output/Load	Power Devices	No.	Output/Load
1			7		
2			8		
3			9		
4			10		
5					
6			Total Number of Motors		

Utility Service Revisions:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Est. Start    /    /	Est. Finish    /    /	Building Est. Value \$
----------------------	-----------------------	------------------------

**7. PLUMBING PERMIT APPLICATION**

**Enter the Number of Fixtures Being Installed, Replaced or Repaired**

Tubs/showers		Drinking Fountains		Back Flow Preventers	
Shower Stalls		Floor Drains		Water Pumps	
Lavatories		Water Heaters		Roof Openings	
Toilets		Water Softeners		Parking Lot Drains	
Urinals		Sewage Ejectors		Inside Downspouts	
Sinks		Sump Pumps		Swimming Pools	
Laundry Tubs		Grease Traps		Stand Pipes (Y/N)	
				(Number Hose Outlets)	
Dishwashers		Bidets		Fire Sprinklers (Y/N)	
				(Number of Heads)	
Garbage Disposals				Lawn Sprinklers (Y/N)	
				(Number of Heads)	
				Total Fixtures	
Public Water (Y/N)		Public Sewer (Y/N)			
Water Service Size		Water Meter Size	in.	Avg. Daily Water Use	GPD
Utility Service Revisions					
					Plumbing Work
Est. Start / /		Est. Finish / /		Building Est. Value \$	

**8. MECHANICAL PERMIT APPLICATION**

**Mechanical Work**  Yes  No

**Enter Number of New or Replacement Units**

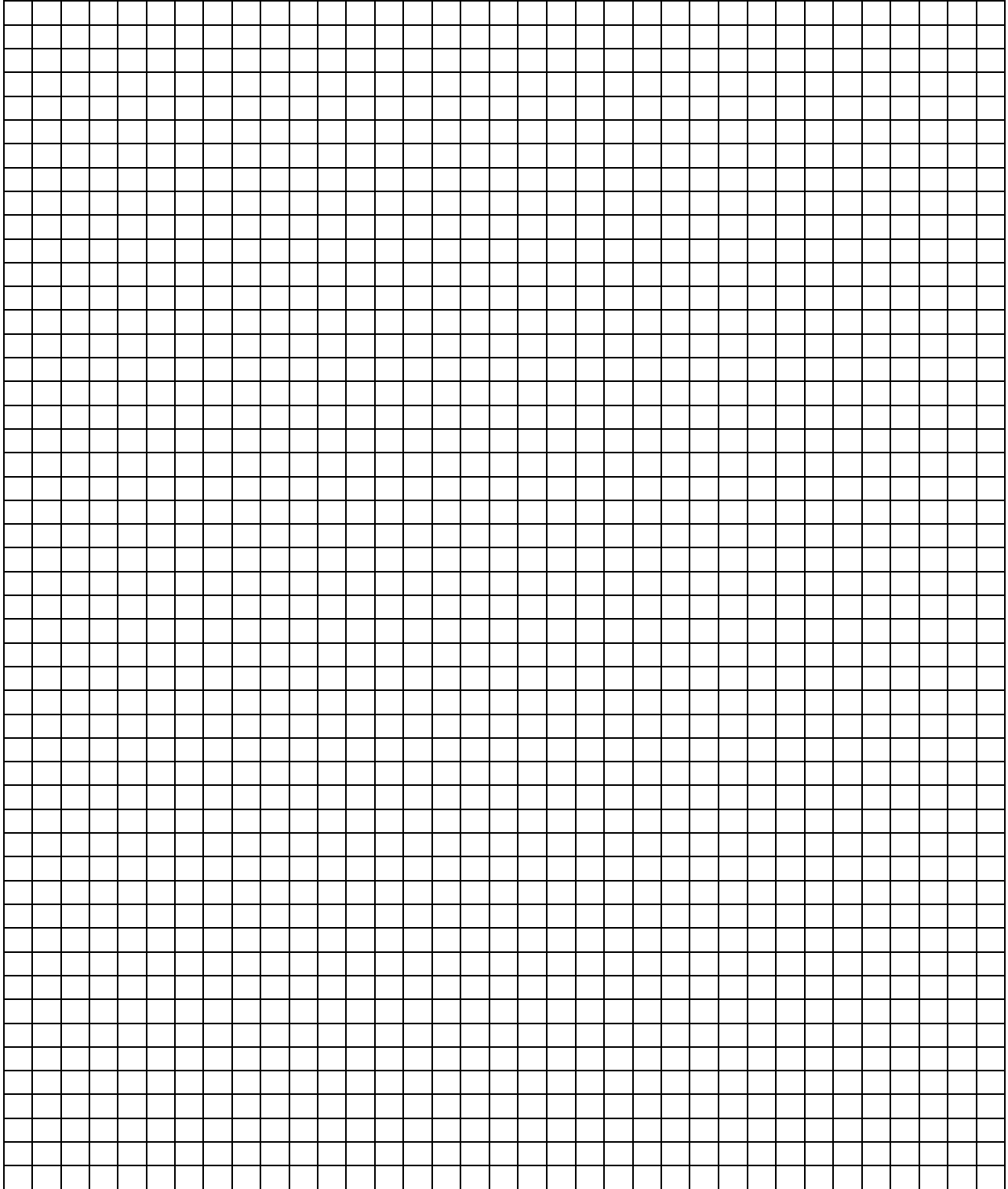
Forced Air Furnace		Incinerator		Air Handling Unit	
Unit Heater		Boiler		Heat Pump	
Gas/Oil Conversion		Coil Unit		Air Cleaner	
Space Heater		Window A/C Unit		Kitchen Exhaust Hood	
Gravity Furnace		Split System A/C		Hazardous Exhaust System	
Solid Fuel Appliance		A/C Compressor		Electric Furnace	
Utility Service Revisions					
					Plumbing Work
Type of Heating Fuel					
(Check One)	<input type="checkbox"/> Gas (1)	<input type="checkbox"/> Oil (2)	<input type="checkbox"/> Electric (3)	<input type="checkbox"/> Coal (4)	<input type="checkbox"/> Wood (5) <input type="checkbox"/> Other (6)
					Mechanical Work
Est. Start / /		Est. Finish / /		Est. Value \$	

**9. OTHER REQUIRED PERMIT APPLICATION(S)**

Permit Type		
Description of Work		
Est. Start / /	Est. Finish / /	Est. Value \$

**10. SITE PLAN**

**(Show lot lines, easements and work layout and dimensions)**



**SCALE = 1 inch = \_\_\_\_\_ FEET**

**11. DATA ENTRY**

Application Received: \_\_/\_\_/\_\_ \_\_\_\_\_  
 By: \_\_\_\_\_  
 Application Reviewed: \_\_/\_\_/\_\_ \_\_\_\_\_  
 By: \_\_\_\_\_  
 Data Entry: \_\_/\_\_/\_\_ \_\_\_\_\_  
 By: \_\_\_\_\_

**12. FLOODPLAIN EVALUATION**

Flood Map Number & Date \_\_\_\_\_ Lowest Floor Elevation \_\_\_\_\_  
 Flood Zone \_\_\_\_\_ Base Flood Elevation \_\_\_\_\_

**13. ZONING PLAN EVALUATION**

Zoning District \_\_\_\_\_ Map Number \_\_\_\_\_  
 Lot Area (From Page 2) \_\_\_\_\_ Lot Coverage (%) \_\_\_\_\_  
 Lot Area Per Room \_\_\_\_\_ Encroachments \_\_\_\_\_  
 Off-Street Parking Spaces, Required \_\_\_\_\_ Provided \_\_\_\_\_  
 Load Space \_\_\_\_\_  
 Signs; Number \_\_\_\_\_ Size of Each Sign \_\_\_\_\_

Planning Commission Approval Required \_\_\_\_\_  
 Board of Zoning Appeals Approval Required \_\_\_\_\_

**14. PLAN REVIEW RECORD**

Plan Review Required	Check	Plan Review Fee	Date Plans Started	By	Date Plans Approved	By	Titles
Building		\$					
Plumbing		\$					
Mechanical		\$					
Electrical		\$					
<b>Total</b>		<b>\$</b>	<b>TO BE ENTERED ON PART 18</b>				

**15. ADDITIONAL PERMITS REQUIRED**

Permit or Approval	Check	Date Obtained	Number	By	Permit or Approval	Check	Date Obtained	Number	By
Boiler					Plumbing				
Curb or Sidewalk Cut					Roofing				
Elevator					Sewer				
Electrical					Sign or Billboard				
Furnace					Street Grades				
Grading					Use of Public Areas				
Oil Burner					Demolition				

**16. PROJECT DOCUMENTS (DRAWINGS & CALCULATIONS)**

Type Drawings/Report	Submitted	Signed and Sealed	Date	Revision Date
Site Plan	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No		
Soil Report	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No		
Architectural Drawings	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No		
Structural Drawings	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No		
Mechanical Drawings	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No		
Electrical Drawings	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No		
Job Specifications	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No		
Structural Connection Drawings	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No		
Structural Calculations	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No		
Special Inspection Data	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No		
Sprinkler Drawings	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No		
Sprinkler Calculations	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No		

**17. OTHER DEPARTMENT APPROVALS**

Signature	Date	Signature	Date
Fire		Health and Sanitation	
Public Works		Water	
Zoning Planning		Architectural Review	
Environmental Management			

**18. VALIDATION**

Building Permit	Date	Number	Permit/Insp Fee
Electrical Permit	Date	Number	Permit/Insp Fee
Plumbing Permit	Date	Number	Permit/Insp Fee
Mechanical Permit	Date	Number	Permit/Insp Fee
	Date	Number	Permit/Insp Fee
	Date	Number	Permit/Insp Fee
Plan Review (From Part 14)			
Certificate of Occupancy Fee			
Other Fee			
<b>TOTAL FEES</b>			

**Prepared By:** \_\_\_\_\_ **Date** \_\_\_\_\_

**Approved By:** \_\_\_\_\_ **Title** \_\_\_\_\_

## CHAPTER 7 – BUSINESS CODE

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**CHAPTER 7**

**BUSINESS CODE**

**ARTICLE I – ADMINISTRATION**

**7-1-1            APPLICATIONS.**

(A)            Applications for all licenses and permits required by this Chapter shall be made in writing to the Village Clerk in the absence of provision to the contrary.

- (B)            Each application shall contain:
- (1)          the name of the applicant;
  - (2)          the permit or license desired;
  - (3)          the location to be used, if any;
  - (4)          Zoning district, if any;
  - (5)          the time covered; and
  - (6)          the fee to be paid.

(C)            Each application shall also contain the number the Certificates of Registration required under the Retailer's Occupation Tax Act, Service Occupation Tax Act, and/or Use Tax Act, if applicable. Each application shall contain such additional information as may be needed for the proper guidance of the municipal officials in the issuing of the license or permit applied for.

**7-1-2            PERSONS SUBJECT TO LICENSE.** Whenever a license or permit is required in

this Code or in any municipal ordinance for the maintenance, operation, or conduct of any business or establishment, or for doing business or engaging in any activity or occupation, any person, firm, or corporation shall be subject to the requirement if by himself or itself, or through an agent, employee or partner, he or it is held forth as being engaged in the business, activity or occupation, or if he or it solicits patronage therefor actively or passively; or if he or it performs or attempts to perform any part of such business, activity or occupation in this Municipality.

**7-1-3            FORM OF LICENSE.** Every license shall be signed by the Mayor and attested

by the Clerk under the corporate seal, and no license shall be valid until signed and countersigned as aforesaid, nor shall any person be deemed to be licensed until the same shall have been issued to him in due form.

**7-1-4            INVESTIGATIONS.**

(A)            Upon the receipt of an application for a license or permit, where an investigation or inspection is required by ordinance before the issuance of such permit or license, or where an inspection or investigation shall be deemed reasonably necessary or appropriate, the Clerk, within **forty-eight (48) hours** shall refer the application to the appropriate official(s) for the making of such investigation or inspection,

(B)            The official(s) to whom the application has been referred shall make a report thereon, favorable or otherwise within **ten (10) days** after receiving such application or a copy thereof.

(C)            The Chief of Police or the County Health Department shall make or cause to be made an inspection regarding such permits and licenses as relate to the care and handling of food, the prevention of nuisances and the spread of disease, and the protection of health. **[If a Zoning Code is in effect, the Zoning Administrator shall make or cause to be made any inspections which relate to compliance with the Zoning Code and other related regulations.]** All other investigations, except where otherwise provided, shall be made by the Chief of Police or by some other officer designated by the Mayor.

(D) Upon receipt of all related investigative reports, the Clerk shall forward such reports, together with the application, to the Mayor for evaluation and determination.

(E) If it shall appear to the Mayor that the matters and circumstances relating to an application require further information before a proper determination can be made, such application shall be returned to the Clerk for the inclusion of such additional information as may be specified necessary and appropriate.

(F) If, after due consideration of the information contained with the application and the related investigative reports, the Mayor shall determine that the matters concerning the application are unsatisfactory, he may disapprove such application, indicating the reasons therefor. Thereupon, the Clerk shall be directed to promptly notify the applicant that his application is disapproved and that no license or permit will be issued.

(G) If, after due consideration of the information contained within the application and the related investigative reports, the Mayor shall determine that the application is satisfactory, he shall approve the application. Thereupon, the Clerk shall be directed to promptly notify the applicant that his application is approved and the license or permit may be issued.

**7-1-5 FEES.** In the absence of provision to the contrary, all fees and charges for licenses or permits shall be paid in advance at the time application therefor is made to the Clerk in the amounts prescribed by the corporate authorities. When an applicant has not engaged in the business or activity until after the expiration of the current license year, the license fee shall be prorated by quarters and the fee paid for each quarter or fraction thereof during which the business or activity has been or will be conducted. Except as otherwise provided, all license and permit fees shall become a part of the corporate fund. In no event shall any rebate or refund be made of any license or permit fee, or part thereof, by reason of death or departure of the licensee or permittee; nor shall any rebate or refund be made by reason of non-use of the license or discontinuance of the operation or conduct of the licensed establishment, business or activity.

**7-1-6 TERMINATION OF LICENSES.** All annual licenses shall be operative and the license year for this Municipality shall commence on **May 1<sup>st</sup> of each year** and shall terminate on **April 30<sup>th</sup>** of the following year, where no provision to the contrary is made.

The Clerk shall notify all licensees of this Municipality of the time of expiration of the license held by the licensee (if an annual), **three (3) weeks** prior to the date of such expiration. Provided, however, that a failure to make such notification or the failure of the licensee to receive it shall not excuse the licensee from the obligation to obtain a new licensee or a renewal thereof, nor shall it be a defense in an action based upon operation without a license.

**7-1-7 BUILDING AND PREMISES.** No license shall be issued for the conduct of any business, and no permit shall be issued for any purpose or activity, if the premises and building to be used for the purpose do not fully comply with all applicable ordinances and regulations of this Municipality and the State of Illinois. No such license or permit shall be issued for the conduct of any business or performance of any act which would involve a violation of this Code and/or other applicable regulations of this Municipality. **(See Chapter 40 - Zoning Code)**

**7-1-8 CHANGE OF LOCATION.** The location of any licensed business or occupation, or the location of any permitted act may be changed, provided that **ten (10) days** notice thereof is given to the Clerk, in the absence of any provision to the contrary; provided further, however, that all applicable ordinances and regulations of this Municipality shall be complied with. **(See Chapter 40 - Zoning Code)**

**7-1-9 LOCATION.** No license for the operation of a business or establishment in this Municipality shall be construed to permit the operation of a licensed business or establishment in more

than **one (1) location** in this Municipality; a separate license shall be required for each location of a licensed establishment. For the purpose of this Code, the existence of a single location shall be

evidenced by the fact that all buildings containing the principal or accessory uses shall be connected or shall be located on the same lot or parcel; shall be operated and managed by the same person or owner; and shall be an establishment with the same classification.

**7-1-10            NUISANCES PROHIBITED.**

**7-1-10.1        GENERALLY.** No business or establishment, whether licensed or not, shall be so conducted or operated as to constitute a nuisance in fact, and no building, vehicle or structure, yard, lot, premises or part thereof shall be used, kept, maintained, or operated in connection with any business or establishment so as to occasion any nuisance or so as to be dangerous to life or detrimental to health.

**[ED. NOTE: The County Health Department should be consulted.]**

**7-1-10.2        UNSAFE OR UNHEALTHFUL BUSINESS.**

(A) No building or structure utilized, constructed or maintained in connection with any business or occupation shall evidence an unsanitary, unsafe or dangerous condition.

(B) No substance, matter or thing of any kind whatsoever, which would be dangerous or detrimental to health, shall be allowed to exist in connection with any business or occupation, or be used in any work or labor performed in this Municipality.

**7-1-10.3        REFUSE DISPOSAL.**

(A) **Refuse Containers.** The standard refuse container required by this Code shall be a receptacle of not less than **twenty (20)**, nor more than **thirty-two (32) gallons capacity**, constructed of impervious material and sturdy construction with a tight-fitting cover, and equipped with handles properly placed to facilitate handling.

(B) **Duty-to Provide Refuse Containers.** The occupant of every building, structure or premises used or maintained in connection with any business or occupation shall provide and maintain in good condition and repair a sufficient number of refuse containers for the temporary storage of all refuse accumulating between collections.

All refuse which is placed for collection service outside any building or structure must be kept in standard refuse containers.

(C) **Refuse Removal.** It shall be the duty of the occupant of every building, structure or premises used or maintained in connection with any business or occupation to cause to be removed, at his own cost and expense, at least once each week, all refuse produced therein.

(D) **Removal of Restaurant Garbage.** Every person owning or controlling any hotel, restaurant, cafe, or retail food establishment where more than **thirty-two (32) gallons** of refuse, is normally produced weekly shall cause all garbage to be placed in sanitary refuse containers and shall cause all substances deposited in such containers to be removed daily from his premises and to be disposed of at his own expense.

**[NOTE: See Bi-County Health Department Regulations.]**

**7-1-11            INSPECTIONS.**

(A) Whenever inspections of the premises for or in connection with the operation of a licensed business or occupation are provided for or required by ordinance or are reasonably necessary to assure compliance with the provisions of any ordinance or regulation of this Municipality, or to detect violations thereof, it shall be the duty of the licensee or the person in charge of the premises to admit thereto, for the purpose of making the inspection, any officer or employee of this Municipality who is duly authorized to make such inspection at any reasonable time that such admission or entry is requested.

(B) Whenever an analysis of any commodity or material is reasonably necessary to assure compliance with the provisions of any ordinance or regulation, or to detect violations thereof, it

shall be the duty of the licensee or the person in charge of the premises to give to any duly authorized

officer or employee of this Municipality requesting the same, sufficient samples of such material or commodity for such analysis upon official request.

(C) In addition to any other penalty which may be provided, the Mayor may revoke the license of any owner or operator of a licensed business in this Municipality who refuses to permit any duly authorized officer or employee to make such inspection or to take adequate sample(s) of said commodity, or who interferes with such officer or employee while in the performance of his duties; provided, however, that no license shall be subject to revocation for such cause unless such officer or employee has been refused permission to enter upon the premises in the name of this Municipality after having first presented a warrant authorizing such entry.

**7-1-12            SUSPENSION, REVOCATION OF LICENSE OR PERMIT.**

**7-1-12.1        NUISANCE.** When the conduct or operation of any business or establishment, whether or not licensed, shall constitute a nuisance in fact and a clear and present danger to the public health, safety or general welfare, the Mayor shall be authorized to summarily order the cessation of business, the closing of the premises, and the suspension of any license or permit for a period not to exceed **ten (10) days**.

**7-1-12.2        HEARING.** Within **eight (8) days** after he has so acted, the Mayor shall call a hearing for the purpose of determining whether or not the license or permit should be revoked.

**7-1-12.3        REVOCATION.** Licenses and permits issued in this Municipality, unless otherwise provided, may be revoked by the Mayor after notice and hearing as provided in **Subsections 7-1-12.4 and 7-1-12.5** of this Section for any of the following causes:

- (A) Any fraud, misrepresentation or false statement contained in the application for the license or permit;
- (B) Any violation by the licensee or permittee of Code provisions relating to the license or permit, the subject matter of the license or permit, or the premises occupied;
- (C) Conviction of the licensee or permittee of any felony or of a misdemeanor involving moral turpitude;
- (D) Failure of the licensee or permittee to pay any fine or penalty owed to this Municipality;
- (E) Refusal to permit an inspection or sampling, or any interference with a duly authorized officer or employee in the performance of his duties in making such inspections, as provided in **Section 7-1-12.**

Such revocation, if ordered, shall not preclude prosecution and imposition of any other penalties provided for the violation of other applicable Code regulations of this Municipality.

**7-1-12.4        HEARING NOTICE.** Notice of the hearing for revocation of a license or permit shall be given in writing setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be sent by certified mail [return receipt requested] to the licensee or permittee at his last known address at least **five (5) days** prior to the date set for the hearing.

**7-1-12.5        COUNSEL.** At the hearing, the attorney for the Municipality shall present the complaint and shall represent the Municipality. The licensee or permittee shall be permitted counsel and shall have the right to submit evidence and cross-examine witnesses. The Mayor shall preside and shall render the decision.

**7-1-13**        **APPEAL.** Any person aggrieved by the decision of the Mayor regarding the denial of an application for a business license as provided in **Section 7-1-4** or in connection with the revocation of a license or permit as provided in **Section 7-1-12** shall have the right to appeal to the Village Board. Such appeal shall be taken by filing with the Clerk, within **ten (10) days** after notice of a denial of an application or a revocation of a license or permit, a written statement under oath setting forth specifically the grounds for appeal. The Mayor shall thereupon set the time and place for a hearing on such appeal and notice of such hearing shall be given to the applicant or licensee or permittee in the same manner as provided in **Section 7-1-12** hereof. The decision of the Village Board on such appeal shall be final.

**7-1-14**        **LICENSE TO BE POSTED.** It shall be the duty of every person conducting a licensed business in this Municipality to keep his license posted in a prominent place on the premises used for such business at all times.



**ARTICLE II - SOLICITORS**

**7-2-1**            **DEFINITIONS.** For the purpose of this Chapter, the following words as used herein shall be construed to have the meanings herein ascribed thereto, to-wit:

**“REGISTERED SOLICITOR”** shall mean and include any person who has obtained a valid **Certificate of Registration** as hereinafter provided, and which certificate is in the possession of the solicitor on his or her person while engaged in soliciting.

**“RESIDENCE”** shall mean and include every separate living unit occupied for residential purposes by **one (1)** or more persons, contained within any type of building or structure.

**“SOLICITING”** shall mean and include any **one (1)** or more of the following activities:

- (A)            Seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs, services of any kind, character or description whatsoever, for any kind of consideration whatsoever or;
- (B)            Seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication or;
- (C)            Seeking to obtain gifts or contributions of money, clothing or any other valuable thing for the support or benefit of any charitable or non-profit association, organization, corporation or project.

**7-2-2**            **CERTIFICATE OF REGISTRATION.** Every person desiring to engage in soliciting as herein defined from persons within this Municipality is hereby required to make written application for a Certificate of Registration as hereinafter provided. All resident charitable, non-profit organizations in this Village which have been in existence for **six (6) months or longer** shall be exempt from the provisions of this Article.

**7-2-3**            **APPLICATION FOR CERTIFICATE OF REGISTRATION.** Applications for a Certificate of Registration shall be made upon a form provided by the Chief of Police of this Municipality and filed with such Chief. The applicant shall truthfully state in full the information requested on the application, to-wit:

- (A)            Name and address of present place of residence and length of residence at such address; also, business address if other than residence address; also, Social Security Number.
- (B)            Address of place of residence during the past **three (3) years** if other than present address.
- (C)            Age of applicant and marital status; and if married, the name of spouse.
- (D)            Physical description of the applicant.
- (E)            Name and address of the person, firm or corporation or association with whom the applicant is employed or represents; and the length of time of such employment or representation.
- (F)            Name and address of employer during the past **three (3) years** if other than the present employer.
- (G)            Description sufficient for identification of the subject matter of the soliciting in which the applicant will engage.
- (H)            Period of time for which the Certificate is applied.
- (I)            The date or approximate date of the latest previous application for a Certificate under this Chapter, if any.
- (J)            Has a Certificate of Registration issued to the applicant under this Chapter ever been revoked?
- (K)            Has the applicant ever been convicted of a violation of any of the provisions of this Code or the regulations of any other Illinois municipality regulating soliciting?

(L) Has the applicant ever been convicted of the commission of a felony under the laws of the State of Illinois or any other State or Federal law of the United States?

(M) The last **three (3) municipalities or counties** where the applicant carried on business immediately preceding the date of application in this Municipality and the address from which such business was conducted in those municipalities.

(N) Also, such additional information as the Chief of Police may deem necessary to process the application.

All statements made by the applicant upon the application or in connection therewith shall be under oath.

The Chief of Police shall cause to be kept in his office an accurate record of every application received and acted upon, together with all other information and data pertaining thereto and all Certificates of Registration issued under the provisions of this Chapter and of the denial of applications.

Applications for Certificates issued shall be numbered in consecutive order as filed, and every Certificate issued and any renewal thereof shall be identified with the duplicate number of the application upon which it was issued.

No Certificate of Registration shall be issued to any person who has been convicted of the commission of a felony under the laws of the State of Illinois or any other State or Federal law of the United States within **five (5) years** of the date of the application; nor to any person who has been convicted of a violation of any of the provisions of this Chapter, nor to any person whose Certificate of Registration issued hereunder has previously been revoked as herein provided.

**7-2-4** **ISSUANCE AND REVOCATION OF CERTIFICATE.** The Chief of Police, after consideration of the application and all information obtained relative thereto, shall deny the application if the applicant does not possess the qualifications for such Certificate as herein required, and that the issuance of a Certificate of Registration to the applicant would not be in accord with the intent and purpose of this Code. Endorsement shall be made by the Chief of Police upon the application of the denial of the application. When the applicant is found to be fully qualified, the Certificate of Registration shall be issued forthwith.

Any Certificate of Registration issued hereunder shall be revoked by the Chief of Police if the holder of the Certificate is convicted of a violation of any provision of this Chapter, or has made a false material statement in the application or otherwise becomes disqualified for the issuance of a Certificate of Registration under the terms of this Chapter. Immediately upon such revocation, written notice thereof shall be given by the Chief of Police to the holder of the Certificate in person or by certified [return receipt requested] U. S. Mail, addressed to his or her residence address set forth in the application. Immediately upon the giving of such notice, the Certificate of Registration shall become null and void.

The Certificate of Registration shall state the expiration date thereof.

**7-2-5** **POLICY ON SOLICITING.** It is declared to be the policy of this Municipality that the occupant or occupants of the residences in this Municipality shall make the determination of whether solicitors shall be or shall not be invited to their respective residences.

**7-2-6** **NOTICE REGULATING SOLICITING.** Every person desiring to secure the protection intended to be provided by the regulations pertaining to soliciting contained in this Article shall comply with the following directions:

(A) Notice of the determination by the occupant of giving invitation to solicitors or the refusal of invitation to solicitors to any residence shall be given in the manner provided in paragraph (B) of this Section.

(B) A weatherproof card, approximately **three inches by five inches (3" x 5")** in size shall be exhibited upon or near the main entrance door to the residence indicating the determination by the occupant and containing the applicable words, as follows:

**"ONLY REGISTERED SOLICITORS INVITED"**

OR

**"NO SOLICITORS INVITED"**

(C) The letters shall be at least **one-third (1/3) inch** in height. For the purpose of uniformity, the cards shall be provided by the Chief of Police to persons requesting the same, at the cost thereof.

(D) Such card so exhibited shall constitute sufficient notice to any solicitor of the determination by the occupant of the residence of the information contained thereon.

**7-2-7 COMPLIANCE BY SOLICITORS.** It is the duty of every solicitor upon going onto any premises in this Municipality upon which a residence as herein defined is located to first examine the notice provided for in **Section 7-2-6** if any is attached and be governed by the statement contained on the notice.

If the notice states **"ONLY REGISTERED SOLICITORS INVITED,"** then the solicitor not possessing a valid Certificate of Registration as herein provided for shall immediately and peacefully depart from the premises; and if the notice states, **"NO SOLICITORS INVITED,"** then the solicitor, whether registered or not shall immediately and peacefully depart from the premises.

Any solicitor who has gained entrance to any residence, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant.

**7-2-8 UNINVITED SOLICITING PROHIBITED.** It is declared to be unlawful and shall constitute a nuisance for any person to go upon any premises and ring the doorbell upon or near any door, or create any sound in any other manner calculated to attract the attention of the occupant of such residence for the purpose of securing an audience with the occupant thereof and engage in soliciting as herein defined, in defiance of the notice exhibited at the residence in accordance with the provisions of **Section 7-2-6.**

**7-2-9 TIME LIMIT ON SOLICITING.** It is hereby declared to be unlawful and shall constitute a nuisance for any person, whether registered under this Chapter or not, to go upon any premises and ring the doorbell upon or near any door of a residence located thereon, or rap or knock upon any door or create any sound in any other manner calculated to attract the attention of the occupant of such residence for the purpose of securing an audience with the occupant thereof and engage in soliciting as herein defined, prior to **10:00 A.M. or after 5:00 P.M.** on any day of the week, including Saturday, or at any time on a Sunday or on a State or National holiday.

**7-2-10 SOLICITATIONS ON PUBLIC HIGHWAYS.** Charitable organizations shall be allowed to solicit upon public highways under the following terms and conditions:

(A) The charitable organization must be one that is registered with the Attorney General for the State of Illinois as a charitable organization as provided by **"An Act to Regulate Solicitation and Collection of Funds for Charitable Purposes, Providing for Violations Thereof, and Making an Appropriation Therefor," approved July 26, 1963,** as amended.

(B) Solicit only at intersections where all traffic from all directions is required to come to a full stop.

(C) Be engaged in a state-wide fund-raising activity.

(D) Be liable for any injury to any person or property during the solicitation which is causally related to an act of ordinary negligence of the soliciting agent.

(E) Any person so engaged in such solicitation shall be at least **sixteen (16) years of age** and shall wear a high visibility vest.

- (F) Solicit only during daylight hours.
- (G) Any one charitable organization shall be limited to conducting no more than **two** **(2)** solicitations per calendar year.

**(626 ILCS 5/11-1006)**

**7-2-11 FEES.** Upon making an application for a Certificate, the applicant shall pay a license fee, which shall be as follows:

- (A) **Daily License:** **\$30.00 per person per day.**
- (B) **Annual License:** **\$100.00 per person per year.**

**(65 ILCS 5/11-42-5)**

ARTICLE III - PEDDLERS

**7-3-1**            **LICENSE REQUIRED.** It shall be unlawful for any person, firm or corporation to engage in the business of hawker or peddler of any merchandise, article or thing without having first secured a license therefor.

**7-3-2**            **DEFINITION.** "Peddle" shall mean the selling, bartering, or exchanging or the offering for sale, barter or exchange of any tangible personal property upon or along the streets, highways, or public places of this Municipality or from house-to-house, whether at one place thereon or from place-to-place, from any wagon, truck, pushcart, or other vehicle or from movable receptacles of any kind, but shall not include the delivery of any item previously ordered or the sale of items along delivery routes where the purchaser has previously requested the seller to stop and exhibit his items. Nor shall 'peddle' be taken to include the solicitation of orders by sample where the goods are not delivered at the time the order is taken.

**7-3-3**            **APPLICATIONS.** A person desiring a license may obtain the same by making application with the Clerk and providing the following information:

- (A)                Name and physical description of applicant.
- (B)                Permanent home and address and local address if operating from such an address.
- (C)                A brief description of the business and of the goods to be sold.
- (D)                Name and address of the employer, if any.
- (E)                The length of time for which the right to do business is desired.
- (F)                Evidence that the agent is acting on behalf of the corporation he represents.
- (G)                Statement of the applicant's criminal record other than a traffic record.
- (H)                The last **three (3) municipalities or counties** where the applicant carried on business immediately preceding the date of application to this Municipality and the address from which such business was conducted in those municipalities.

**7-3-4**            **INVESTIGATION OF APPLICANTS.** Upon receipt of each application, it shall be referred to the Chief of Police, who shall investigate the business and moral character of the applicant. If the facts show the applicant unfit to receive the license, then it shall be denied.

**7-3-5**            **HOURS.** It is hereby declared to be unlawful and shall constitute a nuisance for any person, whether registered under this Code or not, to engage in peddling as herein defined prior to **10:00 A.M.** or after **5:00 P.M.** on any day of the week, including Saturday, or at any time on a Sunday or on a State or National holiday.

**7-3-6**            **FRAUD.** No licensed peddler or hawker shall be guilty of any fraud, cheating or misrepresentation, whether through himself or through an employee while acting as a peddler in this Municipality, or shall barter, sell or peddle any goods or merchandise or wares other than those specified in his application for a license.

**7-3-7**            **PHOTOGRAPHS.** **Two (2) photographs** of the applicant and such of its employees as will be used in the peddling or merchandising, taken within **sixty (60) days** immediately prior to the filing of the application, which pictures shall be **two inches by two inches (2' x 2')**,

showing the head and shoulders of the applicant or its agent(s) and/or employee(s) in a clear and distinguishing manner.

**7-3-8**            **UNWANTED PEDDLING.** Nothing contained in this Chapter, nor the issuance of any license hereunder shall entitle the licensee to go in or upon any private residence for the purpose of peddling if such licensee, his agents or employees are directed to depart from said private residence by the owner or person in charge thereof.

**7-3-9**            **PEDDLERS AS NUISANCE.** The practice of going in and upon private residences, business establishments or offices in the Municipality by peddlers, hawkers, itinerant merchants and transient vendors of merchandise without having been requested or invited to do so by the owner or owners, occupant or occupants of said private residences and business establishments or offices for the purpose of disposing of and/or peddling or hawking of merchandise is hereby declared to be a nuisance and is punishable as a violation of this Code. No person shall peddle in a public square.

**7-3-10**          **DUTY OF POLICE TO ABATE.** The Police Department of this Municipality is hereby required and directed to suppress the same and to abate any such nuisance as described in **Section 7-3-9.**

**7-3-11**          **LOCAL BUSINESSES AND FARMERS EXCLUDED.** The provisions of this Article shall not apply to persons employed or representing an established merchant, business firm, or corporation located and regularly doing business in the Municipality or to farmers selling any food items raised or produced by themselves and/or to permanently established residents who are voters in the Municipality or anyone duly licensed.

**7-3-12**          **FEES.** The license fees per person to be charged for licenses to peddle in this Municipality, each payable in advance, are hereby fixed and established as follows:

- (A)            **Daily License:**                    **\$30.00 per person per day**
- (B)            **Annual License:**                    **\$100.00 per person per year**

**(65 ILCS 5/11-42-5)**



**ARTICLE IV - COIN-OPERATED MACHINES**

**7-4-1**            **DEFINITIONS.** Definitions of terms as used in this Article, unless the context otherwise clearly indicates, are as follows:

**"COIN-OPERATED AMUSEMENT DEVICE"** means any amusement machine or device operated by means of the insertion of a coin, token, or currency for the purpose of amusement or skill and for the playing of which a fee is charged. The term includes, but is not limited to juke boxes, electronic video games, pinball machines or other similar games. The term does not include vending machines in which there are not incorporated gaming or amusement features.

**"OPERATOR"** is hereby defined to be any person, firm, corporation, partnership, association or club who sets up for operation by another or leases or distributes for the purpose of operation by another, any device(s) herein defined, whether such setting up for operation, leasing or distributing be for a fixed charge or rental, or on the basis of a division of the income from such device or otherwise.

**"PROPRIETOR"** is hereby defined to be any person, firm, corporation, partnership, association or a club who, as the owner, lessee or proprietor has under his or its control any establishment, place or premises in or on which such device is placed or kept for use or play or on exhibition for the purpose of use or play.

**7-4-2**            **LICENSE REQUIRED.** No person, firm or corporation shall engage in the business of an operator of coin-operated amusement devices within the corporate limits of this Municipality without having first obtained the proper license therefor.

**7-4-3**            **APPLICATION.** Application for license shall be verified by oath or affidavit and contain the following information:

- (A)            The name, age and address of the applicant in the case of an individual and, in the case of a co-partnership, of the persons entitled to share in the profits thereof; and in the case of a corporation, the date of incorporation, the objects for which it was organized, the names and addresses of the officers and directors; and if a majority in interest of the stock of such corporation is owned by one person or his nominee(s), the name and address of such person(s).
- (B)            The citizenship of the applicant, his place of birth; or if a naturalized citizen, the time and place of his naturalization.
- (C)            The address of the place where the applicant proposes to operate.
- (D)            A statement whether the applicant has made a similar application for a similar license on premises other than those described in the application and the disposition of such other application.
- (E)            A statement that the applicant has never been convicted of a felony and is not disqualified to receive the license under this Section.

**7-4-4**            **PROHIBITED LICENSEES.** No license under this section shall be issued to:

- (A)            Any person who is not of good character and reputation in the community.
- (B)            Any person who has been convicted of a felony under the laws of Illinois; or of being the keeper of a house of ill-fame; or of pandering or other crime or misdemeanor opposed to decency or morality.
- (C)            Any person whose license issued under this Article has been revoked for cause.
- (D)            Any partnership, unless all of the members of the partnership are qualified to obtain such license.

(E) Any corporation if any officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than **five percent (5%)** of the stock of such corporation,

would not be eligible to receive a license for any reason other than citizenship or residency within this Municipality.

(F) Any person whose place of business is conducted by a manager or agent unless the manager or agent is of legal age and possesses the same qualifications required of the licensee.

(G) Any person who does not own the premises for which a license is sought, or does not have a lease therefor for the full period for which the license is to be issued.

**7-4-5 FEES.** The annual fee for such license shall be **Twenty Dollars (\$20.00) per year** or part thereof for each coin-operated amusement device set up for operation, leased or distributed to a proprietor.

(A) All operator's license fees shall be payable annually in advance and in no case shall any portion of said license fee be refunded to the licensee.

(B) The license period shall be for the fiscal year of the Municipality, and all applications for renewal shall be made to the Clerk not more than **thirty (30) days, but no less than fifteen (15) days** prior to the expiration of such license.

**7-4-6 NON-ASSIGNABILITY OF LICENSE.** The location of a license may be changed only upon the written permission of the Mayor. Any license issued hereunder shall be non-assignable and non-transferable.

**7-4-7 GAMBLING REGULATIONS.**

(A) All licensed devices shall, at all times, be kept and placed in plain view of any person or persons who may frequent or be in any place of business where such devices are kept or used.

(B) Nothing in this Article shall be construed to authorize, permit or license any gambling device of any nature whatsoever.

(C) **Prizes and Awards Prohibited.** It shall be unlawful for any person receiving a license pursuant to this Article to give or award a cash prize or equivalent to any person playing any of the tables, devices or machines enumerated hereinabove under tournament, league or any other individual or competitive play.

(D) **Permitting Gambling.** The gambling prohibition shall not apply to any game or gaming even for which a license or permit has been by the Illinois Gaming Board pursuant to the *Illinois Video Gaming Act, 230 ILCS 40/1 et seq.*, provided that such game or gaming event is conducted in full and complete compliance with all requirements of such act and all rules and regulations of the Illinois Gaming Board. **(See Chapter 21 – Liquor Code)**

**7-4-8 DISPLAY OF LICENSE.** Every licensee shall frame and hang his license in a conspicuous place in the licensed premises.

**7-4-9 RIGHT OF ENTRY.** The Chief of Police has the power to and shall inspect any place, building or premises in which any licensed device or devices are operated or set up for operation at such times and intervals as he may deem necessary for the proper enforcement of this Article.

**7-4-10 CLOSING HOURS.** No establishment operating under a license issued under this Article shall be open for use of any such devices during the hours a liquor license is required to be closed. **(See Section 21-2-1 of the Village Code)**

**(65 ILCS 5/11-55-1)**

## ARTICLE V - JUNK DEALERS

**7-5-1**      **DEFINITIONS.**

**"JUNK"** as used in this Chapter shall be held to mean and include scrap and old iron, steel, chain, brass, copper, magnesium, aluminum, tin, lead or other base metals, scrap lumber, old rope, old bags, rags, waste paper, paper clippings, scraps of woolens, clips, bagging, rubber and glass, and empty bottles of different kinds or sizes when the number of each kind or size is less than **one (1) gross**, any wrecked or dilapidated motor vehicle, engine, or machinery received, stored or held for more than **ninety (90) days**, and all articles and things discarded or no longer used as a manufactured article composed of or consisting of any **one (1)** or more of the materials or articles herein mentioned.

**"JUNK DEALER"** as used in this Chapter shall be held to mean and include every person, firm, partnership, or corporation that shall engage in the business of buying, selling, bartering or exchanging, or shall collect, receive, store or hold in possession for sale, barter or exchange, any of the things in and by this section defined as "junk".

**"JUNK YARD"** as used in this Chapter shall be held to mean and include the premises on which a junk dealer is engaged in the business of buying, selling, bartering, exchanging, or collecting, receiving, storing or holding in possession for sale, barter, or exchange, any of the things in and by this Section defined as "junk". **(Also see Chapter 24, Article VII and Chapter 25, Articles I and III)**

**7-5-2**      **PHYSICAL REQUIREMENTS.** The minimum physical requirements at all times for each junk yard shall be as follows:

(A)            The premises where the junk yard is located shall not have more than **two (2) entrances** thereto and **two (2) exits** therefrom, each of which shall not exceed **fifteen (15) feet** in width at the perimeter of the premises.

(B)            The premises where the junk yard is located shall be enclosed on its perimeter with a solid, non-transparent, vertical wall or fence of a minimum height of **seven (7) feet** measured from ground level, excepting for the entrances and exits permitted by paragraph (A) above.

(C)            The aforesaid solid, non-transparent wall or fence and the gates or doors, if any, at the aforesaid entrances and exits shall not contain any sign, poster or advertising matter of any kind whatsoever, excepting **one (1) sign** of the licensee thereon not exceeding **one hundred (100) square feet** in size.

(D)            The public streets and alleys adjacent to the junk yard shall not have junk thereon.

**7-5-3**      **LICENSE REQUIRED.** It shall be unlawful for any person to keep, maintain, conduct or operate a junk yard within the corporate limits of the Village without first obtaining a license to do so as herein provided. A separate license shall be secured for each junk yard located on non-contiguous lots, blocks, tracts or parcels of land.

**7-5-4**      **APPLICATION.** Before any license under the provisions of this Section is issued, any person desiring to operate a junk yard in this Village shall first make a verified application in writing to the Clerk in the absence of provision to the contrary, stating thereon the full name of the applicant, his residence address, the trade name of the applicant, the legal description of the premises where the junk yard is to be located, the size and approximate location of each entrance thereto and exit therefrom, whether or not the premises where the junk yard is to be located is enclosed on its perimeter with a solid, non-transparent wall or fence of a minimum height of **seven (7) feet**, measured from ground level, excepting the entrances and exits, and whether or not the public streets and alleys adjacent

to the premises where the junk yard is to be located have junk thereon. If the applicant is a firm of partnership, the names and residence addresses of all the partners and in the case of a corporation, the names and residence addresses of the president and secretary shall be stated in the application.

**7-5-5**            **DISQUALIFICATION.** Any applicant for a license to keep, maintain, conduct or operate a junk yard shall be disqualified for any of the following reasons:

- (A)                Not a person of good character.
- (B)                Falsification of an application for a license hereunder.
- (C)                License for a junk yard theretofore issued to the applicant has been revoked during the preceding **twenty-four (24) months.**
- (D)                Failure to meet any one of the minimum physical requirements for a junk yard as specified in **Section 7-5-2** hereof.

**7-5-6**            **LICENSE.** Any and all licenses issued hereunder shall state that such license is issued in the name of the junk dealer solely for the purpose of keeping, maintaining, conducting and operating a junk yard, the expiration date thereof, the legal description of the premises where the junk yard is to be located, that the license shall be used and the privileges thereof exercised only at the described premises, and that such license is non-assignable and non-transferable.

Such license shall further provide that it is issued subject to all the provisions of this Chapter; that upon the first conviction for a violation of any of the provisions of this Chapter, in addition to the fine, such junk yard shall remain closed for a period of **thirty (30) days;** that upon the second conviction for a violation of any of the provisions of this Chapter, such license shall become null and void, and the licensee shall forfeit all sums paid for such license, and that the licensee, by the acceptance of such license expressly agrees to all the terms and conditions thereof, and to the terms and provisions of this Section and all amendments thereto.

**7-5-7**            **LICENSE FEE.** The annual license fee for each junk yard shall be **Five Thousand Dollars (\$5,000.00)** payable in advance with the filing of the application for license, and shall not be subject to pro rata reduction for a portion of the year, either because of the application for or because of revocation of a license; provided, however, that only **one (1)** annual license fee shall be payable for licenses which may be issued whenever the applicant desires to keep, maintain, conduct or operate junk yards on lots, blocks, tracts, or parcels of land which are situated on directly opposite sides of and abut upon each side of a public street or alley. Where such place of business is not located in the Village, but the operator carries on the business of buying or collecting or bartering for the items heretofore enumerated within the Village, the annual fee shall be **Five Thousand Dollars (\$5,000.00)** for each junk dealer. The fee is payable as provided in this Code.

**7-5-8**            **MINORS.** No licensee hereunder shall purchase or receive any article whatsoever from any minor, without the written consent of their parents or guardians.

**(65 ILCS 5/11-42-3)**

## ARTICLE VI – RAFFLES AND POKER RUNS

**7-6-1 DEFINITIONS.** The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

(A) **"Business":** A voluntary organization composed of individuals and businesses who have joined together to advance the commercial, financial, industrial and civic interests of a community.

(B) **"Charitable Organization":** An organization or institution organized and operated to benefit an indefinite number of the public. The service rendered to those eligible for benefits must also confer some benefit on the public.

(C) **"Educational Organization":** An organization or institution organized and operated to provide systematic instruction in useful branches of learning by methods common to schools and institutions of learning which compare favorably in their scope and intensity with the course of study presented in tax-supported schools.

(D) **"Fraternal Organization":** An organization of persons having a common interest, the primary interest of which is to both promote the welfare of its members and to provide assistance to the general public in such a way as to lessen the burdens of government by caring for those that otherwise would be cared for by the government.

(E) **"Hardship":** A non-profit fundraising organization that has not been in existence continuously for a period of **five (5) years** immediately before making application for a license that the County determines to be organized for the sole purpose of providing financial assistance to an identified individual or group of individuals suffering extreme financial hardship as the result of an illness, disability, accident, or disaster.

(F) **"Key Location":** The location where the poker run concludes and the prize or prizes are awarded.

(G) **"Labor Organization":** An organization composed of workers organized with the objective of betterment of the conditions of those engaged in such pursuit and the development of a higher degree of efficiency in their respective occupations.

(H) **"Licensee":** An organization which has been issued a license to operate a raffle.

(I) **"Net Proceeds":** The gross receipts from the conduct of raffles, less reasonable sums expended for prizes, local license fees and other reasonable operating expenses incurred as a result of operating a raffle or poker run.

(J) **"Non-Profit":** An organization or institution organized and conducted on a not-for-profit basis with no personal profit inuring to any one as a result of the operation.

(K) **"Poker Run":** A prize-awarding event organized by an organization licensed under this Article in which participants travel to multiple predetermined locations, including a key location, to play a randomized game based on an element of chance. "Poker run" includes dice runs, marble runs, or other events where the objective is to build the best hand or highest score by obtaining an item or playing a randomized game at each location.

(L) **"Raffle":** A form of lottery, as defined in Section 28-2(b) of the Criminal Code of 2012, conducted by an organization licensed under this Act, in which:

- (1) the player pays or agrees to pay something of value for a chance, represented and differentiated by as number or by a combination of numbers or by some other medium, one or more of which chances is to be designated the winning chance;
- (2) the winning chance is to be determined through a drawing or by some other method based on an element of chance by an act or set of acts on the part of persons conducting or connected with the lottery, except that the winning chance shall not be determined by the outcome of a publicly exhibited sporting contest.

(M) **"Religious Organization"**: Any church, congregation, society, or organization founded for the purpose of religious worship.

(N) **"Veterans' Organization"**: An organization or association comprised of members of which substantially all are individuals who are veterans or spouses, widows, or widowers of veterans, the primary purpose of which is to promote the welfare of its members and to provide assistance to the general public in such a way as to confer a public benefit.

**7-6-2 REQUIREMENT OF LICENSE.**

(A) It shall be unlawful for any person, firm, business, corporation, organization or other entity to conduct or operate a raffle, or to sell, offer for sale, convey, issue, or otherwise transfer for value a chance on a raffle without having first obtained a license therefore pursuant to this Article and the "Raffles and Poker Runs Act".

(B) It shall be unlawful for any person, firm, business, corporation, organization or other entity to conduct or operate a poker run without having first obtained a license therefore pursuant to this Article and the "Raffles and Poker Runs Act".

**7-6-3 APPLICATION FOR A LICENSE FOR A RAFFLE.**

(A) Any person, firm, business, corporation, organization or other entity seeking to conduct or operate a raffle shall file an application therefore with the Village Clerk on the forms provided by the Village Clerk.

(B) Applications for licenses under this Article must contain the following information:

- (1) The name and address of the applicant organization;
- (2) The type of organization that is conducting the raffle, i.e., religious, charitable, labor, fraternal, educational, veterans or other;
- (3) The length of existence of the organization and, if incorporated, the date and state of incorporation;
- (4) The name, address, telephone number, and date of birth of the organization's presiding officer, secretary, raffles manager and any other members responsible for the conduct and operation of the raffle;
- (5) The aggregate retail value of all prizes or merchandise awarded by a licensee in a single raffle;
- (6) The maximum retail value of each prize awarded by a licensee in a single raffle;
- (7) The maximum price which may be charged for each raffle chance issued or sold;
- (8) The maximum number of days during which chances may be issued or sold;
- (9) The area in which raffle chances will be sold or issued;
- (10) The time period during which raffle chances will be sold or issued;
- (11) The date, time, and name and address of the location or locations at which winning chances will be determined;
- (12) A sworn statement attesting to the not-for-profit character of the prospective licensee organization signed by the presiding officer and the secretary of that organization; and
- (13) A certificate signed by the presiding officer of the applicant organization attesting to the fact that the information contained in the application is true and correct.

(C) An application for a license to conduct or operate a raffle shall be accompanied by a non-refundable **Twenty-Five Dollar (\$25.00)** filing fee. Such fee shall be paid by cash, credit card or cashier's check. The Village Clerk shall refer the application to the Mayor.

**NOTE: The governing statute states that all licensing systems for raffles shall provide for limitations upon (1) the aggregate retail value of all prizes or merchandise awarded by a licensee in a**

**single raffle, (2) the maximum retail value of each prize awarded by a licensee in a single raffle, (3)**



the maximum price which may be charged for each raffle chance issued or sold and (4) the maximum number of days during which chances may be issued or sold. Some counties have provided for different classes of raffle licensed based upon such factors as the value of the prizes. These licenses have certain restrictions (maximum amount charged for a raffle chance) and license fees for each class of license. Other counties have different classes of license based upon what type of raffle: general raffle license (multiple drawings on same day and at same location within confines of the same raffle event); multiple raffle license (example: multiple 50/50 drawings within 12 month period); one time emergency license; limited annual raffle license.

**7-6-4            APPLICATION FOR A LICENSE FOR A POKER RUN.**

(A) Any person, firm, business, corporation, organization or other entity seeking to conduct or operate a poker run shall file an application therefore with the Village Clerk on the forms provided by the Village Clerk.

(B) Applications for licenses under this Article must contain the following information:

- (1) The name and address of the applicant organization;
- (2) The type of organization that is conducting the raffle or poker run, i.e., religious, charitable, labor, fraternal, educational, veterans or other not-for-profit organization;
- (3) The length of existence of the organization and, if incorporated, the date and state of incorporation;
- (4) The name, address, telephone number, and date of birth of the organization's presiding officer, secretary, and any other members responsible for the conduct and operation of the raffle or poker run;
- (5) The name, address, and telephone number of all locations at which the poker run will be conducted;
- (6) The time period during which the poker run will be conducted;
- (7) The time of determination of winning chances and the location or locations at which the winning chances will be determined;
- (8) A sworn statement attesting to the not-for-profit character of the prospective licensee organization signed by the presiding officer and the secretary of that organization; and
- (9) A certificate signed by the presiding officer of the applicant organization attesting to the fact that the information contained in the application is true and correct.
- (10) The purpose for which the poker run is being conducted.

(C) An application for a license to conduct or operate a poker run shall be accompanied by a non-refundable **Twenty-Five Dollar (\$25.00)** filing fee. Such fee shall be paid by cash, cashier's check, or credit card. The Village Clerk shall refer the application to the Mayor.

**7-6-5            LICENSEE QUALIFICATIONS.**

(A) Raffle licenses shall be issued only to bona fide religious, charitable, labor, business, fraternal, educational or veterans' organizations that operate without profit to their members and which have been in existence continuously for a period of **five (5) years** immediately before making application for a license and which have had during that entire **five (5) year** period a bona fide membership engaged in carrying out their objects, or to a non-profit fundraising organization that the Mayor determines is organized for the sole purpose of providing financial assistance to an identified individual or group of individuals suffering extreme financial hardship as the result of an illness, disability, accident or disaster.

(B) Poker run licenses shall be issued only to bona fide religious, charitable, labor, business, fraternal, educational, veterans', or other bona fide not-for-profit organizations that operate without profit to their members and which have been in existence continuously for a period of **five (5)**

**years** immediately before making application for a poker run license and which have had during that entire **five (5) year** period a bona fide membership engaged in carrying out their objects.

(C) The Mayor may waive the **five (5) year** requirement under this Section for a bona fide religious, charitable, labor, business, fraternal, educational, or veterans' organization that applies for a license to conduct a raffle or poker run if the organization is a local organization that is affiliated with and chartered by a national or State organization that meets the **five (5) year** requirement. The following are ineligible for any raffle or poker run license;

- (1) Any person who has been convicted of a felony;
- (2) Any person who is or has been a professional gambler or gambling promoter;
- (3) Any person who is not of good moral character;
- (4) Any organization in which a person defined in subsection (1), (2) or (3) of this Section has a proprietary, equitable, or credit interest or in which such person is active or employed;
- (5) Any organization in which a person defined in subsection (1), (2) or (3) of this Section is an officer, director, or employee, whether compensated or not; and
- (6) Any organization in which a person defined in subsection (1), (2) or (3) of this Section is to participate in the management or operation of a poker run as defined in this Section.

**7-6-6 LICENSE ISSUANCE.**

(A) The Mayor shall review all raffle license applications and all poker run license applications. The Mayor shall, within **thirty (30) days** from the date of application, accept or reject a raffle or poker run license application. If an application is accepted, the Mayor shall forthwith issue a raffle or poker run license to the applicant.

(B) A raffle license or poker run license shall specify:

- (1) The area or areas within the County in which raffle chances will be sold or issued or a poker run will be conducted;
- (2) The time period during which raffle chances will be sold or issued or a poker run will be conducted; and
- (3) The time of determination of winning chances and the location or locations at which the winning chances will be determined.

(C) A poker run license shall be issued for the following purposes:

- (1) Providing financial assistance to an identified individual or group of individuals suffering extreme hardship as the result of an illness, disability, accident, or disaster; or
- (2) To maintain the financial stability of the organization.

(D) Any license issued under this Article shall be non-transferable.

(E) A license shall be valid for one raffle event or one poker run only, unless the Mayor specifically authorized a specified number of raffles or poker runs to be conducted during a specified period not to exceed **one (1) year**.

(F) A raffle license or poker run license may be suspended or revoked for any misrepresentation on the application, any violation of this Article or State law, or when such raffle or poker run or portion thereof is conducted so as to constitute a public nuisance or to disturb the peace, health, safety or welfare.

(G) **Prominent Display of License.**

- (1) A raffle license shall be prominently displayed at the time and location of the determination of the winning chances.
- (2) A poker run license shall be prominently displayed at each location at which the poker run is conducted or operated.

(H) **Miscellaneous Provision for Poker Run License.** Any poker run license issued shall cover the entire poker run, including locations other than the key location. Each license issued shall include the name and address of each location at which the poker run will be conducted.

**7-6-7**

**CONDUCT OF RAFFLES AND POKER RUNS.**

(A) The operation and conduct of raffles and poker runs are subject to the following restrictions:

- (1) The entire net proceeds of any raffle or poker run must be exclusively devoted to the lawful purposes of the organization permitted to conduct that game.
- (2) No person except a bona fide member of the sponsoring organization may participate in the management or operation of the raffle or poker run.
- (3) No person may receive any remuneration or profit for participating in the management or operation of the raffle or poker run.
- (4) A licensee may rent a premises on which to determine the winning chance or chances in a raffle only from an organization which is also licensed under this Article. A premises where a poker run is held is not required to obtain a license if the name and location of the premises is listed as a predetermined location on the license issued for the poker run and the premises does not charge for use of the premises.
- (5) Raffle chances may be sold or issued only within the area specified on the raffle license and winning chances may be determined only at those locations specified on the license for a raffle. A playing card or equivalent item may be drawn only within the area specified on the poker run license and winning hands or scores may be determined only at those locations specified on said license.
- (6) A person under the age of **eighteen (18) years** may participate in the conducting of raffles or chances or poker runs only with the permission of a parent or guardian. A person under the age of **eighteen (18) years** may be within the area where winning chances in a raffle or winning hands or scores in a poker run are being determined only when accompanied by his parent or guardian.

(B) If a lessor rents premises where a winning chance on a raffle or a winning hand or score in a poker run is determined, the lessor shall not be criminally liable if the person who uses the premises for the determining of winning chances does not hold a license issued by the Village.

**7-6-8**

**MANAGER – BOND FOR RAFFLES.**

(A) All operations of and conduct of raffles shall be under the supervision of a single poker run manager designated by the organization. The manager or operator of the raffle must be a bona fide member of the organization holding the license for such a raffle and may not receive any remuneration or profit for participating in the management or operation of the raffle.

(B) The manager shall give a fidelity bond in the sum of **One Thousand Dollars (\$1,000.00)** conditioned upon his/her honesty in the performance of his duties. Terms of the bond shall provide that notice shall be given in writing to the Village not less than **thirty (30) days** prior to its cancellation.

(C) The Mayor is authorized to waive this bond requirement by including a waiver provision in the license issued to an organization under this Article provided that a license containing such waiver provision shall be granted only by unanimous vote of the members of the licensed organization.

**7-6-9**

**RECORDS.**

(A) Each organization licensed to conduct raffles and chances or poker runs shall keep records of its gross receipts, expenses and net proceeds for each single gathering or occasion at which winning chances in a raffle or winning hands or scores in a poker run are determined. All deductions from the gross receipts for each single gathering or occasion shall be documented with receipts or other records indicating the amount, a description of the purchased item or service or other

reason for the deduction, and the recipient. The distribution of net proceeds shall be itemized as to payee, purpose, amount and date of payment.

(B) Gross receipts from the operation of raffles or poker runs shall be segregated from other revenues of the organization, including bingo gross receipts, if bingo games are also conducted by the same non-profit organization pursuant to license therefor issued by the Department of Revenue of the State of Illinois, and placed in a separate account. Each organization shall have separate records of its raffles or poker runs. The person who accounts for the gross receipts, expenses, and net proceeds from the operation of raffles or poker runs shall not be the same person who accounts for other revenues of the organization.

(C) Each organization licensed to conduct raffles or poker runs shall report promptly after conclusion of each raffle or poker run to its membership.

(D) Each organization licensed to conduct raffles shall report promptly to the Village Clerk, its gross receipts, expenses and net proceeds from raffles, and the distribution of net proceeds itemized as required by this Section.

(E) Records required by this Section shall be preserved for **three (3) years**, and the organization shall make available their records relating to operation of poker runs for public inspection at reasonable times and places.

(F) The Village shall maintain the records required by this Section in compliance with the "Raffles and Poker Runs Act" and the Local Records Act, **50 ILCS 205/1 et seq.**

**7-6-10 LIMITED CONSTRUCTION.** Nothing in this Article shall be construed to authorize the conducting or operating of any gambling scheme, enterprise, activity, or device other than raffles or poker runs as provided for herein.

**7-6-11 TERM AND FEES.**

(A) The aggregate retail value of all prizes or merchandise awarded by a licensee in a single raffle or poker run shall not exceed **One Million Dollars (\$1,000,000.00)**;

(B) The maximum retail value of each prize awarded by a licensee in a single raffle or single poker run shall not exceed **One Million Dollars (\$1,000,000.00)**;

(C) The maximum price which may be charged for each raffle chance issued or sold or each poker hand shall not exceed **One Hundred Dollars (\$100.00)**;

(D) Licenses issued pursuant to this Code shall be valid until the grand prize is awarded may be suspended or revoked for any violation of this Code;

(E) Raffle chances shall only be sold within the area specified in the license application;

(F) Licenses shall be issued to a bona fide religious, charitable, labor, fraternal, educational, or veterans' organizations that operate without profit to their members, and which have been in existence continuously for a period of **five (5) years** immediately before making application for a license and which have had during that entire **five (5) year** period a bona fide membership engaged in carrying out their objectives;

(G) The above-mentioned types of organizations shall be defined pursuant to **230 ILCS 15/.01 et seq.**, being the Raffles and Poker Run Act;

(H) No person shall be issued more than **one (1) license** in a period of **one (1) week**.

**(Ord. No. 2019-01; 02-11-19)**

**ARTICLE VII – MEAT DEALERS**

**7-7-1**        **FEE ESTABLISHED.** There is hereby established an annual fee for all meat dealers of **Twenty-Five Dollars (\$25.00)**. The owner of the business shall have a valid health permit from the Bi-County Health Department.

## ARTICLE VIII – ADULT USE LICENSING AND REGULATION

**7-8-1**        **PURPOSE.** The purpose of this Article is to regulate adult uses to protect the community from the many types of criminal activity frequently associated with such uses. The Village recognizes that such regulation cannot effectively prohibit such uses, but can balance the competing interest of the community in reducing criminal activity and protecting property values versus the protected rights of the owners, operators, employees and patrons of adult uses.

**7-8-2**        **DEFINITIONS.**

(A)        **Adult Bookstore.** An establishment having as a substantial or significant portion of its sales or stock in trade, books, magazines, films for sale or for viewing on premises by use of motion picture devices or by coin operated means, and periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities", or "specified anatomical areas", or an establishment with a segment or section devoted to the sale or display of such materials, or an establishment that holds itself out to the public as a purveyor of such materials based upon its signage, advertising, displays, actual sales, presence of video preview or coin operated booths, exclusion of minors from the establishment's premises or any other factors showing the establishment's primary purpose is to purvey such material.

(B)        **Adult Entertainment Cabaret.** A public or private establishment which:

- (1) features topless dancers, strippers, "go-go" dancers, male or female impersonators, lingerie or bathing suit fashion shows;
- (2) not infrequently features entertainers who display "specified anatomical areas"; or
- (3) features entertainers who by reason of their appearance or conduct perform in a manner which is designed primarily to appeal to the prurient interest of the patron or features entertainers who engage in, or are engaged in explicit simulation of "specified sexual activities".

(C)        **Adult Motion Picture Theater.** A building or area used for presenting materials distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

(D)        **Adult Novelty Store.** An establishment having a substantial or significant portion of its sales or stock in trade consisting of toys, devices, clothing "novelties", lotions and other items distinguished or characterized by their emphasis on or use for "specialized sexual activities" or "specified anatomical areas" or an establishment that holds itself out to the public as a purveyor of such materials based upon its signage, advertising, displays, actual sales, exclusion of minors from the establishment's premises or any other factors showing the establishment's primary purpose is to purvey such material.

(E)        **Nudity.** Nudity means the showing of the human male or female genitals, pubic area, female breasts with less than a full opaque covering below a point immediately above the top of the areola, human male genitals in a discernibly turgid state even if completely and opaquely covered or, that portion of the buttocks which would be covered by a properly worn "thong" type bikini bottom.

(F)        **Public Place.** Public place means any location frequented by the public, or where the public is present or likely to be present, or where a person may reasonably be expected to be observed by members of the public. Public places include, but are not limited to, streets, sidewalks, parks, beaches, business and commercial establishments (whether for profit or not-for-profit and whether open to the public at large or where entrance is limited by a cover charge or membership requirement), hotels, motels, restaurants, nightclubs, country clubs, cabarets and meeting facilities utilized by social, fraternal or similar organizations. Premises used solely as a private residence, whether permanent or temporary in nature, shall not be deemed a public place. Public places shall not include enclosed single sex public restrooms, enclosed single sex functional showers, locker and/or dressing room facilities, enclosed motel rooms and hotel rooms designed and intended for sleeping accommodations, doctors offices, churches, synagogues or similar places when used for circumcisions, baptisms or similar religious

ceremonies, portions of hospitals and similar places in which nudity or exposure is necessarily and



customarily expected outside of the home; nor shall it include a person appearing in a state of nudity in a modeling class operated by (1) a proprietary school licensed by the State; a college, junior college or university supported entirely or partly by taxation; or (2) a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college or a university supported entirely or partly by taxation or an accredited private college.

(G) **Adult Use.** Adult bookstores, adult motion picture theaters, adult entertainment cabarets, adult clubs allowing nudity at regular or frequent times, adult novelty stores and other similar uses.

(H) **Employee.** Employees, independent contractors or any other person who is retained by the licensee or subject to dismissal from working at the licensed premises.

(I) **Specified Sexual Activities.** For the purpose of this Article, "specified sexual activities" means:

- (1) human genitals in the state of sexual stimulation or arousal;
- (2) acts of human masturbation, sexual intercourse or sodomy; and
- (3) fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts.

(J) **Specified Criminal Activity.** For the purpose of this Article, "specified anatomical areas" means:

- (1) less than completely and opaquely covered:
  - (a) human genitals;
  - (b) pubic region;
  - (c) buttocks;
  - (d) female breasts below a point immediately above the top of the areola; and
- (2) human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(K) **Specified Criminal Activity.** Specified criminal activity means any of the following offenses:

- (1) Prostitution or promotion of prostitution; dissemination of obscenity; sale distribution or display of harmful material to a minor; sexual performance by a minor; possession or distribution of child pornography; public lewdness; public indecency; indecency with a child; engaged in organized criminal activity; sexual assault; molestation of a child; gambling; or distribution of a controlled substance; or any similar offenses to those described above under the criminal or penal code of other states or countries;
- (2) For which:
  - (a) less than **two (2) years** have elapsed since the date of conviction or the date of release from confinement imposed for the conviction which is the later date, if the conviction is of a misdemeanor offense;
  - (b) less than **five (5) years** have elapsed since the date of conviction or the date of release from confinement for conviction, whichever is the later date, if the conviction is a felony offense; or
  - (c) less than **five (5) years** have elapsed since the date of the last conviction or the date of release from confinement from the last conviction, whichever is the later date, if the convictions are of **two (2)** or more misdemeanor offenses or combination of misdemeanor offenses occurred within any **twenty-four (24) month** period; and
- (3) The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant.

**7-8-3            LICENSE REQUIRED.**

(A)            It shall be unlawful for any person to operate an adult use without a valid adult use business license issued by the Village pursuant to this Article.

(B)            An application for a license shall be made on a form provided by the Village.

(C)            All applicants must be qualified according to the provisions of this Article. The application may request and the applicant shall provide such information (including fingerprints) as is needed to enable the Village to determine whether the applicant meets the qualifications established in this Article.

(D)            If a person who wishes to operate an adult use is an individual, the person must sign the application for a license as applicant. If the applicant is a club, consisting of private or public membership, then such entity shall also be licensed under this Article. If a person who wishes to operate an adult use is other than an individual or club, each individual who has a **twenty percent (20%)** or greater interest in the business, including corporations, must sign the application for a license as applicant. Each applicant must be qualified under the following section and each applicant shall be considered a licensee if the license is granted.

(E)            The completed application for an adult use business license shall contain the following information:

- (1)            If the applicant is an individual, the individual shall state his/her legal name and any aliases and submit proof that he/she is **eighteen (18) years** of age;
- (2)            If the applicant is a club, consisting of private or public membership, a copy of the by-laws of the club must be submitted with the application. In addition, a sworn statement as to the purposes, general activities and requirement for club membership must be submitted.
- (3)            If the applicant is a partnership, the partnership shall state its complete name and the names of all partners, whether the partnership is general or limited, and a copy of the partnership agreement, if any; and
- (4)            If the applicant is a corporation, the corporation shall state its complete name, the date of incorporation, evidence that the corporation is in good standing under the laws of its state of incorporation, the names and capacity of all officers, directors and principal shareholders, (those with a **twenty percent (20%)** or more stake) and the name and address of the registered corporate agent.

(F)            If the applicant intends to operate the adult use business under a name other than that of the application, he/she must state:

- (1)            the business' fictitious name and
- (2)            submit any required registration documents.

(G)            Whether the applicant has been convicted of any specified criminal activity as defined in this Article, and if so, the specified criminal activity involved, the date, place and jurisdiction of each.

(H)            Whether the applicant has had a previous license under this Article or similar ordinances from another jurisdiction denied, suspended or revoked, including the name and location of the business which the permit was denied, suspended or revoked, as well as the date of the denial, suspension or revocation. If the applicant has been a partner in a partnership or an officer, director or principal stockholder of a corporation that is or was licensed under this Article or similar ordinance in another jurisdiction and a license has previously been denied, suspended or revoked, include the name and location of the business for which the permit was denied, suspended or revoked, as well as the date of denial, suspension or revocation.

(I)            Whether the applicant holds any other licenses under this Article or other similar ordinance from another jurisdiction and if so, the names and locations of such other licensed businesses.

(J)            A sketch or diagram showing the configuration of the premises, including a statement of total floor area occupied by the business. This sketch or diagram need not be professionally prepared, but it must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises.

**7-8-4**            **ISSUANCE OF LICENSE.**

(A)            Within **thirty (30) days** after receipt of a completed adult use business license application, the Village shall approve or deny the issuance of a license to an applicant. The Village shall approve the issuance of a license unless it determines, by a preponderance of the evidence, any one or more of the following:

- (1)        The applicant is under **eighteen (18) years** of age;
- (2)        The applicant is overdue in payment to the Village of taxes, fees, fines or penalties assessed against or imposed upon him/her in relation to any business;
- (3)        The applicant has failed to provide information reasonably necessary for the issuance of the license or has falsely answered a question or request for information on the application form;
- (4)        The applicant has been denied a license by the Village to operate an adult use business within the preceding **twelve (12) months** or whose license to operate an adult use business has been revoked within the preceding **twelve (12) months**;
- (5)        The applicant has been convicted of a specified criminal activity defined in this Article.
- (6)        The premises to be used for adult use business has not been inspected and approved by the Fire Department and the Building Department as being in compliance with applicable laws and ordinances.
- (7)        The license fee required by this Article has not been paid.
- (8)        The applicant of the proposed establishment is in violation or in not in compliance with all of the provisions of this Article.

(B)            The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date and the address of the adult use business. All licenses shall be posted in a conspicuous place at or near the entrance to the business so that they may be easily read at any time.

(C)            The Fire Department and Code Enforcement Officers shall complete their inspection certification that the premises is in compliance or not in compliance with Village codes within **twenty (20) days** of receipt of the application by the Village.

(D)            No adult use business license shall be issued unless it meets all criteria set forth in the Zoning Code. However, an adult use business license may be issued for a premises which is a legal nonconforming use which has not yet been amortized or for a premises where such amortization is being challenged by litigation.

(E)            No signs, advertising or other notice to the public may be given for any premises where adult use is conducted, pursuant to this Article.

**7-8-5**            **LIQUOR.** No liquor license shall be issued to a licensee or to premises where adult use is conducted, nor shall liquor be sold, given away or allowed to be consumed on the premises where any adult use is conducted.

**7-8-6**            **FEES.** Every application for an adult use business license (whether a new license or for renewal of an existing license) shall be accompanied by a **Seven Hundred Fifty Dollar (\$750.00)** non-refundable application and investigation fee.

**7-8-7**            **INSPECTION.**

(A)            An applicant or licensee shall permit representatives of the Police Department, Fire Department, Building Department or other Village or Village designated departments or agencies to inspect the premises of the adult use for the purpose of ensuring compliance with the provisions of this Article at any time it is occupied or open for business.

(B) A person who operates an adult use or his agent or employee violates this Article is he/she refuses to permit such lawful inspection of the premises at any time it is occupied or open for business.

**7-8-8            EXPIRATION OF LICENSE.**

(A) Each license shall expire on the **January 1** after it was issued and may be renewed only by making application as provided in **Section 7-8-4**. Application for renewal shall be made at least **thirty (30) days** before the expiration date and when made less than **thirty (30) days** before the expiration date, the expiration of license will not be affected.

(B) If the Village denies renewal of a license, the applicant shall not be issued a license for **one (1) year** from the date of denial. If, subsequent to denial, the Village finds that the basis for denial of the license has been corrected or abated, the applicant may be granted a license.

**7-8-9            SUSPENSION.** The Village may suspend a license for a period not to exceed **thirty (30) days** if, after a hearing, it determines that a licensee or an employee of a licensee:

(A) violated or is not in compliance with any section of this Article;

(B) refused to allow an inspection of the adult use business premises as authorized by this Article, or

(C) knowingly permitted gambling by any person on the adult use business premises.

If the licensee or an employee of the licensee has been found guilty in a court of law of a violation of this Article, no hearing is necessary prior to suspension of the license.

**7-8-10          REVOCAION.**

(A) The Village shall revoke a license if a cause of suspension in **Section 7-8-8** above occurs and the license has been suspended within the preceding **twelve (12) months** or if the licensee is convicted of any specified criminal activity.

(B) The Village may revoke a license if it determines, after a hearing, that:

(1) A licensee gave false or misleading information in the material submitted during the application process;

(2) A licensee or management personnel has knowingly allowed possession, use or sale of alcohol or controlled substances on the premises;

(3) A licensee or management personnel has knowingly allowed prostitution on the premises;

(4) A licensee or management personnel knowingly operated the adult use business during a period of time when the licensee's license was suspended;

(5) A licensee or management personnel has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation or other sex act to occur in or on the licensed premises;

(6) A licensee is delinquent in payment to the Village, County or State for any taxes or fees past due;

(7) A licensee or management personnel has knowingly facilitated another's commission of the offense of public indecency; or

(8) The adult use is a public nuisance as defined by statute, ordinance or case law.

(C) If the Village revokes a license, the revocation shall continue for **one (1) year** and the licensee shall not be issued an adult use business license for **one (1) year** from the date the revocation became effective. If subsequent to revocation, the Village finds that the factual basis for the revocation did not occur, the applicant may be granted a license.

(D) After denial of an application, or denial of a renewal of an application, or suspension or a revocation of any license, the applicant or licensee may seek prompt judicial review of such action in any court of competent jurisdiction.

**7-8-11**        **TRANSFER OF LICENSE.** A licensee shall not transfer his/her license to another nor shall a license operate an adult use business under the authority of a license at any place other than the address on the license.

**7-8-12**        **BUSINESS RECORDS.** All adult uses shall file a verified report with the Village showing the licensee's gross receipts and amounts paid to employees during the preceding calendar year. In addition, all adult uses shall maintain and retain for a period of **two (2) years**, the names, addresses and ages of all persons employed, including independent contractors, by the licensee.

**7-8-13**        **LIQUOR LICENSE.** No adult use may be issued a liquor license. Nor shall any establishment with a liquor license operate as an adult use.

**7-8-14**        **ADULT ENTERTAINMENT CABARETS – RESTRICTIONS.** All dancing or other performances shall occur on a stage intended for that purpose which is raised at least **two (2) feet** from the level of the floor. No dancing or other performance shall occur closer than **ten (10) feet** to any patron. In addition, no dancer or performer shall fondle, caress or otherwise touch any patron and no patron shall fondle, caress or otherwise touch any dancer or performer. No patron shall directly pay or give any gratuity to any dancer or performer and no dancer shall solicit any pay or gratuity from any patron. Gratuities may be indirectly given to dancers or performers by placing the gratuity on the stage.

**7-8-15**        **VIDEO VIEWING BOOTHS – RESTRICTIONS.** No booths, stalls or partitioned portions of a room or individual rooms used for the viewing of motion pictures or other forms of entertainment shall have doors, curtains or portal partitions, but all such booths, stalls or partitioned portions or a room or individual rooms so used shall have at least **one (1) side** open to an adjacent public room so that the area inside is visible to persons in the adjacent public room. All such described areas shall be lighted in such a manner that the persons in the areas used for viewing motion pictures or other forms of entertainment are visible from the adjacent public rooms, but such lighting shall not be of such intensity as to prevent the view of the motion pictures or other offered entertainment.

**7-8-16**        **HOURS OF OPERATION.** No adult use shall be open prior to **10:00 A.M.** or after **1:00 A.M.**

**7-8-17**        **INVESTIGATION.** Any licensee hereunder shall permit law enforcement officials, free and unlimited access to the premises during hours of operation, upon reasonable request, for the purposes of investigating compliance with the provisions of this Article.

**ARTICLE IX – FIREWORKS CODE**

**7-9-1 DEFINITIONS.** As used in this Article, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

**Common Fireworks:** Any fireworks designed primarily to produce visual or audible effects by combustion.

(A) The term includes:

- (1) Ground and hand-held sparkling devices, including items commonly known as dipped sticks, sparklers, cylindrical fountains, cone fountains, illuminating torches, wheels, ground spinners, and flitter sparklers;
- (2) Smoke devices;
- (3) Fireworks commonly known as helicopters, aerials, spinners, roman candles, mines and shells;
- (4) Class C explosives classified as common fireworks by the United States Department of Transportation, by regulations found in the Code of Federal Regulations.

(B) The term does not include fireworks commonly known as firecrackers, salutes, chasers, skyrockets, and missile-type rockets.

**Dangerous Fireworks:** Any fireworks not defined as a “common firework”.

**Fireworks:** Any composition or device, in a finished state, containing any combustible or explosive substance for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, and classified as common or special fireworks.

**Special Fireworks:** Any fireworks designed primarily for exhibition display by producing visible or audible effects. The term includes:

(A) Fireworks commonly known as skyrockets, missile-type rockets, firecrackers, salutes, and chasers; and

(B) Fireworks not classified as common fireworks.

**7-9-2 SALE OF FIREWORKS UNLAWFUL.** It is unlawful for any person to sell any fireworks within the Village other than those fireworks designated in **Section 7-9-5** of this Article, provided that this prohibition shall not apply to duly authorized public displays.

**7-9-3 POSSESSION, USE AND DISCHARGE OF DANGEROUS FIREWORKS UNLAWFUL.** It is unlawful for any person to sell, possess, use, transfer, discharge or explode any dangerous firework within the Village; provided that this prohibition shall not apply to duly authorized public displays.

**7-9-4 PERMIT REQUIRED TO SELL OR DISPLAY FIREWORKS.** It is unlawful for any person to engage in the retail sale of or to sell fireworks or to hold, conduct, or engage in a public display of fireworks within the Village without first having obtained a valid permit issued pursuant to the provisions of this Article.

**7-9-5 TIME LIMIT SET ON SALE AND USE.** No permit holder shall offer for retail sale or sell any fireworks within the Village except from **12:00 Noon** on the **28<sup>th</sup> of June** to **12:00 Noon** on the **6<sup>th</sup> of July** of each year. No fireworks may be sold or discharged between the hours of **11:00 P.M.** and **9:00 A.M.** Provided, the sale and use of fireworks as provided in this Section shall be limited to the following:

Dipped stick, sparklers and smoke devices.

**7-9-6 PERMIT FEES.** The annual fee for a “seller’s permit” for the sale of fireworks as may be authorized under this Article, shall be **One Hundred Dollars (\$100.00)** per year for each seller’s permit, payable in advance. The fee for a “public display permit” for the public display of fireworks shall be **One Hundred Dollars (\$100.00)**, payable in advance, unless waived by the Village Board.

**7-9-7 ISSUANCE – NONTRANSFERABLE VOIDING.**

(A) **Sellers.** Each seller’s permit issued under this Article shall be for only one retail outlet. The number of seller’s permits shall not be limited as long as all conditions are met as stated in **Section 7-9-11** of this Article. Each seller’s permit issued pursuant to this Article shall be valid only for the current year, shall be used only by the designated permittee and shall be nontransferable.

(B) **Public Display Permit.** Each public display permit issued pursuant to this Article shall be valid for the specific authorized public display event only, shall be used only by the designated permittee and shall be nontransferable. Any transfer or unauthorized use of a permit is violation of this Article and shall void the permit granted in addition to all other sanctions provided in this Article.

**7-9-8 APPLICATION FOR PUBLIC DISPLAY PERMIT.** Applications for a permit to conduct a public display of fireworks shall be made to the Fire Chief at least **fourteen (14) days** prior to the scheduled event. Applicants shall meet all qualifications and requirements of state law regarding public display of fireworks and all fire and safety requirements as set forth in the standards for public display, and as set forth in **Section 7-9-12** of this Article.

**7-9-9 APPLICATION FOR SELLER’S PERMIT—CONDITIONS FOR ISSUANCE.**

Applications for seller’s permits shall be made to the Village Clerk annually on or after **April 1<sup>st</sup>** of the year for which the permit is issued and the filing period shall close on **April 15<sup>th</sup>** of such year unless extended by action of the Village Board. Applications shall be signed by the retail seller, if an individual, or by the duly authorized officer, if an association or corporation. It is unlawful for a fireworks manufacturer, wholesaler or supplier to make application for or to obtain a retail sales permit on behalf of any retailer. Seller’s permits for the sale of those fireworks allowed pursuant to **Section 7-9-4** of this Article shall be issued only to applicants meeting the following conditions:

(A) The retailer or person in charge and responsible for the retail operation shall be **twenty-one (21) years** of age or older, of good moral character and of demonstrated responsibility.

(B) The applicant shall have a valid and current license issued by the State of Illinois authorizing the holder to engage in the retail sale of fireworks. **(See 425 ILCS 35)**

(C) The applicant shall own or have the right to possess a temporary fireworks stand complying with the requirements of this Article.

(D) The applicant shall procure and maintain a policy or policies of public liability and property damage insurance issued by a company or companies authorized to do business in the State of Illinois in the following minimum amounts: **Five Hundred Thousand Dollars (\$500,000.00)** for injuries to any one person in one accident or occurrence; **One Million Dollars (\$1,000,000.00)** for injuries to two or more persons in any one accident or occurrence; **Five Hundred Thousand Dollars (\$500,000.00)** for damage to property in any one accident or occurrence; **One Million Dollars (\$1,000,000.00)** combined single limit for any one accident or occurrence. In addition, the Village is to be an additional named insured and the policy shall provide for the immediate notification of the Village by the insurer of any cancellation of any policy.

(E) The permit holder’s location or place of business shall be only in those areas or zones within the Village where commercial activities are authorized under applicable zoning law; provided, that the sale of those fireworks authorized by **Section 7-9-5** of this Article shall not be deemed an enlargement of an existing nonconforming use.



(F) The applicant shall post with the Village a performance bond or a cash deposit in an amount not less than **Two Hundred Dollars (\$200.00)** conditioned upon the prompt removal of the temporary fireworks stand and the cleaning up of all debris from the site of the stand, which deposit shall be returned to the applicant only in the event that the applicant removes the temporary stand and cleans up all debris to the satisfaction of the Village. In the event the applicant fails to do so, the performance bond or cash deposit shall be forfeited. In no event shall the applicant be entitled to the return of the performance bond or cash deposit if he or she has failed to remove the stand and clean up all debris by the **tenth (10<sup>th</sup>) of July** following the sales period.

(G) No seller's permit shall be issued for a location which fails to meet the criteria set forth in **Section 7-9-11** of this Article, including the minimum stand separation requirement. When necessary, in order to determine priority as to a proposed location, the earliest date and time of filing of an application for a seller's permit with the Village Clerk shall be controlling.

**7-9-10 SALE FROM STANDS – EXCEPTIONS.** All approved fireworks as set forth in **Section 7-9-5** of this Article except toy paper caps containing not more than **twenty-five hundredths grain** of explosive compound for each cap and trick or novelty device not classified as common fireworks, shall be sold and distributed only from temporary stands.

**7-9-11 STANDARDS FOR TEMPORARY STANDS.** The temporary stands of all seller's permit holders shall conform to the following minimum standards and conditions:

(A) Temporary fireworks stands need not comply with all provisions of the Building Code; provided, however, that all such stands be erected under the supervision of the Village Building Inspector, who shall require all stands to be constructed in a safe manner ensuring the safety of attendants and patrons. In the event any temporary stand is wired for electricity, the wiring shall conform to the electrical code.

(B) No temporary fireworks stand shall be located within **fifty (50) feet** of any other building or structure, nor within **two hundred fifty (250) feet** of any gasoline station, oil storage tank or premises where flammable liquids or gases are kept or stored.

(C) Each temporary fireworks stand must have at least two exits, which shall be unobstructed at all times.

(D) Each temporary fireworks stand shall have, in a readily accessible place, at least two, **two and one-half (2½) gallon** pressurized water fire extinguishers which are in good working order.

(E) All weeds, grass, and combustible material shall be cleared from the location of the temporary fireworks stand and the surrounding area to a distance of not less than **twenty-five (25) feet**, measured from the exterior walls of the temporary fireworks stand.

(F) No smoking shall be permitted in or near a temporary fireworks stand for a distance of not less than **fifty (50) feet** measured from the exterior walls of the temporary fireworks stand. Signs stating: **"No Smoking Within 50 Feet"** shall be posted on the exterior of each wall of the temporary fireworks stand.

(G) Each temporary fireworks stand shall have a person who is **eighteen (18) years** old or older in attendance at all times the stand is stocked. Stock from the stand shall not be removed and stored in any other building during the sales period without the express approval of the Fire Chief.

(H) All unsold stock and accompanying litter shall be removed from the temporary fireworks stand by **12:00 Noon** on the **seventh (7<sup>th</sup>) day of July** of each year.

(I) No temporary fireworks stand shall be located within **five hundred (500) feet** of any other temporary fireworks stand.

(J) Each temporary fireworks stand shall have provisions for sufficient off-street parking, at least **fifteen (15) spaces**, to avoid impeding a continuous flow of traffic at entrances and exits from the premises.

(K) No person shall discharge any fireworks within **two hundred fifty (250) feet** of the exterior walls of any temporary fireworks stand. Signs stating: **"No discharge of fireworks within 250 feet."** shall be posted on the exterior of all walls of the temporary fireworks stand.

**7-9-12 STANDARDS FOR PUBLIC FIREWORKS DISPLAYS.** All public fireworks displays shall conform to the following minimum standards and conditions:

(A) All public fireworks displays shall be planned, organized and discharged by pyrotechnician, "Pyrotechnician" means an individual who by experience and training has demonstrated the required skill and ability for safety setting up and discharging displays of special fireworks. All individuals shall have a license under the provisions of the Pyrotechnic Distributor and Operator Licensing Act. **(225 ILCS 227)**

(B) A permit must be obtained from the Village and approved by the Fire Chief or designee prior to any display of public fireworks. The permit shall include the name of the applicant and his or her address, the name of the Pyrotechnician and his or her address; the exact location, date and time of the proposed display; the number, type and class of fireworks to be displayed the manner in which the fireworks are being stored prior to the public fireworks display; and shall include the name and address of the insurance company providing the bond required.

(C) A drawing shall be submitted to the Fire Chief showing a plan view of the fireworks discharge site and the surrounding area within a **five hundred (500) foot** radius. The drawing shall include all structures, fences, barricades, street fields, streams and any other significant factors that may be subjected to ignition or that may inhibit firefighting capabilities.

(D) When, in the opinion of the Fire Chief, such requirement is necessary to preserve the public health, safety and welfare, the permit may require that a Fire Department pumper and a minimum of two trained firefighters shall be on site **thirty (30) minutes** prior to and after the shooting of the event. The exhibitor shall repay the Village for all costs to firefighters for such time.

(E) All combustible debris and trash shall be removed from the area of discharge for a distance of **three hundred (300) feet** in all directions.

(F) All unfired or "dud" fireworks shall be disposed of in a safe manner.

(G) A minimum of two 2A-rated pressurized water fire extinguishers and one fire blanket shall be required to be at the fireworks discharge site.

(H) The permit shall be immediately revoked at any time the Fire Chief or a designee deems such revocation is necessary due to noncompliance, weather conditions such as, but not limited to, extremely low humidity or high winds. The display shall also be cancelled by accidental ignition of any form of combustible or flammable material in the vicinity due to falling debris from the display.

(I) Areas of public access shall be determined by the Fire Chief or designer and maintained in an approved manner.

**7-9-13 USE OF FIREWORKS IN PUBLIC PARKS.** It shall be unlawful for any person to discharge or possess any fireworks upon public land or in any public park, owned by the Village, provided, however, that such use shall be permitted under the following circumstances:

(A) This provision shall not apply to possession of fireworks in the otherwise lawful use of public rights of way such as sidewalks and planting strips. This subsection shall not be a defense to a charge of obstructing traffic or otherwise obstructing a public right of way.

(B) The Fire Chief shall designate limited areas for use during the hours permitted by the Article for the discharge of fireworks as allowed by **Section 7-9-5** of this Article. Otherwise lawful discharge and possession of fireworks as allowed by **Section 7-9-5** in such areas shall not be a violation of this Section. In doing so, the Fire Chief shall consider:

- (1) The sensitivity of the area's environment, wildlife and wildlife habitat;
- (2) The inconvenience and nuisance to abutting property owners;
- (3) The safety and suitability of the area as a place for the discharge of fireworks; and

(4) Danger of fire or other destruction of public property and improvements from the use of the fireworks.

(C) Upon designation of any area, it shall be signed and posted by **July 1<sup>st</sup>** of each year fro use on **July 4<sup>th</sup>** between the hours of **9:00 A.M.** and **11:00 P.M.** Designation of any area may be appealed in writing to the Village Board by any citizen of the Village. The decision of the Village Board shall be final.

(D) Nothing in this Article shall be deemed to limit the authority of the Village Board to allow event display of special fireworks under a permit issued in accordance with the provisions of the Code and State statutes.

**7-9-14**      **SPECIAL EFFECTS FOR ENTERTAINMENT MEDIA.** This Code does not prohibit the assembling, compounding, use and display of special effects of whatever nature by any person engaged in the production of motion pictures, radio, or television productions, theatricals or operas when such use and display is a necessary part of the production and such person possesses a valid permit issued by the Village in accordance with **Sections 7-9-7** and **7-9-8** of this Code.

**7-9-15**      **NONPROHIBITED ACTS.** This Code does not prohibit the use of flares or fuses in connection with the operation of motor vehicles, railroads, or other transportation agencies for signal purposes or illumination or for use in forest protection activities.

**7-9-16**      **APPLICABILITY.** The provisions of this Code shall not be applicable to toy paper caps containing not more than **twenty-five hundredths grain** of explosive compound for each cap and trick nor to novelty device not classified as common fireworks.

**7-9-17**      **STATUS OF STATE LAW.** This Code is intended to implement applicable State law, to wit, **Chapters 225 ILCS 227 and 425 ILCS 35**, and shall be construed in connection, with that law and any and all rules or regulations issued pursuant to that law.

**7-9-18**      **ENFORCEMENT.** The Fire Chief or designee, is authorized to enforce all provisions of this Code and, in addition to criminal sanctions or civil remedies, may revoke any permit issued pursuant to this Code upon any failure or refusal of the permittee to comply with the lawful orders and directives of the Fire Chief or designee, or to comply with any provisions of this Code or the requirements of the community development code relating to temporary structures.

**7-9-19**      **RECKLESS DISCHARGE OR USE PROHIBITED.** It is unlawful for any person to discharge or use fireworks in a reckless manner which creates a substantial risk of death or serious physical injury to another person or damage to the property of another.

**EXHIBIT "A"**

**APPLICATION FOR AN OUTDOOR PYROTECHNIC DISPLAY PERMIT**

**PART A – DISPLAY SPONSOR INFORMATION**

Display Sponsor's Name	Telephone Number
Address	Cell Phone

**PART B – PYROTECHNIC DISTRIBUTOR INFORMATION**

Pyrotechnic Distributor's Name	OSFM License	
Address	Telephone Number	
Location Where Fireworks Stored	Storage Dates	
Lead Pyrotechnic Operator's Name	OSFM License	
Assistant's Names	Date of Birth	License No. (if any)
Liability Insurance: (not less than \$1,000,000.00)		
Name and Address of Insurer		Telephone Number
Policy Number	Coverage Dates	
Type of Coverage		
List Type, Size and Approximate Number of Fireworks to be Displayed: (if you need more space, please attach a separate sheet of paper.)		

**PART C – DISPLAY INFORMATION**

Display Location	
Property Owner's Name	Telephone Number
Owner's Address (if different than Display Location)	
Date of Display	Time of Display
Alternative Date	Time of Alternative Display
By signing below, the Owner of the property on which the Outdoor Pyrotechnic Display will take place, hereby authorizes the Display Sponsor and the Pyrotechnic Distributor to perform the Outdoor Pyrotechnic Display on said property.	
Signature:	

**PART D – SITE INSPECTION INFORMATION**

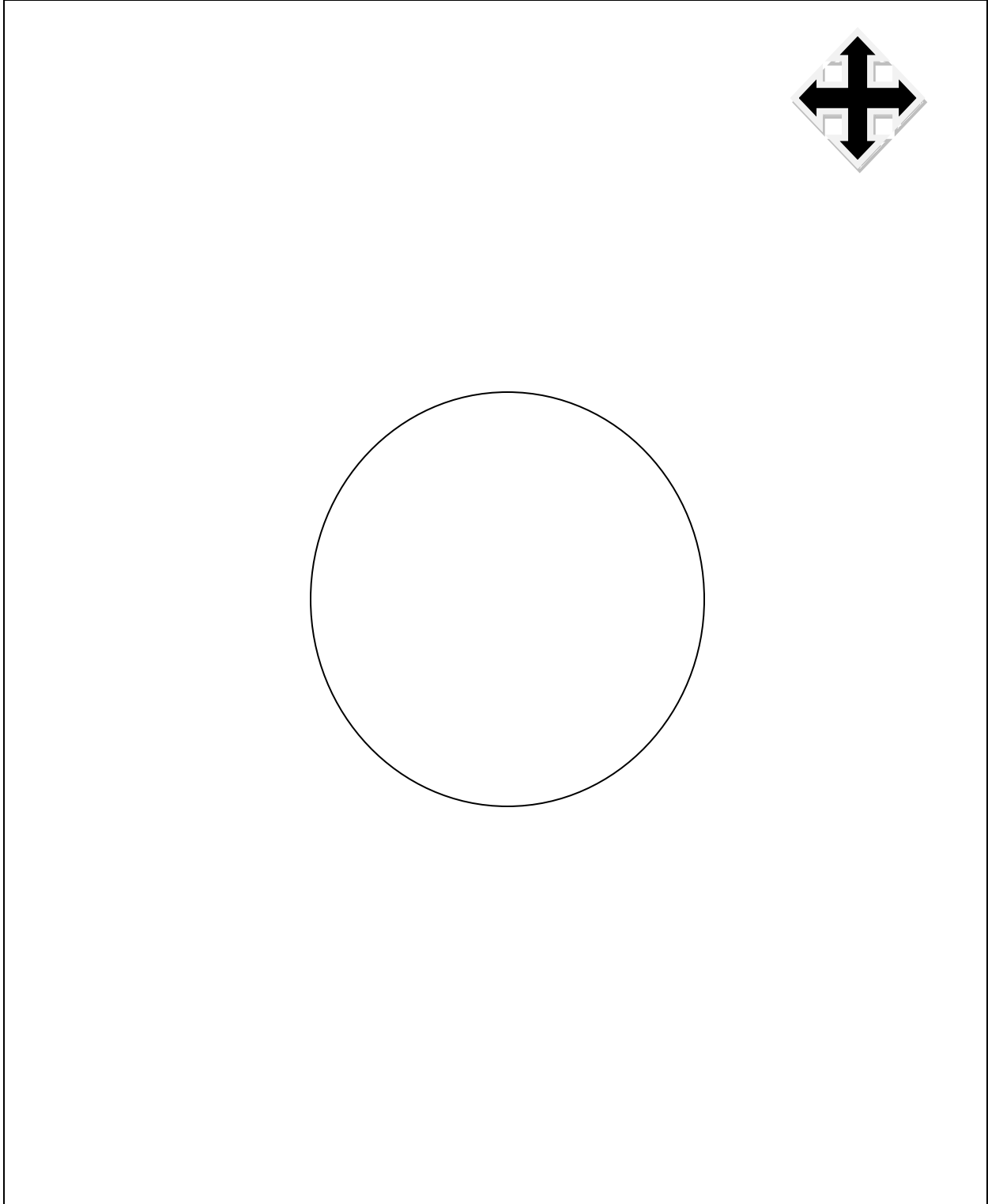
Answer the following questions	Yes	No
Is distance to any fire hydrant or water supply greater than 600'?		
Is display area clear from overhead obstructions?		
Have provisions been made to keep the public out of display area?		
Is a hospital, nursing home, or other institution within 600' of the display site?		
Have provisions been made for on-site fire protection during the display?		
Has a diagram of the display site been attached to this application?		
Identify the largest mortar size (in inches) you intend to use.		
Identify the minimum secured diameter of the display site (in feet) based on the largest mortar size.		

**PART E – FIRE DEPARTMENT AUTHORIZATION  
(Completed by Fire Department)**

Department Name	Telephone Number	
Department Address		
Based on review of the Display Site, the provided Diagram, And this application:	Yes	No
Have you verified the answers the applicant has given to Part D of this application?		
Will the performance of the described Outdoor Pyrotechnic Display at the planned display site be hazardous to property or endanger any person?		
By signing below, the Fire Chief of the above-identified fire jurisdiction, or his or her designee, hereby acknowledges that he or she inspected the Display Site:		
Signature:		
Print Name:	Date	

**PART F – DIAGRAM OF DISPLAY SITE (Completed by the Applicant)**

In the space provided below, draw and identify the location of the following items:  
Streets, Discharge Site, Fallout Area, Parking Area, Spectator Area, Buildings, Overhead Obstructions, and Spotters.  
The associated separation distances must also be shown. Do not forget to identify the direction in your drawing:



**EXHIBIT "B"**

**OUTDOOR PROFESSIONAL DISPLAY SITE CHECKLIST**

**PART A – DISPLAY INFORMATION**

Name of Company: \_\_\_\_\_ License No. \_\_\_\_\_

Name of Lead Operator: \_\_\_\_\_ License No. \_\_\_\_\_

Location of Display: \_\_\_\_\_

Venue Contact: (Name, Address and Telephone Number)  
 \_\_\_\_\_

Date of Display: \_\_\_\_\_ Alternative Display Date: \_\_\_\_\_

<u>Assistants Names</u>	<u>Date of Birth</u>	<u>License No. (If Any)</u>

**PART B – DISPLAY SITE SELECTION/MINIMUM DISTANCES**

- Did the operator provide you a copy of the Display Site plan? The display site plan must include the dimensions and locations of the discharge site, the fallout area, and identify the spectator viewing area and parking areas which must be located outside of the display site. The associated separation distances must also be shown.
- Identify the largest mortar size in inches: ( )
- The minimum display site size required to conduct the display is based on the size of the largest mortar. To determine the minimum area for the display site, go to Table 1 and read the number next to size of the largest mortar identified above:

**Table 1**

<b>Mortar Size (in inches)</b>	<b>Minimum Secured Diameter of the Site (in feet)</b>
<3	280
3	420
4	560
5	700
6	840
7	980
8	1120
10	1400
12	1680

*Where unusual or safety-threatening conditions exist, the authority having jurisdiction shall be permitted to increase the required separation distances as it deems necessary.*

- Spectators and spectator parking areas must be located outside of the display site.

- Dwellings, buildings, and structures are not permitted to be located within the display site without the approval of the authority having jurisdiction and the owner and the dwelling, building, or structure is unoccupied during the display. The building may remain occupied if the structure provides protection through substantial noncombustible or fire-resistant construction for the occupants.
- Fire protection personnel and their vehicles and other emergency response personnel and vehicles shall remain at or beyond the perimeter of the display site during the actual firing of the display.
- Review sample Display Site Plan at end of this document.

### **PART C – LOCATION OF DISPLAY**

- Mortars shall be placed at the approximate center of the display site.
- There shall not be any overhead object over the mortars or within 25 ft of the trajectory of any aerial shells.
- Ground display pieces shall be located a minimum distance of 75 ft from spectator viewing areas and parking areas.
  - Exception: For ground pieces with greater hazard potential (such as large wheels with powerful drivers, and items employing large salutes) or all roman candles and multishot devices, the minimum separation distance shall be increased to 125 ft (38 m).

### **PART D - MORTARS**

- Mortars shall be positioned and spaced so that shells are propelled away from spectators, over the fallout area, and to afford maximum protection to the shooter and loader. Under no circumstances shall mortars be angled toward the spectator viewing area.
- Mortar racks or bundles shall be constructed in a thorough and workmanlike manner to be capable of holding multiple mortars in position during normal functioning. Mortar racks or bundles that are not inherently stable shall be secured or braced to stabilize them. Stabilization shall be accomplished by using stakes, legs, A-frames, side-boards, or equivalent means.

### **PART E – GROUND DISPLAY**

- To the extent that it is practical, all ground display pieces shall be positioned outside the discharge area of aerial displays.
  - Exception: Where aerial shells have been preloaded, ground display pieces shall be permitted to be located in that discharge area.
- Dry grass or combustible materials located beneath ground display pieces shall be wet down before the display if they are in sufficient quantity to be a fire hazard.
- Poles for ground display pieces shall be securely placed and firmly braced so that they do not fall over during functioning of the fireworks device.

### **PART F – DISPLAY SITE SAFETY**

- The authority having jurisdiction and the operator shall meet and determine the level of fire protection required.
- During the period before the display, where pyrotechnic materials are present, unescorted public access to the site shall not be permitted.
- Are there enough monitors positioned around the discharge site to prevent spectators or any other unauthorized persons from entering the discharge site? The discharge site must be restricted throughout the display and until the discharge site has been inspected after the display. The authority having jurisdiction may approve delineators or barriers to be used in crowd control.



- Does the display have at least two spotters, or preferably more, assigned to watch the flight and behavior of aerial shells and other aerial fireworks to verify that they are functioning as intended. If any unsafe condition is detected, such as hazardous debris falling into the audience, the spotter shall signal the shooter to cease firing until the unsafe condition is corrected. The spotters shall be in direct communication with the shooter during the conduct of the display, with an effective means of informing the shooter of any hazardous condition.

#### **PART G – DISCHARGE AREA SAFETY**

- During the firing of the display, all personnel in the discharge site shall wear head protection, eye protection, hearing protection, and foot protection and shall wear cotton, wool, or similarly flame-resistant, long-sleeved, long-legged clothing. Personal protective equipment, as necessary, shall be worn by the operator and assistants during the setup and cleanup of the display.
- No person shall ever place any body part over the mortar during the loading and firing of a display until mortars have been checked for the absence of any shells following the display.
- Smoking materials, matches, lighters or open flame devices shall not be allowed within 50 ft (15 m) of any area where fireworks or other pyrotechnic materials are present.
  - Exception: Devices such as fuses, portfires, and torches shall be permitted to be used to ignite fireworks.
- No person shall be allowed in the discharge area while under the influence of alcohol, narcotics, or medication that could adversely affect judgment, mobility, or stability.
- The first shell fired shall be observed carefully to determine that its trajectory is such that the shell functions over the fallout area and that any hazardous debris or unexploded shells land in the fallout area. The display shall be interrupted and the mortars shall be reangled or repositioned as necessary for safety at any time during an outdoor fireworks display.

#### **PART H – HALTING DISPLAY**

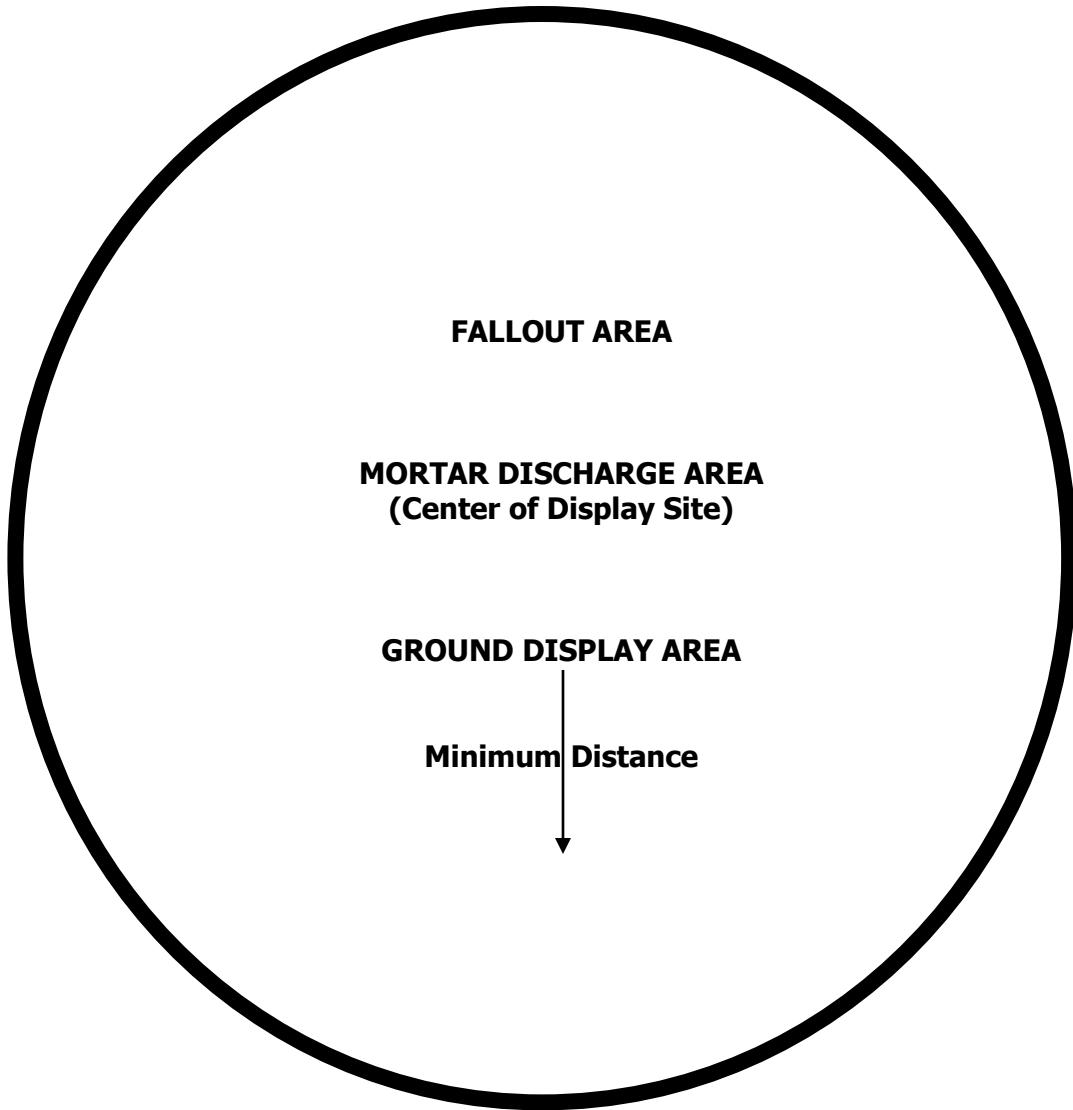
- Wherever, in the opinion of the authority having jurisdiction or the operator, any hazardous condition exists, the fireworks display shall be postponed until the condition is corrected. Such conditions include but are not limited to the following:
  - The lack of crowd control,
  - If high winds, precipitation, or other adverse weather conditions prevail, or
  - If any unsafe condition is detected, such as hazardous debris falling into the audience, the spotter shall signal the shooter to cease firing until the unsafe condition is corrected.
- In the event of a condition arising requiring the entry of fire protection or other emergency response personnel into the fallout area or security perimeter, the display shall be halted until the situation is resolved and the area is once again clear.

#### **PART I – POST DISPLAY INSPECTION**

- Following the display, the firing crew shall conduct an inspection of the fallout area for the purpose of locating any unexploded aerial shells or live components. This inspection shall be conducted before any public access to the site shall be permitted.
- Where fireworks are displayed at night, a search of the fallout area shall be made immediately after the display and at first light the following morning by the operator or designated personnel acceptable to the authority having jurisdiction.

**DISPLAY SITE PLAN**

← MINIMUM SECURED DISTANCE →



**SPECTATOR VIEWING AREA**

**VEHICLE PARKING AREA**

**EXHIBIT "D"**

Once the Fire Chief, or his or her designee, has signed this permit form, you must return to the local governmental authority issuing the permit to have it signed by the designated Officer in order for the permit to be valid.

**OUTDOOR PYROTECHNIC DISPLAY PERMIT**

Date \_\_\_\_\_ Permit No. \_\_\_\_\_

PERMITTEES:

Display Sponsor \_\_\_\_\_

Pyrotechnic Distributor \_\_\_\_\_

The above-identified permittees are hereby granted permission to conduct an Outdoor Pyrotechnic Display, using Display Fireworks, on \_\_\_\_\_,

(Month, Day, Year)

at \_\_\_\_\_ in \_\_\_\_\_, Illinois.

(Time)

(City/Village/Township/Unincorporated County)

In the event the display cannot be held on that date, the permittees are given permission to conduct said display at the above-identified location on \_\_\_\_\_,

at \_\_\_\_\_.

(Month, Day, Year)

(Time)

The Lead Pyrotechnic Operator, \_\_\_\_\_, is hereby

(Name)

designated as the supervisor of the display, and given overall responsibility for the safety, setup, discharge and supervision of the detonation, ignition, or deflagration of the Display Fireworks during the Outdoor Pyrotechnic Display.

\_\_\_\_\_  
Issuing Officer

I have reviewed the permit, inspected the site and approve this permit.

\_\_\_\_\_  
Fire Chief (or Designee)

This permit is non-transferable and must be in possession of the Lead Pyrotechnic Operator during the Outdoor Pyrotechnic Display.

**VILLAGE OF EVANSVILLE**

**BUSINESS LICENSE APPLICATION**

**APPLICATION NO.** \_\_\_\_\_ **ANNUAL LICENSE FEE DUE MAY 1ST: \$** \_\_\_\_\_

**(PLEASE TYPE OR PRINT)**

1. Applicant's Name: \_\_\_\_\_ PHONE ( ) \_\_\_\_\_
2. Applicant's Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_
3. Length of resident at above address \_\_\_\_\_ years \_\_\_\_\_ months
4. Applicant's Date of Birth \_\_\_\_/\_\_\_\_/\_\_\_\_ Social Security No. \_\_\_\_\_
5. Marital Status \_\_\_\_\_ Name of Spouse \_\_\_\_\_
6. Citizenship of Applicant \_\_\_\_\_
7. Business Name \_\_\_\_\_ PHONE ( ) \_\_\_\_\_
8. Business Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_
9. Length of Employment \_\_\_\_\_ years \_\_\_\_\_ months
10. All residences and addresses for the last three (3) years if different than above:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
11. Name and Address of employers during the last three (3) years if different than above:  
\_\_\_\_\_  
\_\_\_\_\_
12. List the last three (3) municipalities where applicant has carried on business immediately preceding the date of application:  
\_\_\_\_\_  
\_\_\_\_\_
13. A description of the subject matter that will be used in the applicant's business:  
\_\_\_\_\_  
\_\_\_\_\_
14. Has the applicant ever had a license in this municipality? [ ] Yes [ ] No  
If so, when \_\_\_\_\_
15. Has a license issued to this applicant ever been revoked? [ ] Yes [ ] No  
If "yes", explain: \_\_\_\_\_
16. Has the applicant ever been convicted of a violation of any of the provisions of this Code, etc.? [ ] Yes [ ] No If "yes", explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
17. Has the applicant ever been convicted of the commission of a felony? [ ] Yes [ ] No  
If "yes", explain: \_\_\_\_\_
18. LICENSE DATA: Term of License \_\_\_\_\_  
Fee for License \$ \_\_\_\_\_  
Sales Tax Number \_\_\_\_\_

License Classification \_\_\_\_\_

19. LIST ALL OWNERS IF LICENSE IS FOR LOCAL BUSINESS (PERMANENT):

\_\_\_\_\_

\_\_\_\_\_

**OFFICIAL BUSINESS LICENSE**

**STATE OF ILLINOIS** )  
**COUNTY OF RANDOLPH** ) **ss.**  
**VILLAGE OF EVANSVILLE** )

**ILLINOIS SALES TAX NUMBER** \_\_\_\_\_

**TO ALL TO WHOM THESE PRESENTS SHALL BECOME GREETINGS:**

**WHEREAS** \_\_\_\_\_,  
having complied with all the requirements of the laws of the State of Illinois and the ordinances of the **Village of Evansville, Illinois** in this behalf made and required license is, by authority of the **Village of Evansville, Illinois** given and granted to the \_\_\_\_\_ to \_\_\_\_\_ at \_\_\_\_\_ in the **Village of Evansville, County of Randolph, and State of Illinois**, from the \_\_\_\_\_ date hereof until the \_\_\_\_\_ day of \_\_\_\_\_, \_\_, said \_\_\_\_\_ to be subject to all laws of the State of Illinois and all ordinances of the **Village of Evansville, Illinois**, not in conflict therewith, which are now or hereafter may be in force touching the premises.

(L.S.)

Given under the hand of the Mayor of the **Village of Evansville, County of Randolph, Illinois** and the seal thereof, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

\_\_\_\_\_  
**MAYOR**  
**VILLAGE OF EVANSVILLE**

**COUNTERSIGNED:**

\_\_\_\_\_  
**VILLAGE CLERK**  
**VILLAGE OF EVANSVILLE**

**(SEAL)**

**VILLAGE OF EVANSVILLE**

**APPLICATION FOR RAFFLE LICENSE**

Organization Name: \_\_\_\_\_

Address: \_\_\_\_\_

Type of Organization: \_\_\_\_\_

Length of Existence of Organization: \_\_\_\_\_

If organization is incorporated, what is the date and state of incorporation?

Date: \_\_\_\_\_ State: \_\_\_\_\_

List the organization's presiding officer, secretary, raffle manager, and any other members responsible for the conduct and operation of the raffle.

PRESIDENT:

SECRETARY: \_\_\_\_\_ Birth Date: \_\_\_\_\_

Address: \_\_\_\_\_

Social Security No.: \_\_\_\_\_ Phone No.: \_\_\_\_\_

RAFFLE MANAGER: \_\_\_\_\_ Birth Date: \_\_\_\_\_

Address: \_\_\_\_\_

Social Security No.: \_\_\_\_\_ Phone No.: \_\_\_\_\_

List any other members responsible for the conduct and operation of the raffle on the back of this page. List name, date of birth, address, social security number, and phone number.

\_\_\_\_\_ This request is for a single raffle license.

\_\_\_\_\_ This request is for a multiple raffle license.

The aggregate retail value of all prizes to be awarded: \$ \_\_\_\_\_

Maximum retail value of each prize to be awarded in the raffle: \$ \_\_\_\_\_

The maximum price charged for each raffle chance issued: \_\_\_\_\_

The area or areas in which raffle chances will be sold or issued: \_\_\_\_\_

Time period during which raffle chances will be issued or sold: \_\_\_\_\_

The date, time and location at which winning chances will be determined: \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_

Location: \_\_\_\_\_

If multiple raffles license is requested, list on a separate sheet, the date, time, and location for each raffle to be held within the one (1) year period of time from the date of the issuance of the license.

**THE APPLICATION FEES ARE NONREFUNDABLE EVEN SHOULD THE APPLICATION BE REJECTED BY THE VILLAGE BOARD.**

# APPLICANT/FIELD CHECK

## INFORMATION CARD

Name		Location	Date	Time
Residence Address		D.L.#		
Business Address Info		Vehicle	Color	Yr. Body License
Occupation		Vehicle Modifications:		
Social Security Number				
Race	Sex	Height		
Weight	Eyes	Hair		
Complexion		Date of Birth		
Unusual Features:				
		Comments:		
Hat	Coat	Associates:		
Cap	Jacket			
Blouse	Dress			
Shirt	Sweater			
Skirt	Trousers			



## CHAPTER 8 – CABLE TELEVISION

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CHAPTER 8

CABLE TELEVISION

ARTICLE I – CABLE/VIDEO SERVICE PROVIDER FEE  
AND PEG ACCESS FEE

**8-1-1** **DEFINITIONS.** As used in this Article, the following terms shall have the following meanings:

- (A) **"Cable Service"** means that term as defined in 47 U.S.C. § 522(6).
- (B) **"Commission"** means the Illinois Commerce Commission.
- (C) **"Gross Revenues"** means all consideration of any kind or nature, including, without limitation, cash, credits, property, and in-kind contributions received by the holder for the operation of a cable or video system to provide cable service or video service within the holder's cable service or video service area within the Village.

- (1) Gross revenues shall include the following:
  - (a) Recurring charges for cable or video service.
  - (b) Event-based charges for cable service or video service, including, but not limited to, pay-per-view and video-on-demand charges.
  - (c) Rental of set top boxes and other cable service or video service equipment.
  - (d) Service charges related to the provision of cable service or video service, including but not limited to activation, installation, and repair charges.
  - (e) Administrative charges related to the provision of cable service or video service, including but not limited to service order and service termination charges.
  - (f) Late payment fees or charges, insufficient funds check charges, and other charges assessed to recover the costs of collecting delinquent payments.
  - (g) A *pro rata* portion of all revenue derived by the holder or its affiliates pursuant to compensation arrangements for advertising or for promotion or exhibition of any products or services derived from the operation of the holder's network to provide cable service or video service within the Village. The allocation shall be based on the number of subscribers in the Village divided by the total number of subscribers in relation to the relevant regional or national compensation arrangement.
  - (h) Compensation received by the holder that is derived from the operation of the holder's network to provide cable service or video service with respect to commissions that are received by the holder as compensation for promotion or exhibition of any products or services on the holder's network, such as a "home shopping" or similar channel, subject to subsection (i).
  - (i) In the case of a cable service or video service that is bundled or integrated functionally with other services, capabilities, or applications, the portion of the holder's revenue attributable to the other services, capabilities, or applications shall be included in the gross revenue unless the holder can reasonably identify the division or exclusion of the revenue from its books and records that are kept in the regular course of business.
  - (j) The service provider fee permitted by 220 ILCS 5/21-801(b).

- (2) Gross revenues do not include any of the following:
- (a) Revenues not actually received, even if billed, such as bad debt, subject to 220 ILCS 5/21-801(c)(1)(vi).
  - (b) Refunds, discounts, or other price adjustments that reduce the amount of gross revenues received by the holder of the State-issued authorization to the extent the refund, rebate, credit, or discount is attributable to cable service or video service.
  - (c) Regardless of whether the services are bundled, packaged, or functionally integrated with cable service or video service, any revenues received from services not classified as cable service or video service, including, without limitation, revenue received from telecommunication services, information services, or the provision of directory or Internet advertising, including yellow pages, white pages, banner advertisement, and electronic publishing or any other revenues attributed by the holder to noncable service or non-video service in accordance with the holder's books and records and records kept in the regular course of business and any applicable laws, rules, regulations, standards, or orders.
  - (d) The sale of cable services or video services for resale in which the purchaser is required to collect the service provider fee from the purchaser's subscribers to the extent the purchaser certifies in writing that it will resell the service within the Village and pay the fee permitted by 220 ILCS 5/21-801(b) with respect to the service.
  - (e) Any tax or fee of general applicability imposed upon the subscribers or the transaction by a city, state, federal, or any other governmental entity and collected by the holder of the State-issued authorization and required to be remitted to the taxing entity, including sales and use taxes.
  - (f) Security deposits collected from subscribers.
  - (g) Amounts paid by subscribers to "home shopping" or similar vendors for merchandise sold through any home shopping channel offered as part of the cable service or video service.
- (3) Revenue of an affiliate of a holder shall be included in the calculation of gross revenues to the extent the treatment of the revenue as revenue of the affiliate rather than the holder has the effect of evading the payment of the fee permitted by 220 ILCS 5/21-801(b) which would otherwise be paid by the cable service or video service.

(D) **"Holder"** means a person or entity that has received authorization to offer or provide cable or video service from the Commission pursuant to 220 ILCS 5/21-401.

(E) **"Service"** means the provision of "cable service" or "video service" to subscribers and the interaction of subscribers with the person or entity that has received authorization to offer or provide cable or video service from the Commission pursuant to 220 ILCS 5/21-401.

(F) **"Service Provider Fee"** means the amount paid under this Article and 220 ILCS 5/21-801 by the holder to a Village for the service areas within its territorial jurisdiction.

(G) **"Video Service"** means video programming and subscriber interaction, if any, that is required for the selection or use of such video programming services, and which is provided through wireline facilities located at least in part in the public right-of-way without regard to delivery technology, including Internet protocol technology. This definition does not include any video programming provided by a commercial mobile service provider defined in 47 U.S.C. § 332(d) or any video programming provided solely as part of, and via, service that enables users to access content, information, electronic mail, or other services offered over the public Internet.

**8-1-2 CABLE/VIDEO SERVICE PROVIDER FEE IMPOSED.**

(A) **Fee Imposed.** A fee is hereby imposed on any holder providing cable service or video service in the Village.

(B) **Amount of Fee.** The amount of the fee imposed hereby shall be **three percent (3%)** of the holder's gross revenues.

(C) **Notice to the Village.** The holder shall notify the Village at least **ten (10) days** prior to the date on which the holder begins to offer cable service or video service in the Village.

(D) **Holder's Liability.** The holder shall be liable for and pay the service provider fee to the Village. The holder's liability for the fee shall commence on the first day of the calendar month following **thirty (30) days** after receipt of the ordinance adopting this Article by the holder. The ordinance adopting this Article shall be sent by mail, postage prepaid, to the address listed on the holder's application notice sent pursuant to 220 ILCS 5/21-401(b)(6) to the Village.

(E) **Payment Date.** The payment of the service provider fee shall be due on a quarterly basis, **forty-five (45) days** after the close of the calendar quarter. If mailed, the fee is considered paid on the date it is postmarked. Each payment shall include a statement explaining the basis for the calculation of the fee.

(F) **Exemption.** The fee hereby imposed does not apply to existing cable service or video service providers that have an existing franchise agreement with the Village in which a fee is paid.

(G) **Credit for Other Payments.** An incumbent cable operator that elects to terminate an existing agreement pursuant to 220 ILCS 5/21-301(c) with credit to prepaid franchise fees under that agreement may deduct the amount of such credit from the fees that operator owes under Section 116.02(b).

**8-1-3 PEG ACCESS SUPPORT FEE IMPOSED.**

(A) **PEG Fee Imposed.** A PEG access support fee is hereby imposed on any holder providing cable service or video service in the Village in addition to the fee imposed pursuant to **Section 8-1-2(B)**.

(B) **Amount of Fee.** The amount of the PEG access support fee imposed hereby shall be **one percent (1%)** of the holder's gross revenues or, if greater, the percentage of gross revenues that incumbent cable operators pay to the Village or its designee for PEG access support in the Village.

(C) **Payment.** The holder shall pay the PEG access support fee to the Village or to the entity designated by the Village to manage PEG access. The holder's liability for the PEG access support fee shall commence on the date set forth in **Section 8-1-2(D)**.

(D) **Payment Due.** The payment of the PEG access support fee shall be due on a quarterly basis, **forty-five (45) days** after the close of the calendar quarter. If mailed, the fee is considered paid on the date it is postmarked. Each payment shall include a statement explaining the basis for the calculation of the fee.

(E) **Credit for Other Payments.** An incumbent cable operator that elects to terminate an existing agreement pursuant to **220 ILCS 5/21-301(c)** shall pay, at the time they would have been due, all monetary payments for PEG access that would have been due during the remaining term of the agreement had it not been terminated pursuant to that section. All payments made by an incumbent cable operator pursuant to the previous sentence may be credited against the fees that the operator owed under **Section 8-1-3(B)**.

**8-1-4 APPLICABLE PRINCIPLES.** All determinations and calculations under this Article shall be made pursuant to generally accepted accounting principles.

**8-1-5 NO IMPACT ON OTHER TAXES DUE FROM HOLDER.** Nothing contained in this Article shall be construed to exempt a holder from any tax that is or may later be imposed by the Village, including any tax that is or may later be required to be paid by or through the holder with respect

to cable service or video service. A State-issued authorization shall not affect any requirement of the

holder with respect to payment of the Village's simplified municipal telecommunications tax or any other tax as it applies to any telephone service provided by the holder. A State-issued authorization shall not affect any requirement of the holder with respect to payment of the local unit of government's 911 or E911 fees, taxes or charges.

**8-1-6            AUDITS OF CABLE/VIDEO SERVICE PROVIDER.**

(A)            **Audit Requirement.** The Village will notify the holder of the requirements it imposes on other cable service or video service providers to submit to an audit of its books and records. The holder shall comply with the same requirements the Village imposes on other cable service or video service providers in its jurisdiction to audit the holder's books and records and to recomputed any amounts determined to be payable under the requirements of the Village. If all local franchises between the Village and cable operator terminate, the audit requirements shall be those adopted by the Village pursuant to the Local Government Taxpayers' Bill of Rights Act, 50 ILCS 45/1 *et seq.* found in Chapter 36. No acceptance of amounts remitted should be construed as an accord that the amounts are correct. **(See Chapter 36 - Taxation)**

(B)            **Additional Payments.** Any additional amount due after an audit shall be paid within **thirty (30) days** after the municipality's submission of an invoice for the sum.

**8-1-7            LATE FEES/PAYMENTS.** All fees due and payments which are past due shall be governed by ordinances adopted by this municipality pursuant to the Local Government Taxpayers' Bill of Rights Act, 50 ILCS 45/1 *et seq.*

**(220 ILCS 5/21-801)**

**ARTICLE II - CABLE AND VIDEO CUSTOMER PROTECTION LAW**

**8-2-1            CUSTOMER SERVICE AND PRIVACY PROTECTION LAW.**

(A)            **Adoption.** The regulations of 220 ILCS 5/70-501 are hereby adopted by reference and may applicable to the cable or video providers offering services within the Village's boundaries.

(B)            **Amendments.** Any amendment to the Cable and Video Customer Protection Law that becomes effective after the effective date of this Article shall be incorporated into this Article by reference and shall be applicable to cable or video providers offering services within the municipality's boundaries. However, any amendment that makes its provisions optional for adoption by municipalities shall not be incorporated into this Article by reference without formal action by the corporate authorities of the Village.

**8-2-2            ENFORCEMENT.** The Village does hereby pursuant to law declare its intent to enforce all of the customer service and privacy protection standards of the Cable and Video Protection Law with respect to complaints received from residents within the Village.

**8-2-3            CUSTOMER CREDITS.** The Village hereby adopts the schedule of customer credits for violations. Those credits shall be as provided for in the provisions of 220 ILCS 5/70-501(s) and applied on the statement issued to the customer for the next billing cycle following the violation or following the discovery of the violation. The cable or video provider is responsible for providing the credits and the customer is under no obligation to request the credit.

**8-2-4            PENALTIES.** The Village, pursuant to 220 ILCS 5/70-501(r)(1), does hereby provide for a schedule of penalties for any material breach of the Cable and Video Protection Law by cable or video providers in addition to the penalties provided in the law. The monetary penalties shall apply on a competitively neutral basis and shall not exceed **Seven Hundred Fifty Dollars (\$750.00)** for each day of the material breach, and shall not exceed **Twenty-Five Thousand Dollars (\$25,000.00)** for each occurrence of a material breach per customer.

(A)            Material breach means any substantial failure of a cable or video provider to comply with service quality and other standards specified in any provision of the law.

(B)            The Village shall give the cable or video provider written notice of any alleged material breaches of the law and allow such provider at least **thirty (30) days** from the receipt of the notice to remedy the specified material breach.

(C)            A material breach, for the purposes of assessing penalties, shall be deemed to occur for each day that a material breach has not been remedied by the cable or video service provider after the notice in (B).

### ARTICLE III – SMALL WIRELESS FACILITIES

#### 8-3-1 **PURPOSE AND SCOPE.**

(A) **Purpose.** The purpose of this Article is to establish regulations, standards and procedures for the siting and collocation of small wireless facilities on rights-of-way within the Village's jurisdiction, or outside the rights-of-way on property zoned by the Village exclusively for commercial or industrial use, in a manner that is consistent with the Act.

(B) **Conflicts and Other Ordinances.** This Article supersedes all ordinances or parts of ordinances adopted prior to hereto that are in conflict herewith, to the extent of such conflict.

(C) **Conflicts with State and Federal Law.** In the event that applicable federal or state laws or regulations conflict with the requirements of this Article, the wireless provider shall comply with the requirements of this Article to the maximum extent possible without violating federal or state laws or regulations.

**8-3-2 DEFINITIONS.** For the purposes of this Article, the following terms shall have the following meanings:

**Antenna:** Communications equipment that transmits or receives electromagnetic radio frequency signals used in the provision of wireless services.

**Applicable codes:** Uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization or local amendments to those codes, including the National Electric Safety Code.

**Applicant:** Any person who submits an application and is a wireless provider.

**Application:** A request submitted by an applicant to the Village for a permit to collocate small wireless facilities, and a request that includes the installation of a new utility pole for such collocation, as well as any applicable fee for the review of such application.

**Collocate or collocation:** To install, mount, maintain, modify, operate, or replace wireless facilities on or adjacent to a wireless support structure or utility pole.

**Communications service:** Cable service, as defined in 47 U.S.C. 522(6), as amended; information service, as defined in 47 U.S.C. 153(24), as amended; telecommunications service, as defined in 47 U.S.C. 153(53), as amended; mobile service, as defined in 47 U.S.C. 153(53) as amended; or wireless service other than mobile service.

**Communications service provider:** A cable operator, as defined in 47 U.S.C. 522(5), as amended; a provider of information service, as defined in 47 U.S.C. 153(24), as amended; a telecommunications carrier, as defined in 47 U.S.C. 153(51), as amended; or a wireless provider.

**FCC:** The Federal Communications Commission of the United States.

**Fee:** A one-time charge.

**Historic district or historic landmark:** A building, property, or site, or group of buildings, properties, or sites that are either (i) listed in the National Register of Historic Places or formally determined eligible for listing by the Keeper of the National Register, the individual who has been delegated the authority by the federal agency to list properties and determine their eligibility for the National Register, in accordance with Section VI.D.1.a.i through Section VI.D.1.a.v of the Nationwide Programmatic Agreement codified at 47 CFR Part 1, Appendix C; or (ii) designated as a locally landmarked building, property, site, or historic district by an ordinance adopted by the Village pursuant to a preservation program that meets the requirements of the Certified Local Government Program of the Illinois State Historic Preservation Office or where such certification of the preservation program by the Illinois State Historic Preservation Office is pending.

**Law:** A federal or state statute, common law, code, rule, regulation, order, or local ordinance or resolution.

**Micro wireless facility:** A small wireless facility that is not larger in dimension than **twenty-four (24) inches** in length, **fifteen (15) inches** in width, and **twelve (12) inches** in height and that has an exterior antenna, if any, no longer than **eleven (11) inches**.



**Municipal utility pole:** A utility pole owned or operated by the Village in public rights-of-way.

**Permit:** A written authorization required by the Village to perform an action or initiate, continue, or complete a project.

**Person:** An individual, corporation, limited liability company, partnership, association, trust, or other entity or organization.

**Public safety agency:** The functional division of the federal government, the state, a unit of local government, or a special purpose district located in whole or in part within this State, that provides or has authority to provide firefighting, police, ambulance, medical, or other emergency services to respond to and manage emergency incidents.

**Rate:** A recurring charge.

**Right-of-way:** The area on, below, or above a public roadway, highway, street, public sidewalk, alley, or utility easement dedicated for compatible use. Right-of-way does not include Village-owned aerial lines.

**Small wireless facility:** A wireless facility that meets both of the following qualifications: (i) each antenna is located inside an enclosure of no more than **six (6) cubic feet** in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than **six (6) cubic feet**; and (ii) all other wireless equipment attached directly to a utility pole associated with the facility is cumulatively no more than **twenty-five (25) cubic feet** in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meter, concealment elements, telecommunications demarcation box, ground-based enclosures, grounding equipment, power transfer switch, cut-off switch, and vertical cable runs for the connection of power and other services.

**Utility pole:** A pole or similar structure that is used in whole or in part by a communications service provider or for electric distribution, lighting, traffic control, or a similar function.

**Wireless facility:** Equipment at a fixed location that enables wireless communications between user equipment and a communications network, including: (1) equipment associated with wireless communications; and (ii) radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration. Wireless facility includes small wireless facilities. Wireless facility does not include: (i) the structure or improvements on, under, or within which the equipment is collocated; or (ii) wireline backhaul facilities, coaxial or fiber optic cable that is between wireless support structures or utility poles or coaxial, or fiber optic cable that is otherwise not immediately adjacent to or directly associated with an antenna.

**Wireless infrastructure provider:** Any person authorized to provide telecommunications service in the State that builds or installs wireless communication transmission equipment, wireless facilities, wireless support structures, or utility poles and that is not a wireless services provider but is acting as an agent or a contractor for a wireless services provider for the application submitted to the Village.

**Wireless provider:** A wireless infrastructure provider or a wireless services provider.

**Wireless services:** Any services provided to the general public, including a particular class of customers, and made available on a nondiscriminatory basis using licensed or unlicensed spectrum, whether at a fixed location or mobile, provided using wireless facilities.

**Wireless services provider:** A person who provides wireless services.

**Wireless support structure:** A freestanding structure, such as a monopole; tower, either guyed or self-supporting; billboard; or other existing or proposed structure designed to support or capable of supporting wireless facilities. Wireless support structure does not include a utility pole.

**8-3-3            REGULATION OF SMALL WIRELESS FACILITIES.**

(A) **Permitted Use.** Small wireless facilities shall be classified as permitted uses and subject to administrative review, except as provided in **Section 8-3-3(C)(9)** regarding Height Exceptions or Variances, but not subject to zoning review or approval if they are collocated (i) in rights-of-way in any zoning district, or (ii) outside rights-of-way in property zoned exclusively for commercial or industrial use.

(B) **Permit Required.** An applicant shall obtain one or more permits from the Village to collocate a small wireless facility. An application shall be received and processed, and permits issued shall be subject to the following conditions and requirements:

(1) **Application Requirements.** A wireless provider shall provide the following information to the Village, together with the Village’s Small Cell Facilities Permit Application, as a condition of any permit application to collocate small wireless facilities on a utility pole or wireless support structure:

- (a) Site specific structural integrity and, for a municipal utility pole, make-ready analysis prepared by a structural engineer, as that term is defined in Section 4 of the Structural Engineering Practice Act of 1989;
- (b) The location where each proposed small wireless facility or utility pole would be installed and photographs of the location and its immediate surroundings depicting the utility poles or structures on which each proposed small wireless facility would be mounted or location where utility poles or structures would be installed. This should include a depiction of the completed facility;
- (c) Specifications and drawings prepared by a structural engineer, as that term is defined in Section 4 of the Structural Engineering Practice Act of 1989, for each proposed small wireless facility covered by the application as it is proposed to be installed;
- (d) The equipment type and model numbers for the antennas and all other wireless equipment associated with the small wireless facility;
- (e) A proposed schedule for the installation and completion of each small wireless facility covered by the application, if approved; and
- (f) Certification that the collocation complies with the Collocation Requirements and Conditions contained herein, to the best of the applicant’s knowledge.
- (g) In the event that the proposed small wireless facility is to be attached to an existing pole owned by an entity other than the Village, the wireless provider shall provide legally competent evidence of the consent of the owner of such pole to the proposed collocation.

(2) **Application Process.** The Village shall process applications as follows:

- (a) The first completed application shall have priority over applications received by different applicants for collocation on the same utility pole or wireless support structure.
- (b) An application to collocate a small wireless facility on an existing utility pole or wireless support structure, or replacement of an existing utility pole or wireless support structure shall be processed on a nondiscriminatory basis and shall be deemed approved if the Village fails to approve or deny the application within **ninety (90) days** after the submission of a completed application.

However, if an applicant intends to proceed with the permitted activity on a deemed approved basis, the applicant shall notify the Village in writing of its intention to invoke the deemed approved remedy no sooner than **seventy-five (75) days** after the submission of a completed application.

The permit shall be deemed approved on the latter of the **ninetieth (90<sup>th</sup>) day** after submission of the complete application or the **tenth (10<sup>th</sup>) day** after the receipt of the

deemed approved notice by the Village. The receipt of the deemed approved notice shall not preclude the Village's denial of the permit request within the time limits as provided under this Article.

- (c) An application to collocate a small wireless facility that includes the installation of a new utility pole shall be processed on a nondiscriminatory basis and deemed approved if the Village fails to approve or deny the application within **one hundred twenty (120) days** after the submission of a completed application.

However, if an applicant intends to proceed with the permitted activity on a deemed approved basis, the applicant shall notify the Village in writing of its intention to invoke the deemed approved remedy no sooner than **one hundred five (105) days** after the submission of a completed application.

The permit shall be deemed approved on the latter of the **one hundred twentieth (120<sup>th</sup>) day** after submission of the complete application or the **tenth (10<sup>th</sup>) day** after the receipt of the deemed approved notice by the Village. The receipt of the deemed approved notice shall not preclude the Village's denial of the permit request within the time limits as provided under this Article.

- (d) The Village shall deny an application which does not meet the requirements of this Article.

If the Village determines that applicable codes, ordinances or regulations that concern public safety, or the Collocation Requirements and Conditions contained herein require that the utility pole or wireless support structure be replaced before the requested collocation, approval shall be conditioned on the replacement of the utility pole or wireless support structure at the cost of the provider.

The Village shall document the basis for a denial, including the specific code provisions or application conditions on which the denial is based, and send the documentation to the applicant on or before the day the Village denies an application.

The applicant may cure the deficiencies identified by the Village and resubmit the revised application once within **thirty (30) days** after notice of denial is sent to the applicant without paying an additional application fee. The Village shall approve or deny the revised application within **thirty (30) days** after the applicant resubmits the application or it is deemed approved. Failure to resubmit the revised application within **thirty (30) days** of denial shall require the application to submit a new application with applicable fees, and recommencement of the Village's review period.

The applicant must notify the Village in writing of its intention to proceed with the permitted activity on a deemed approved basis, which may be submitted with the revised application.

Any review of a revised application shall be limited to the deficiencies cited in the denial. However, this revised application does not apply if the cure requires the review of a new location, new or different structure to be collocated upon, new antennas, or other wireless equipment associated with the small wireless facility.

- (e) **Pole Attachment Agreement.** Within **thirty (30) days** after an approved permit to collocate a small wireless facility on a

municipal utility pole, the Village and the applicant shall enter into a Master Pole Attachment Agreement, provided by the Village for the initial collocation on a municipal utility pole by the application. For subsequent approved permits to collocate on a small wireless facility on a municipal utility pole, the Village and the applicant shall enter into a License Supplement of the Master Pole Attachment Agreement.

- (3) **Completeness of Application.** Within **thirty (30) days** after receiving an application, the Village shall determine whether the application is complete and notify the applicant. If an application is incomplete, the Village must specifically identify the missing information. An application shall be deemed complete if the Village fails to provide notification to the applicant within **thirty (30) days** after all documents, information and fees specifically enumerated in the Village’s permit application form are submitted by the applicant to the Village. Processing deadlines are tolled from the time the Village sends the notice of incompleteness to the time the applicant provides the missing information.
- (4) **Tolling.** The time period for applications may be further tolled by:
  - (a) An express written agreement by both the applicant and the Village; or
  - (b) A local, State or federal disaster declaration or similar emergency that causes the delay.
- (5) **Consolidated Applications.** An applicant seeking to collocate small wireless facilities within the jurisdiction of the Village shall be allowed, at the applicant’s discretion, to file a consolidated application and receive a single permit for the collocation of up to **twenty-five (25)** small wireless facilities if the collocations each involve substantially the same type of small wireless facility and substantially the same type of structure. If an application includes multiple small wireless facilities, the Village may remove small wireless facility collocations from the application and treat separately small wireless facility collocations for which incomplete information has been provided or that do not qualify for consolidated treatment or that are denied. The Village may issue separate permits for each collocation that is approved in a consolidated application.
- (6) **Duration of Permits.** The duration of a permit shall be for a period of not less than **five (5) years**, and the permit shall be renewed for equivalent durations unless the Village makes a finding that the small wireless facilities or the new or modified utility pole do not comply with the applicable Village codes or any provision, condition or requirement contained in this Article. If the Act is repealed as provided in Section 90 therein, renewals of permits shall be subject to the applicable Village code provisions or regulations in effect at the time of renewal.
- (7) **Means of Submitting Applications.** Applicants shall submit applications, supporting information and notices to the Village by personal delivery at the Village’s designated place of business, by regular mail postmarked on the date due or by any other commonly used means, including electronic mail.

(C) **Collocation Requirements and Conditions.**

- (1) **Public Safety Space Reservation.** The Village may reserve space on municipal utility poles for future public safety uses, for the Village’s electric utility uses, or both, but a reservation of space may not preclude

the collocation of a small wireless facility unless the Village reasonably

determines that the municipal utility pole cannot accommodate both uses.

- (2) **Installation and Maintenance.** The wireless provider shall install, maintain, repair and modify its small wireless facilities in safe condition and good repair and in compliance with the requirements and conditions of this Article. The wireless provider shall ensure that its employees, agents or contracts that perform work in connection with its small wireless facilities are adequately trained and skilled in accordance with all applicable industry and governmental standards and regulations.

- (3) **No Interference with Public Safety Communication Frequencies.** The wireless provider's operation of the small wireless facilities shall not interfere with the frequencies used by a public safety agency for public safety communications.

A wireless provider shall install small wireless facilities of the type and frequency that will not cause unacceptable interference with a public safety agency's communications equipment.

Unacceptable interference will be determined by and measured in accordance with industry standards and the FCC's regulations addressing unacceptable interference to public safety spectrum or any other spectrum licensed by a public safety agency.

If a small wireless facility causes such interference, and the wireless provider has been given written notice of the interference by the public safety agency, the wireless provider, at its own expense, shall remedy the interference in a manner consistent with the abatement and resolution procedures for interference with public safety spectrum established by the FCC including 47 CFR 22.970 through 47 CFR 22.973 and 47 CFR 90.672 through 47 CFR 90.675.

The Village may terminate a permit for a small wireless facility based on such interference if the wireless provider is not in compliance with the Code of Federal Regulations cited in the previous paragraph. Failure to remedy the interference as required herein shall constitute a public nuisance.

- (4) The wireless provider shall not collocate small wireless facilities on Village utility poles that are part of an electric distribution or transmission system within the communication worker safety zone of the pole or the electric supply zone of the pole.

However, the antenna and support equipment of the small wireless facility may be located in the communications space on the Village utility pole and on the top of the pole, if not otherwise unavailable, if the wireless provider complies with applicable codes for work involving the top of the pole.

For purposes of this subparagraph, the terms "communications space", "communication worker safety zone", and "electric supply zone" have the meanings given to those terms in the National Electric Safety Code as published by the Institute of Electrical and Electronics Engineers.

- (5) The wireless provider shall comply with all applicable codes and local code provisions or regulations that concern public safety.

- (6) The wireless provider shall comply with written design standards that are generally applicable for decorative utility poles, or reasonable stealth, concealment and aesthetic requirements that are set forth in a Village ordinance, written policy adopted by the Village, a comprehensive plan or other written design plan that applies to other occupiers of the rights-of-way, including on a historic landmark or in a historic district.



- (7) **Alternate Placements.** Except as provided in this Collocation Requirements and Conditions Section, a wireless provider shall not be required to collocation small wireless facilities on any specific utility pole, or category of utility poles, or be required to collocate multiple antenna systems on a single utility pole. However, with respect to an application for the collocation of a small wireless facility associated with a new utility pole, the Village may propose that the small wireless facility be collocated on an existing utility pole or existing wireless support structure within **one hundred (100) feet** of the proposed collocation, which the applicant shall accept if it has the right to use the alternate structure on reasonable terms and conditions, and the alternate location and structure does not impose technical limits or additional material costs as determined by the applicant.  
If the applicant refuses a collocation proposed by the Village, the applicant shall provide written certification describing the property rights, technical limits or material cost reasons the alternate location does not satisfy the criteria in this paragraph.
- (8) **Height Limitations.** The maximum height of a small wireless facility shall be no more than **ten (10) feet** above the utility pole or wireless support structure on which the small wireless facility is collocated. New or replacement utility poles or wireless support structures on which small wireless facilities are collocated may not exceed the higher of:
- (a) **ten (10) feet** in height above the tallest existing utility pole, other than a utility pole supporting only wireless facilities, that is in place on the date the application is submitted to the Village, that is located within **three hundred (300) feet** of the new or replacement utility pole or wireless support structure and that is in the same right-of-way within the jurisdictional boundary of the Village, provided the Village may designate which intersecting right-of-way within **three hundred (300) feet** of the proposed utility pole or wireless support structures shall control the height limitation for such facility; or
  - (b) **forty-five (45) feet** above ground level.
- (9) **Height Exceptions or Variances.** If an applicant proposes a height for a new or replacement pole in excess of the above height limitations on which the small wireless facility is proposed for collocation, the applicant shall apply for a variance in conformance with procedures, terms and conditions as shall be established by the Board of Trustees.
- (10) **Contractual Design Requirements.** The wireless provider shall comply with requirements that are imposed by a contract between the Village and a private property owner that concern design or construction standards applicable to utility poles and ground-mounted equipment located in the right-of-way.
- (11) **Ground-mounted Equipment Spacing.** The wireless provider shall comply with applicable spacing requirements in applicable codes and ordinances concerning the location of ground-mounted equipment located in the right-of-way if the requirements include a waiver, zoning or other process that addresses wireless provider requests for exception or variance and do not prohibit granting of such exceptions or variances.
- (12) **Undergrounding Regulations.** The wireless provider shall comply with local code provisions or regulations concerning undergrounding requirements that prohibit the installation of new or the modification of existing utility poles in a right-of-way without prior approval if the requirements include a waiver, zoning or other process that addresses

requests to install such new utility poles or modify such existing utility poles and do not prohibit the replacement of utility poles.

- (13) **Collocation Completion Deadline.** Collocation for which a permit is granted shall be completed within **one hundred eighty (180) days** after issuance of the permit, unless the Village and the wireless provider agree to extend this period or a delay is caused by make-ready work for a municipal utility pole or by the lack of commercial power or backhaul availability at the site, provided the wireless provider has made a timely request within **sixty (60) days** after the issuance of the permit for commercial power or backhaul services, and the additional time to complete installation does not exceed **three hundred sixty (360) days** after issuance of the permit. Otherwise, the permit shall be void unless the Village grants an extension in writing to the applicant.

(D) **Application Fees.** Application fees are imposed as follows:

- (1) Applicant shall pay an application fee of **Six Hundred Fifty Dollars (\$650.00)** for an application to collocate a single small wireless facility on an existing utility pole or wireless support structure, and **Three Hundred Fifty Dollars (\$350.00)** for each small wireless facility addressed in a consolidated application to collocate more than one small wireless facility on existing utility poles or wireless support structures.
- (2) Applicant shall pay an application fee of **One Thousand Dollars (\$1,000.00)** for each small wireless facility addressed in an application that includes the installation of a new utility pole for such collocation.
- (3) Notwithstanding any contrary provision of State law or local ordinance, applications pursuant to this Section shall be accompanied by the required application fee. Application fees shall be non-refundable.
- (4) The Village shall not require an application, approval or permit, or require any fees or other charges, from a communications service provider authorized to occupy the rights-of-way, any fees or other charges, from a communications service provider authorized to occupy the rights-of-way, for:
  - (a) routine maintenance;
  - (b) the replacement of wireless facilities with wireless facilities that are substantially similar, the same size, or smaller if the wireless provider notifies the Village at least **ten (10) days** prior to the planned replacement and includes equipment specifications for the replacement of equipment consistent with (d) under the Section titled Application Requirements; or
  - (c) the installation, placement, maintenance, operation or replacement of micro wireless facilities suspended on cables that are string between existing utility poles in compliance with applicable safety codes.
- (5) Wireless providers shall secure a permit from the Village to work within rights-of-way for activities that affect traffic patterns or require lane closures.

(E) **Exceptions to Applicability.** Nothing in this Article authorizes a person to collocate small wireless facilities on:

- (1) property owned by a private party or property owned or controlled by the Village or another unit of local government that is not located within rights-of-way, or a privately owned utility pole or wireless support structure without the consent of the property owner;
- (2) property owned, leased, or controlled by a part district, forest preserve district, or conservation district for public park, recreation or conservation purposes without the consent of the affected district,

excluding the placement of facilities on rights-of-way located in an  
affected district that

- are under the jurisdiction and control of a different unit of local government as provided by the Illinois Highway Code; or
- (3) property owned by a rail carrier registered under Section 18c-7201 of the Illinois Vehicle Code, Metra Commuter Rail or any other public commuter rail service, or an electric utility as defined in Section 16-102 of the Public Utilities Act, without the consent of the rail carrier, public commuter rail service, or electric utility. The provisions of this Article do not apply to an electric or gas public utility or such utility's wireless facilities if the facilities are being used, developed and maintained consistent with the provisions of subsection (i) of Section 16-108.5 of the Public Utilities Act.

For the purposes of this subsection, "public utility" has the meaning given to that term in Section 3-105 of the Public Utilities Act. Nothing in this Article shall be construed to relieve any person from any requirement (a) to obtain a franchise or a State-issued authorization to offer cable service or video service or (b) to obtain any required permission to install, place, maintain, or operate communications facilities, other than small wireless facilities subject to this Article.

(F) **Pre-Existing Agreements.** Existing agreements between the Village and wireless providers that relate to the collection of small wireless facilities in the right-of-way, including the collocation of small wireless facilities on Village utility poles, that are in effect on **June 1, 2018**, remain in effect for all small wireless facilities collocated on the Village's utility poles pursuant to applications submitted to the Village before **June 1, 2018**, subject to applicable termination provisions contained therein. Agreements entered into after **June 1, 2018**, shall comply with this Article.

A wireless provider that has an existing agreement with the village on the effective date of the Act may accept the rates, fees and terms that the Village makes available under this Article for the collocation of small wireless facilities or the installation of new utility poles for the collocation of small wireless facilities that are the subject to an application submitted **two (2) or more years** after the effective date of the Act by notifying the Village that it opts to accept such rates, fees and terms. The existing agreement remains in effect, subject to applicable termination provisions, for the small wireless facilities the wireless provider has collocated on the Village's utility poles pursuant to applications submitted to the Village before the wireless provider provides such notice and exercises its option under this paragraph.

(G) **Annual Recurring Rate.** A wireless provider shall pay to the Village an annual recurring rate to collocate a small wireless facility on a Village utility pole located in a right-of-way that equals (i) **Two Hundred Dollars (\$200.00)** per year or (ii) the actual, direct and reasonable costs related to the wireless provider's use of space on the Village utility pole.

If the Village has not billed the wireless provider actual and direct costs, the fee shall be **Two Hundred Dollars (\$200.00)** payable on the first day after the first annual anniversary of the issuance of the permit or notice of intent to collocate, and on each annual anniversary date thereafter.

(H) **Abandonment.** A small wireless facility that is not operated for a continuous period of **twelve (12) months** shall be considered abandoned. The owner of the facility shall remove the small wireless facility within **ninety (90) days** after receipt of written notice from the Village notifying the wireless provider of the abandonment.

The notice shall be sent by certified or registered mail, return receipt requested, by the Village to the owner at the last known address of the wireless provider. If the small wireless facility is not removed within **ninety (90) days** of such notice, the Village may remove or cause the removal of such facility pursuant to the terms of its pole attachment agreement for municipal utility poles or through whatever actions are provided for abatement of nuisances or by other law for removal and cost recovery.

A wireless provider shall provide written notice to the Village if it sells or transfers small wireless facilities within the jurisdiction of the Village. Such notice shall include the name and contact information of the new wireless provider.

**8-3-4**        **DISPUTE RESOLUTION.** The Circuit Court of Crawford County, Illinois shall have exclusive jurisdiction to resolve all disputes arising under the Small Wireless Facilities Deployment Act. Pending resolution of a dispute concerning rates for collocation of small wireless facilities on municipal utility poles within the right-of-way, the Village shall allow the collocating person to collocate on its poles at annual rates of no more than **Two Hundred Dollars (\$200.00)** per year per municipal utility pole, with rates to be determined upon final resolution of the dispute.

**8-3-5**        **INDEMNIFICATION.** A wireless provider shall indemnify and hold the Village harmless against any and all liability or loss from personal injury or property damage resulting from or arising out of, in whole or in part, the use or occupancy of the Village improvements or right-of-way associated with such improvements by the wireless provider or its employees, agents, or contractors arising out of the rights and privileges granted under this Article and the Act. A wireless provider has no obligation to indemnify or hold harmless against any liabilities and losses as may be due to or caused by the sole negligence of the Village or its employees or agents. A wireless provider shall further waive any claims that they may have against the Village with respect to consequential, incidental, or special damages, however caused, based on the theory of liability.

**8-3-6**        **INSURANCE.** The wireless provider shall carry, at the wireless provider's own cost and expense, the following insurance:

- (A)            property insurance for its property's replacement cost against all risks;
- (B)            workers' compensation insurance, as required by law; or
- (C)            commercial general liability insurance with respect to its activities on the Village improvements or rights-of-way to afford minimum protection limits consistent with its requirements of other users of Village improvements or rights-of-way, including coverage for bodily injury and property damage.

The wireless provider shall include the Village as an additional insured on the commercial general liability policy and provide certification and documentation of inclusion of the Village in a commercial general liability policy prior to the collocation of any wireless facility.

A wireless provider may self-insure all or a portion of the insurance coverage and limit requirement required by the Village. A wireless provider that self-insures is not required, to the extent of the self-insurance, to comply with the requirement for the name of additional insureds under this Section. A wireless provider that elects to self-insure shall provide to the Village evidence sufficient to demonstrate its financial ability to self-insure the insurance coverage limits required by the Village.

**8-3-7**        **SEVERABILITY.** If any provision of this Article or application thereof to any person or circumstances is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Article that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Article is severable.

## CHAPTER 10 - CEMETERY

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CHAPTER 10

CEMETERY

ARTICLE I – GENERALLY

**10-1-1 TRUST ESTABLISHED.** A trust shall be established to provide for the perpetual care and maintenance of the Village cemetery and all of the individual lots contained therein.

The trust shall be perpetual with only the interest therefrom being used for the aforementioned purposes.

The trust shall be administered by the Mayor and the Board of Trustees of the Village pursuant to **760 ILCS 100/3**, as amended.

**10-1-2 SALE OF LOTS.** No less than **one-half (1/2)** of all funds received by the Village from the sale of cemetery lots shall be placed into said trust until the corpus thereof equals **Ten Thousand Five Hundred Dollars (\$10,500.00)**. (**Ord. No. 2015-06; 09-14-15**)

The Village may place other funds from any lawful source into said trust at any time if necessary to assure the adequate care and maintenance of the cemetery.

**10-1-3 GIFTS.** Any gift, grant, bequest, devise or other contribution received by the Village for the specialized care and maintenance of any cemetery lots or lots shall be placed in said trust, and the interest therefrom shall be used solely for the purposes specified in said gift, grant, bequest, devise or other contribution.

Any funds placed in the trust pursuant to this Section shall not be considered in determining the corpus amount specified in **Section 10-1-2** unless the purpose of the gift, grant, bequest, devise, or other contribution is to benefit the cemetery as a whole. (**Ord. No. 340; 11-03-75**)

<b>10-1-4 GRAVE PRICES.</b>	The prices for graves shall be as follows:	
(A)	1 Lot: 20' x 10'	\$1,000.00
(B)	½ Lot: 10' x 10'	\$500.00
(C)	Single Grave: 2.5' x 10'	\$250.00

**10-1-5 CEMETERY SEXTON.** There is hereby created the office of Cemetery Sexton. The Cemetery Sexton shall be appointed for a term of **one (1) year** by the Mayor with the advice and consent of the Village Board of Trustees at the first regular meeting in May. The Cemetery Sexton shall perform the duties as may be prescribed by the Mayor and Village Board of Trustees. (**Ord. No. 2015-06; 09-14-15**)

## ARTICLE II – REGULATIONS

**10-2-1      APPLICATION OF VILLAGE LAWS.** All provisions of the Village Code now in force or hereafter enacted, relating to and defining public offenses in the Village shall, insofar as the same shall be applicable, be in full force and effect in the Village Cemeteries.

**10-2-2      TRESPASS, LOITERING; EXCEPTIONS.** It shall be unlawful for any person to loiter or trespass upon lots and graves of the Village Cemeteries or for the parent or guardian of any child under the age of **sixteen (16)** to permit such child to be within the cemetery grounds unless accompanied by an adult person. Provided, nothing herein shall be construed to prohibit any person having lawful business in the cemetery in connection with improvement thereof or persons visiting the graves of relatives or friends from being in the cemetery in accordance with the rules.

**10-2-3      RUBBISH; DEBRIS.** It shall be unlawful for any person to dispose of any rubbish, trash, waste materials, litter, or debris of any kind in the Village Cemeteries.

**10-2-4      PROPERTY DAMAGE.** No person shall remove, molest, injure, mar, deface, throw down or destroy any headstone, monument, survey marker, corner marker or decoration on any cemetery lot in said cemetery or open, disturb or molest any grave or place of burial therein. This shall not prohibit acts by cemetery officers and Village employees, or public officials, in carrying out their duties.

**10-2-5      RULES AND REGULATIONS.** The following regulations shall apply to the Village Cemeteries:

(A) No planting of live trees, shrubs, and plants are permitted. No decorative rock or edging is permitted. It shall be prohibited to place flowers in glass jars or tin cans upon the graves.

(B) Flowers shall be placed in holders attached to the headstone or the base. They may not be placed in the grass or dirt. Shepherd hooks are allowed if mounted against the base. Exceptions: November – January to allow for Christmas flowers and grave blankets. The week directly preceding and following Easter to allow for Easter Flowers and crosses; and holidays recognizing the armed forces to allow for flags and memorials (i.e. Memorial Day and Veteran’s Day). Decorations that interfere with cemetery maintenance will be removed at the discretion of the caretaker or Village employee maintaining the cemetery. Funeral designs and floral pieces placed upon the grave will be removed as soon as they become unsightly.

(C) All graves purchased include Perpetual Care. See definition **Section 10-2-6.**

(D) There shall be no more than **two (2) burials** per **two and one-half feet by ten feet (2.5’ x 10’)** grave space. One casket and one cremated remains or two cremated remains. The fee for the first grave opening for each grave space is included in the purchase price of the grave. The fee of the second grave opening of a same grave space shall be **One Hundred Fifty Dollars (\$150.00)**. The fee for a disinterment shall be **Two Hundred Twenty-Five Dollars (\$225.00)**. Exception: In the event that a minor child is cremated, the remains may be placed on top of the single parent grave at a grave opening fee of **Fifty Dollars (\$50.00)**.

**10-2-6      PERPETUAL CARE.** This term, in regard to the Village cemetery lots, shall be defined as follows:

(A) To keep the graves on the lot or lots properly filled and graded.

(B) To sow the lot or lots with lawn grass, which shall be attended, cut, and kept free of weeds, vines and trash.

(C) To keep the markers or headstones on the lot or lots in proper place, in alignment, and on proper foundations.

(D) The usual and customary upkeep of cemetery lots.



**(Ord. No. 2015-06; 09-14-15)**

## **CHAPTER 11 – EMPLOYEE POLICIES**

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**CHAPTER 11**

**EMPLOYEE POLICIES**

**ARTICLE I – PURPOSE**

**11-1-1 PURPOSE.** The purpose of the Employee Code is to implement and maintain a uniform system of employment within all departments of the Village and shall hereinafter be referred to as the "**Code**". The Code is designed to provide employees and management with information pertaining to the employment policies and procedures applicable to all Village employees.

All policies and procedures contained in this Code shall go into effect **July 1, 2019**, immediately upon passage by the Village Board and approved by the Mayor.

All employees shall be required to adhere to the policies and procedures as they are outlined in this Code.

Upon adoption by the Village Board, this Code shall be the nonexclusive policy of all departments of the Village concerning terms and/or conditions of employment.

In order to implement and carry out the express provisions and the intent of this Code, all Superintendents may pronounce policies consistent with this Code. A copy of any such policy shall be distributed to the Mayor and the Village Board.

Nothing in this Code shall in any way affect the Village's and Superintendent's right to develop and disseminate information concerning the operations of any department and employee's job functions, duties and job position description.

All employees shall sign the Employee Notification Letter found in **Appendix "A"** of this Chapter.

## ARTICLE II - GENERALLY

**11-2-1**            **DEFINITIONS.** The following words shall have the following meanings when used in this Code:

- (A)            **Employer.** The term employer, as used in this Code, means the Village.
- (B)            **Employee.** The term employee, as used in this Code, means a person working as a volunteer or for remuneration for services rendered to the Village. For purposes of this Code, an Elected Official is not an employee whose personal rights are affected by the Code.
- (C)            **Full-Time.** Those employees scheduled to work a minimum of **thirty-five (35) hours** per work week on a continuous basis. Full-time employees are eligible for overtime pay and compensatory time.
- (D)            **Employee - Permanent Part-Time.** The term shall mean any person working over **six hundred (600) hours** per year.
- (E)            **Part-Time.** Those employees scheduled to work less than **forty (40) hours** per work week on a continuous basis. Part-time employees are eligible for overtime pay.
- (F)            **Department.** The term department, as used in this Personnel Code, shall mean the governmental unit for whom the employee is directly working for and rendering services.
- (G)            **Superintendent.** The term Superintendent, as mentioned in this Code, means the one individual ultimately responsible for all operations of the department.
- (H)            **Immediate Supervisor.** The term immediate supervisor, as used in this Code, shall mean the individual to whom the employee shall immediately report and be responsible for his work. An immediate supervisor may be the Mayor or the Superintendent.
- (I)            **Special Assignment, Professionals.** Professionals and those employees hired for a specific project for a limited period and may include those hired to fill in summer vacations, illness and the like. Such employees are hired with the understanding that their employment is to terminate upon completion of the project or at the end of the period. Special Assignment may be either full-time or part-time as determined by the requirements of the job. Professional employees are not entitled to overtime and compensatory time, but are entitled to other benefits.
- (J)            **Special Assignment, Nonprofessional.** Nonprofessional employees are like the special assignment, professional employees except that nonprofessional are entitled to overtime and compensatory time, but not to benefits.
- (K)            **Volunteers.** Those individuals who accept on an unpaid basis various work assignments for any department. These individuals receive no wages or benefits.

**ARTICLE III – PRE-EMPLOYMENT VERIFICATION POLICY**

**11-3-1**        **PRE-EMPLOYMENT VERIFICATION POLICY.** This policy is intended to serve as a guide relating to the hiring of permanent full and part-time employees.

**11-3-2**        **GENERAL POLICY.** The Village has elected to institute a pre-employment verification process. Other information may also be gathered as part of the pre-employment verification process. Each employee is subject to a **ninety (90) day** probationary period and results of the pre-employment verification process may impact permanent employment. Results of this process will remain completely confidential.

**11-3-3**        **REQUIRED VERIFICATIONS.**

(A)            **Identity and Criminal Record Check.** The Mayor or a person designated by the Mayor shall verify the personal identity of each employee with the Social Security Administration to ensure valid social security numbers. Criminal record checks shall also be reviewed by the corporate authorities.

(B)            **Motor Vehicle.** A motor vehicle check is required for all employees who driving during working hours or drive municipal vehicles. This check includes the verification that the employee has a valid driver’s license and other accident and conviction history. Motor vehicle information shall be reviewed annually as long as the employee’s job duties include operating a motor vehicle.

**11-3-4**        **OPTIONAL VERIFICATIONS.**

(A)            **Employment.** The Mayor or a person designated by the Mayor shall verify past employment at the request of the Village Board. All information on the application MUST be LEGIBLE. The following fields are required: Employer name, address, city, state and Start Date.

(B)            **Licenses, Certifications, Degrees.**

(1)            **Education Verification.** To verify education, the following fields shall be completed: College name, address, city and state and degree received.

(2)            **Transcript.** If needed, applicant must provide directly from the institution.

(C)            **Certification Verification/Professional License.** If needed, applicant shall provide a copy of a professional license so it may be verified.

(D)            **Credit Report.** A credit report shall be required for all employees involved in accounting or cashiering functions. Other employment positions susceptible to collusion or fraudulent activities may also be considered as a basis for a credit report. These positions requiring a credit report shall be documented and shall be filed with the Village Clerk. A credit report may also be requested if an employee changes their job duties to a position that requires a credit check.

A credit report request requires the approval of the employee or potential employee. *The Request, Consent and Authorization for Release of Personal Information* and the *Disclosure* document (all three) must include their signature.

If available, please submit a job description to accompany the application and verification request.



**ARTICLE IV - HIRING POLICY**

**11-4-1        REQUIREMENTS.** Employment is based on each applicant's qualifications as compared with the requirements of the available position. Consideration is given to ability, experience, education, training and character.

No consideration shall be given to the applicant's political party affiliation or support in regard to any decisions on hiring, promotion, transfer, or recall.

**11-4-2        RESIDENCY REQUIREMENTS. (Reserved)**

**11-4-3        APPLICATION FORMS.** Applications for positions with the Village shall be filed on forms furnished by the Village Clerk. All successful applicants shall produce an original social security card. The Superintendent may require certificates of competency, licenses, medical examinations, post-offer medical examination, drug and alcohol tests, background investigations, references, police checks, motor vehicle reports/driving history, oral interviews, or other evidence of special qualifications. The Superintendent may reject applications of persons who are found to lack any of the requirements established for the position. The Mayor with the advice and consent of the Village Board shall appoint all employees. In considering applications of various individuals, length of service shall be used as a factor in the selection of applicants, but will not be considered the sole or even the predominant factor. No employee shall be hired and placed on the payroll and receive fringe benefits until all employment related forms, including but not limited to the employment application form, are filled out and forwarded to the Village Clerk.

**11-4-4        PROMOTIONS.** Employees are encouraged to apply for job openings in higher classifications and will be considered for promotion for job openings upon written application. All full-time employees may be considered for promotions. Probationary employees may apply, but do not have to be considered, depending upon the discretion of the Superintendent.

When an employee is promoted, the employee will be placed on probation. At the end of the probationary period, the employee's performance will be formally evaluated and one of the following actions shall be taken by the Village or Superintendent based upon employee's performance and conduct:

- (A)            The employee may assume the new position having successfully completed the probationary period.
- (B)            The probationary period may be extended.
- (C)            The employee may be demoted to a position commensurate with the employee's ability, if the lower position is available.

**11-4-5        PROBATIONARY PERIOD.** All full-time employees of the Village shall be probationary employees for **ninety (90) days** commencing their first working day as full-time employees. The probationary period may be extended by the Village Board.

If an employee of the Village changes job classifications then he or she shall be required to commence a subsequent **ninety (90) day** probationary period to commence the **first (1<sup>st</sup>) day** after all required off-site training has been completed. If off-site training is required, then the employee shall successfully complete the off-site training before the **ninety (90) day** probationary period shall commence.

**ARTICLE V - COMPENSATION**

**11-5-1**        **PAYCHECKS.** Employees shall receive their paycheck on a biweekly basis. Employees shall work at least **two (2) weeks** before being paid, creating a **two (2) week** lag, which will be paid upon termination of employment. The paycheck actually issued will be for the preceding pay period.

**11-5-2**        **COMPENSATION.** The basic rate of pay shall be set forth by the Village Board.

**11-5-3**        **OVERTIME.** Overtime at **one and one-half (1 1/2) times** the regular rate of pay is available to employees working in excess of a **forty (40) hour** work period.

**11-5-4**        **SALARY INCREASES.** Employees are eligible for a salary increase after the completion of the probationary period.

**ARTICLE VI - HOURS OF WORK**

**11-6-1**        **WORK WEEK.** The following shall be the parameters for the work week:

(A)        **Street Department.** The work week for the employees of the Street Department shall be from **7:00 A.M. to 3:00 P.M.** No person employed by the Street Department shall work for more than **sixteen (16) hours** in any **twenty-four (24) hour** period.

(B)        **Water and Sewer Department.** The work week for the employees of the Water Department shall be from **7:00 A.M. to 3:30 P.M.**

(C)        **Continuous Operation.** Whenever necessary, each Superintendent shall provide for the continuous operation of the Department.

(D)        No work shall be performed at home, without prior approval of the Superintendent.

(E)        Prior approval of immediate supervisors is necessary for any employee to work early or stay late to do work related activity.

**11-6-2**        **LUNCH.** The lunch period shall be **thirty (30) minutes.**

**11-6-3**        **TIME AND ATTENDANCE.** Each Superintendent shall maintain accurate daily attendance records. An employee shall be at their places of work in accordance with the attendance rules. Tardiness or other abuse of regular attendance will not be tolerated. The attendance records will indicate information in order to properly pay employees for actual work performed. An employee shall have the right to review his attendance record on file in the department.

No one will be permitted to sign in or out for another employee.

An employee shall, whenever possible, provide advance notice of absence from work.

When Village offices and buildings are open, but inclement weather prevents employees from reaching the buildings, employees may account for such absences by using accrued time, such as vacation and compensatory time earned, or the employee may elect to be docked for time off. Sick leave may not be used to cover absence due to inclement weather.

**11-6-4**        **HOLIDAY PAY.** All full-time and salaried exempt employees shall have time off with full salary payment on the day designated as a holiday by the Village Board.

If a Holiday falls on an employee's regularly scheduled day off, the employee shall be entitled to an additional day off. Employees cannot use sick leave in lieu of scheduled holidays.

All full-time employees covered by this Code, who are required to work on an official Holiday, shall receive a rate of **one and one-half (1 1/2) times** the regular rate of pay for the hours work on such holiday. The Superintendent shall approve the use of time with pay.

The term "last schedule work day" means the employee's full day of work.

To be eligible for holiday pay, the employee must work both the day before and the day after the holiday. The exception allows for absences for good cause that are approved by the Superintendent or Mayor. Samples of this exception include the holiday, the Superintendent or Mayor approving for good cause hospitalization the day before or the day after the holiday, and a Superintendent/Mayor approving for good cause an employee calling in sick the day before or the day after a holiday, and placing the call at the last minute. In each of these examples, the Superintendent or Mayor shall exercise judgment as to whether the sickness or hospitalization is for "good cause".

ARTICLE VII - LEAVES

**11-7-1**            **VACATION PAY SCHEDULE.** The following shall be the vacation benefits for full-time employees:

- (A)            An employee after **one (1) year** of continuous work shall have **one (1) week** of vacation.
- (B)            An employee after **two (2) years** up to **nine (9) years** of continuous work shall have **two (2) weeks** of vacation.
- (C)            An employee after **ten (10) years** up to **nineteen (19) years** of continuous work shall have **three (3) weeks** of vacation.
- (D)            An employee after **twenty (20) years** up to **twenty-four (24) years** of continuous work shall have **four (4) weeks** of vacation.
- (E)            An employee after **twenty-five (25) years** of continuous work shall have **five (5) weeks** of vacation.

**11-7-2**            **PAID HOLIDAYS.**

- (A)            New Year's Day plus previous day.
- (B)            Martin Luther King Day.
- (C)            President's Day.
- (D)            Memorial Day.
- (E)            Independence Day.
- (F)            Labor Day.
- (G)            Thanksgiving Day plus following day.
- (H)            Veteran's Day.
- (I)            Christmas Day plus previous day.
- (J)            If a paid holiday falls on a full-time employee's day off, that employee will be paid **eight (8) hours** straight time in the paid holiday category.
- (K)            If a full-time employee works on a paid holiday those hours worked, which are scheduled, or unscheduled, will be paid at **time and one-half (1 1/2)**. The holiday will be paid at **eight (8) hours** straight time.
- (L)            If a paid holiday falls on a shift of a full-time employee of the Police Department, that employee will be allowed to take a vacation day on that holiday. The employee shall be paid **eight (8) hours** straight time for the vacation day and **eight (8) hours** straight time for the paid holiday.
- (M)            If a full-time employee must be called back to work, for an emergency situation, while on vacation or while taking a personal day, the vacation or personal day shall cease. That employee will be paid for the number of hours worked at their normal rate of pay. The employee's remaining vacation or personal time will be rescheduled.

**11-7-3**            **BEREAVEMENT PAY.** Each employee shall be allowed **three (3) days** off with pay when a death occurs to a member of their immediate family. These members include mother, father, sister, brother, wife, children, or stepchildren, stepfather, stepmother, stepbrother, or stepsister, mother-in-law or father-in-law. These days must be workdays and they end at the day of the funeral, unless other arrangements are approved in advance.

**11-7-4**            **ILLNESS OR INJURY AT WORK.** Any employee who is ill or injured on the job shall immediately notify the Superintendent who may require the employee to be transported to a hospital for examination by a physician or surgeon.

For employees on an **eight (8) hour** work schedule, if an employee becomes ill while at work after the first **two (2) hours** of work, the employee shall lose **one-half (1/2) day** of accumulated sick time. For employees on a **twelve (12) hour** work schedule, if an employee becomes ill at work after the first **three (3) hours** of work, the employee shall lose **one-half (1/2) day** of accumulated sick time.

**11-7-5 MATERNITY AND REASONABLE ACCOMMODATION.** Pregnancy shall be considered the same as any short-term disability, and request for pregnancy leave shall be made through the disability leave clause. Request for parental leave following child birth shall be made through the Leave of Absence clause, **Section 11-7-6(G), Family and Medical Leave Act.**

If you are pregnant, recovering from childbirth, or have a condition related to pregnancy, you have the right to ask for a reasonable accommodation. This includes bathroom breaks, assistance with heavy lifting, a private space for expressing milk, or time off to recover from your pregnancy. For more information regarding your rights on Pregnancy in the Workplace, download the Illinois Department of Human Rights fact sheet at [www.illinois.gov/dhr](http://www.illinois.gov/dhr), or refer to the posted "Pregnancy Rights Notice."

**11-7-6 LEAVE OF ABSENCE.** No employee on leave of absence may earn vacation, or sick leave, except when the leave was for the purpose of accepting a temporary work assignment in another office.

All types of leave of absence do not earn vacations or sick leave while the employee is on leave of absence.

While the employee is on leave of absence, the length of service still continues to accumulate except for special leave situations under this Section (1) Special Leave, and for (7) Family and Medical Leave Act situations. Length of service is specifically prohibited from accumulating on Special Leave cases and on Family and Medical Leave Act situations. The prohibition on length of service accumulation is not contained in any other type of leave of absence situation. Therefore, the Code should be construed to allow accumulation of length of services while on leave of absence other than "special leave" and the "Family and Medical Leave Act".

Employee shall be granted an excused leave of absence for the following:

(A) **Special Leave.** All full-time and salary exempt employees who have completed **one (1) full year** of continuous service may request a special leave. Special leave will only be granted for personal reasons, and must be approved by employee's Superintendent. Special leave shall be granted without pay. The period for special leave shall not exceed **six (6) months**. An extension may be granted up to a maximum of **six (6) months** for a total of **one (1) year**. In order to continue to receive medical and insurance benefits during a special leave, the employee shall contribute both the employee and the employer's share of IMRF and insurance costs. Length of service or benefits shall not accrue or accumulate during a special leave. A person either hired or promoted to fill the position vacated by the person on leave shall be considered in that position temporarily and shall relinquish it upon the employee's return.

If a special leave is approved by the Village Board, coverage under Illinois Municipal Retirement Fund may be maintained pursuant to IMRF rules and regulations. A request form for special leave is found in **Appendix "E"** at the conclusion of this Chapter.

(B) **Military.** Any full-time, salaried exempt, or part-time employee who is a member of a Reserve component of the Armed Services, the Illinois National Guard or the Illinois Naval Militia, shall be allowed annual leave with pay for **fifteen (15) days** and the Village shall pay the difference in salary and any additions or extensions thereof without pay as may be necessary for the employees to fulfill the military reserve obligation. Such leaves will be granted without loss of length of service or other accrued benefits.

In case of an emergency call up (or order to state active duty) by the Governor, the leave shall be granted for the duration of said emergency with pay and without loss of length of service or other accrued benefits.

Military earnings during the military reserve obligation or for the emergency call shall be submitted and assigned to the Village, and the Village shall return it to the payroll fund from which the employee's payroll check was drawn. If military pay exceeds the employee's earning for the period, the Village Board shall return the difference to the employee.

To be eligible for military reserve leave or emergency call up pay, the employee shall provide the Village with a certificate from the commanding officer of the employee's unit that the leave taken was for either such purpose.

Full-time employees entering into military service as a result of voluntary enlistment, induction into the service by draft, or conscription will be afforded all of the privileges provided by the **Illinois Compiled Statutes, Chapter 330, Section 60/1 et seq.**

(C) **Jury Duty.** An employee shall be excused from work for days in which the employee serves on Jury Duty. The employee shall receive his regular pay for jury service. The employee shall present proof of jury service and the amount of pay received shall be turned over to the Village Treasurer. The employee shall also turn over to the Village any expense allowances paid by the court, if the jury duty is located at the County Courthouse. If an employee is given an early release from jury duty, the employee shall then report to his or her regular work assignment.

(D) **Witness.** An employee shall be excused from work when lawfully subpoenaed to serve as a witness. The employee must present written proof of the summons to testify to qualify for an excused absence. Notice to employee's supervisor should be made in advance of appearing in court. An employee's excused absence from work shall be on an unpaid basis, unless the employee's witness activity is work related and the witness activity is requested by the Village. The employee shall turn over to the Village any witness fee when the employee's witness activity is work related. The employee may choose to use a vacation day, if the witness activity is not work-related.

(E) **Village Disability Leave.** To be eligible for Village Disability Leave, the employee must submit to the Village Board a medical opinion that the employee cannot work in his normal job position, and a medical opinion that the employee may possibly be able to return to work within the next **six (6) months**. Employees are not eligible for disability benefits until they have been employed at least **one (1) year**. Employees may be required to use their accrued sick or vacation time to continue regular wages.

Employees shall submit a letter requesting disability leave to their Superintendent within a reasonable amount of time before disability leave is taken. Upon return to work, employees shall submit a release statement from their physician to the Superintendent. If the Superintendent has reason to believe that the employee is unable to perform the normal duties or the employee is able to perform duties and is still absent, they may seek and rely upon the decision of an impartial physician. The Village Board shall select a physician who is not a Village employee to act as an impartial physician.

(F) **Educational Leave.** The Village Board may grant an employee an educational leave of absence for the purpose of engaging in a training course. No educational leave may be granted unless in the judgment of the Village Board the training course would benefit the Village by improving the employee's qualifications to perform the duties of the employee's position or by qualifying the employee for advancement in rank or grade to another position in the Village service. Employee shall receive his regular pay during an education leave of absence for training courses when so authorized by the Village Board.

Employees may request an educational leave without pay to seek further professional training in specialty fields. Such leave may be up to **ten (10) months** in duration and requires the approval of the Village Board. An employee on education leave without pay does not accrue vacation or sick leave credit for the period of leave. When ready to return to work, the employee will be offered the first available full-time position at the same job level the employee held prior to departing on educational leave without pay.

(G) **Family and Medical Leave Act.** An employee is eligible for a leave of absence through the Family and Medical Leave Act of 1993. In order to be eligible for leave, an employee must have worked for the employer at least **twelve (12) months** and must have worked at least **one thousand two hundred fifty (1,250) hours** over the previous **twelve (12) months** prior to the leave. Eligible female and male employees are allowed up to **twelve (12) weeks** of leave per **twelve (12) month period** following the birth of a child, the placement of a child for adoption or foster care, or the serious health condition of the employee or an immediate family member (defined for purposes of this Family and Medical Leave Act situation as including the employee's child, spouse or parent). The leave for birth or placement must take place within **twelve (12) months** of the birth or placement of the child.

The employee's leave shall be unpaid. The employee may, upon approval of the Village Board, use accumulated sick leave and/or vacation leave. During the leave, the Village shall continue to provide

coverage under its group health plan. Following return upon leave, the employee shall be returned to a position with equivalent pay, benefits and other terms and conditions of employment.

In order to utilize leave of absence pursuant to the Family Medical Leave Act, the employee should give **thirty (30) day** notice.

For leave based upon serious health conditions, the employer may require certification from the employee's health care provider for leave. Employer reserves the right to require a second medical opinion at the employee's own expense. The request form is found in **Appendix "D"** at the conclusion of this Chapter.

(H) **Expiration of Leave.** When an employee returns from a leave of **six (6) months** or less, the Superintendent shall return the employee to the same or similar position in the same class in which the employee was incumbent prior to commencement of such leave.

An employee's same or similar position will not be protected for reductions in force or where the position has been eliminated. Employees are subject to termination if they are absent from work for more than **six (6) months**. No employee may be absent without permission of the supervisor to which assigned. In the absence of extenuating circumstances, an employee who is absent from work for any reason and fails to notify his or her supervisor within **two (2) working days** will be considered to have resigned.

No employee on leave of absence may earn vacation, or sick leave, except when the leave was for the purpose of accepting a temporary working assignment in another office.



**ARTICLE VIII - MISCELLANEOUS BENEFITS**

**11-8-1**        **INSURANCE.** Insurance will be provided on the following basis:

(A)        **Life, Medical and Dental Care Insurance.** All full-time employees are covered by a medical and dental plan funded by the Village.

All full-time employees are covered by life insurance and accidental death and dismemberment policy. A manual is provided to employees at the time of hiring which further explains the policy. The manual is obtained from the Village Clerk's Office.

The Village Clerk's Office shall be notified of a divorce or legal separation of the covered employee, and further must be notified when a child is no longer eligible as a covered dependent of the employee.

(B)        **Legal Defense and Liability Insurance.** In any claim or action instituted against an employee, or former employee, where such claim or action arises out of any act or omission, made in good faith, occurring within the scope of employment of the employee, or former employee, the Village shall, upon written request of the employee or former employee, appear and defend the employee or former employee, against any such claim or action, including the process of appeal. The Village Attorney shall appear for and defend the employee. This Section excludes disciplinary proceedings or criminal proceedings.

(C)        **Other Insurance Types.** All Village employees are additionally covered by the following:

- (1) Social Security legislation and salary deductions shall be made for Social Security purposes in accordance with the law.
- (2) Workers' Compensation Act, **(820 ILCS Sec. 305/1 et seq.)** Any work-related injury or illness must be reported to the employee's supervisor within **twenty-four (24) hours** of the injury or onset of illness.
- (3) Unemployment Insurance, the costs of which shall be paid by the Village.

**11-8-2**        **TRAINING.** For meetings and seminars, employees may be granted leave with pay to attend meetings, seminars and conventions of professional and technical organizations, when such attendance would benefit the employee's ability to perform the job, and is approved in advance by the Village Board.

For any training programs conducted after regular working hours, such training shall be voluntary unless arrangements for such training includes the granting of overtime.

All employees shall be reimbursed for mileage expenses incurred while attending assigned schools outside the County. Upon receipt of a notice to attend the training school, the employee will request the use of a departmental vehicle to transport those attending to and from school. If a departmental vehicle is not available, reimbursement shall be made for the employee's use of their personal vehicle. When **two (2)** or more persons attend the same school at the same time the Superintendent may require that only **one (1) person** will be eligible to receive reimbursement for travel. The rate of reimbursement shall be established by the Village Board.

**11-8-3**        **DEATH BENEFITS.** Each employee shall fill out a designation of beneficiary form. Upon the death of an employee, the designated beneficiary shall be entitled to receive from the appropriation for personal services theretofore available for payment of the employee's compensation, such sums for any accrued vacation period to which the employee was entitled to at the time of death. Such payment shall be computed by multiplying the employee's daily rate of pay by the number of days of accrued vacation at the time of death.

Upon the death of an employee, the estate shall receive any unpaid compensation, accrued overtime, or other benefits the employee would have been allowed had the employee survived.

Family members of deceased employees should contact the Village Clerk's Office for explanation of any further benefits the family members or the estate of the deceased employee may be entitled to.

**11-8-4 TRAVEL.** Staff vehicles are to be used only for activities directly related to the conduct of business. Under no circumstances are the vehicles to be used for personal activities. Reimbursement is provided for the use of employee's private vehicles for official business at the rate designated by the State of Illinois for actual mileage traveled. Private vehicles will only be used when Department vehicles are not available and prior approval is given by the Mayor. Use of staff vehicles are restricted to employees who have a valid drivers' license with current liability insurance. Employees are not permitted to use Village vehicles without the knowledge of their supervisor or Superintendent. All employees using staff or private vehicles must record mileage on the expense log along with the destination and purpose of the trip. The log is to be returned with the vehicle's keys. Expense claims for private vehicle usage will be honored only if the listed trip is initialed by the immediate supervisor. Any malfunctions or damages must be reported to the immediate supervisor. Travel in any vehicle will always be by the most direct route unless otherwise approved by the Mayor or Superintendent.

If the most economical means of travel available is by some type of transportation other than an automobile, the mode selected shall be approved by the employee's supervisor and Mayor before departure. Travel by either airplane or train shall be by coach class.

Reimbursements for first class accommodations may be permitted only when coach class is not available.

Employees who take staff vehicles home are not considered on official business during the commute unless they must regularly perform duties during that commute.

**11-8-5 REIMBURSEMENT OF OTHER EXPENSES.** An employee shall be allowed reimbursement for the actual cost of meals in accordance with these rules but not to exceed the rates indicated in the reimbursement schedule. It is not necessary to submit receipts when receiving per diem. It is necessary to submit receipts when receiving reimbursement for individual meals.

For breakfast, an employee only will receive reimbursement if the employee is on travel status and leaves headquarters or residence at or before **7:00 A.M.**

For lunch, travel within **fifty (50) miles** of the Village is not reimbursed.

For dinner, an employee must be on travel status and arrive back at the headquarters or residence at or after **8:00 P.M.** For employees commencing travel after the close of business but before **6:00 P.M.**, reimbursement for dinner is allowed.

Advance per diem checks must be requested a minimum of **three (3) days** in advance. A per diem allowance is available only when overnight lodging is obtained or when the travel assignment is **eighteen (18) hours** or more. A per diem allowance provided in the reimbursement schedule represents the maximum daily amount allowable and is given in lieu of a meal allowance. Receipts must be submitted to support allowances other than meals when on per diem.

(A) **Reimbursement Schedule.**

Automobile Mileage - State of Illinois rate (Proof of automobile liability insurance is required to obtain automobile mileage reimbursement).

Per diem allowance/IRS per diem rate for various cities, as published in the GSA Publication (with receipts, per them allowance is **\$40.00**).

Breakfast	-	20% of IRS published rate
Lunch	-	30% of IRS published rate
Dinner	-	50% of IRS published rate

If a conference fee includes a meal, the per diem allowance shall be reduced by the amount of the particular meal included in the reimbursement schedule.

In order to be reimbursed for business expenses, the employee shall submit an expense log. This log shall be signed by the employee submitting the expense claim and approved by the Mayor or Finance Committee. An expense log should be submitted to the accounts payable clerk and will be paid on the appropriate disbursement date. Liable expenses include but are not limited to meals, conference fees, hotel and motel accommodations, taxi fares, parking and toll fees. Personal expenses, such as personal phone calls, in-room movies and bars, or other entertainment will not be reimbursed. Receipts must accompany travel requests for reimbursement.

Non-reimbursable expenses include, but are not limited to, alcoholic beverages, personal entertainment, valet service, magazines and newspapers.

Gratuities shall be reimbursed to a maximum of **fifteen percent (15%)** except for those departments, programs, or projects which are prohibited by Federal or State rules or regulations from making reimbursements for gratuities.

Employees traveling overnight shall be reimbursed for **one (1) phone call** to their home phone number with a **Five Dollar (\$5.00)** limit for the call. When a delay occurs in traveling, then the employee shall be reimbursed for **one (1) additional phone call** to their home phone with a **Five Dollar (\$5.00)** limit for reimbursement.

**ARTICLE IX - REGULATIONS AND RESTRICTIONS**

**DIVISION I - GENERAL**

**11-9-1 ACCIDENTS/INJURIES.** Anytime an employee is involved in an automobile accident with a Village automobile or in a personal automobile while on Village business, the employee shall notify his or her Superintendent immediately with all pertinent information including whether personal injury is involved and whether any traffic citations were issued. All Superintendents shall within **twenty-four (24) hours** notify the Village Attorney if any traffic citations were issued to a Village employee and shall provide the Village Attorney with a copy of the citations. An employee is obligated to cooperate with the Village and any of the Village's legal representatives regarding the accident and any citations that may have been issued.

**11-9-2 APPEARANCE.** Neatness and good taste in dress, as well as care toward personal hygiene, are expected of all employees. For safety and hygienic purposes, employees may be required to comply with any appropriate dress code that is set forth by the Superintendent or Village Board during the performance of their duties.

Employees may be requested to change inappropriate dress, and work lost while doing so will not be compensated by the department. Employees may be evaluated on their dress and appearance. The Superintendent is the only individual of each department who may make exceptions to the dress code.

**11-9-3 USE OF DEPARTMENT PROPERTY.** All department property and equipment entrusted to any employee will be used in accordance with the property's prescribed function. All damage through recklessness, gross negligence, intentional act, deliberate misuse, or theft shall be replaced and paid for by the employee committing the violation. Such replacement of property by the employee shall not be considered the exclusive remedy against the employee, and the employee may still be subject to discipline. All department property, personal lockers, and personal offices are subject to search and seizure. All department property shall be inspected by the employee's immediate supervisor prior to issuance of the property.

No department property shall be used for private or unauthorized purposes. All employees are required to return all department property or equipment in their possession upon separation, promotion, and/or transfer.

**11-9-4 TELEPHONE USAGE.** Good telephone habits are an indication that the department is interested in serving the public. At all times, answer promptly and courteously. Identify yourself by name and section, be friendly and helpful. Write time and date of any message from the caller, transfer calls tactfully, give accurate information, do not keep the caller waiting and hang up carefully.

All personal telephone usage, including cellular telephones, whether incoming or outgoing, shall be kept to a minimum. Employees shall be charged and accountable for such usage. Employees shall also be responsible for the care of the cellular units to avoid misplacement and theft. All pagers assigned to the employees shall remain "on" during working hours.

Employees shall keep incoming and outgoing personal calls to a minimum.  
**(See Division II for computer usage.)**

**11-9-5 CORRESPONDENCE AND COMMUNICATIONS.** No employee shall use their official position, engage in official transactions or business to harass any individual or to secure a benefit for himself or other individuals. Courtesy should be given in all communications and correspondence, and

all employees should refrain from unnecessarily criticizing any individuals or agencies concerning official transactions or business.

**11-9-6**            **SMOKING.** Smoking by Village employees shall not be allowed during working hours.

**11-9-7**            **PHOTO I.D.'S.** The Village Board may issue a photo I.D. card for employees. All employees who are issued a shield badge and/or photo I.D. are required to be in possession of the badge and/or photo I.D. on and off duty. Employees shall not use their shield or identification card for personal business or personal gain. If a shield or identification card is lost or stolen, it must be reported in writing to the Superintendent without delay.

**11-9-8**            **SPEECH AND DISSEMINATION OF INFORMATION.** Employees are encouraged to appear before civic organizations, fraternal organizations or any other group in an official capacity. Employees shall notify the Superintendent prior to accepting such speaking engagements.

Employees are cautioned against making statements or giving impressions regarding official agency policy or position without prior expressed authority being granted. Normally, the Village Board has the sole right to adopt and interpret the policies of the organization. If in doubt, it is always preferable to consult the Superintendent before making any statements that might possibly be misinterpreted or misconstrued by the general public or press.

The Superintendent shall make all news releases concerning the department.

The Village shall comply with the **Illinois Freedom of Information Act**, and employees are allowed to disseminate information pursuant to the Act. However, employees are not allowed to disclose any information that is exempted by **Illinois Freedom of Information Act** or prevented from disclosure by any other state statutes. Employees who receive Freedom of Information Act requests shall notify the Mayor, who may consult with the Municipal Attorney to ensure timely compliance. **(See Chapter 22 – Mandated Policies)**

**11-9-9**            **RELATIONS WITH CREDITORS.** The Village shall charge employees any authorized costs when making wage deduction pursuant to court order or State or Federal statutes.

**11-9-10**          **POSSESSION OF FIRE ARMS.** Unless authorized by the Chief of Police, and unless authorized by the appropriate Superintendent, no employee of any department has legal authority to carry weapons while in the performance of their official duties.

**11-9-11**          **ETHICS.** Employees shall not recommend or promote the sale of any specific brand name product or equipment.

Many employees in the course of their work have access to medical information about patients, clients, employees, or other individuals. This may be medical, legal or job related information. Such information is not to be repeated or discussed outside the department or with other personnel unless such information is a necessary part of the employee's assigned duty.

Employees shall inform the Superintendent or Mayor of any possible conflict of interest situations they may have.

Employees are prohibited from accepting gifts, gratuities, or any item of value for work performed on behalf of the Village. **(See Chapter 22 – Mandated Policies)**

**11-9-12**          **OTHER EMPLOYMENT.** Employees are prohibited from having conflicting employment while having a full-time position. An employee may not be paid by another employer for the same **forty (40) hour** period employee is being paid by the department. If a full-time employee performs outside services or employment, such services or employment shall be reported to the



Superintendent for prior approval, and advance notification shall be given by the employee to the Village Clerk.

Fees earned by an employee for serving as an instructor for a class during other than normal working hours which is not sponsored by the Village in another village agency, shall be dealt with as follows:

- (1) No overtime shall be earned and the fee retained, or;
- (2) Overtime shall be earned and the fee surrendered to the Village Clerk and recorded as miscellaneous income.

Employees who are injured while engaging in other employment shall notify the Superintendent and the Village Clerk.

**11-9-13 PHYSICAL EXAMINATIONS.** Each applicant for employment may be required to successfully complete a post-offer physical examination by a doctor of the employer's choice, including a drug screen upon the request of the Village. At any time, employees may be required to submit to a physical examination. As a condition of their employment, the employees of the department shall authorize the release of medical testing information including drug screens to the Village for departmental use only.

Each employee authorized to carry and use a gun while at work for the Village, and all employees engaging in heavy manual labor as their principal form of job activity for the Village may be required to submit to an annual physical exam and/or drug screens by a doctor of the employer's choice.

Drug screens can be conducted on a random basis for any security personnel employed by the Village, except those under police personnel contract, for any employee authorized to carry and use a gun while performing work related activities for the Village and for any employee that is required to hold other than a Class A driver's license for work related purposes. For all other employees, drug screens shall be conducted upon probable cause.

The term "drug screens", as used throughout and disclose to the Superintendent, any drug or alcohol problem that the employee may currently have.

**11-9-14 REIMBURSEMENT OF COST OF TRAINING.** If an employee leaves the department's employment before the completion of **two (2) years** from the initial date of employment, that employee will be liable for all costs incurred in the employee's selection, background investigation, equipment issue and training, prorated over a **two (2) year** period. Incurred training costs will be deducted from any remaining paychecks.

**11-9-15 PRESCRIPTION DRUG USE.** Any employee who is taking prescription or over-the-counter drugs or medication which may impact on abilities to perform work shall report the use of the drugs or medications to the immediate supervisor, along with the name and address of any medical doctors prescribing the medication.

**11-9-16 - 11-9-19 RESERVED.**

**DIVISION II - DRUG FREE WORKPLACE POLICY**

**11-9-20**      **DRUG FREE WORKPLACE.** All employees, as a condition of employment, shall comply with the Village's Drug Free Workplace Policy that is found in this Division.

**11-9-21**      **PURPOSE OF POLICY.** Drug abuse affects all aspects of our lives - it threatens the workplace as well as the home, the school, and the community. The Village must take a firm stance against illicit drug use. The use of drugs, which term for the purposes of this policy shall include alcohol in the workplace, is unacceptable since it can adversely affect health, safety, and productivity, as well as public confidence and trust. When drug use and/or involvement interferes with an employee's efficient and safe performance of work responsibilities and/or reduces the employee's dependability and accountability, it creates a problem for the whole organization.

Drug abuse inflicts notable human expense. Personal tragedies, feelings of anxiety and depression, and diminishing coping skills are reflected on an individual level. Dysfunctional and strained relationships mark the heavy burden felt by the families of the drug and alcohol abuser.

The cost of drug abuse, both on a personal and organizational level, is unacceptable. The rising incidence in substance abuse makes it imperative that the Village combat this issue by implementing a zero tolerance policy of drug use in the workplace.

**11-9-22**      **DRUG FREE WORKPLACE STATEMENT.** The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance, including cannabis, is prohibited in the workplace. Controlled substance means a controlled substance as defined in the Illinois Controlled Substances Act or cannabis as defined in the Cannabis Control Act. Disciplinary action, up to and including dismissal can be taken against employees for drug violations.

All employees will, as a condition of employment:

(A)              Agree not to manufacture, distribute, dispense, or possess controlled substances or alcohol in the workplace.

(B)              Notify their respective Superintendent of any arrest or conviction of any local, state or federal criminal drug statute no later than **twenty-four (24) hours** after such arrest or conviction.

(C)              Abide by the conditions set forth in this statement.

**11-9-23**      **VIOLATIONS.**

(A)              Employees are subject to discipline, including discharge for violation of the above policy.

(B)              Require the satisfactory participation and completion of a State licensed drug rehabilitation program, as sanctioned by the employer.

(C)              The Village shall notify the appropriate State Agency from which grant funds were received of the employee's conviction within **ten (10) days** after receiving notice from an employee of any criminal drug statute conviction for a violation in the workplace.

**11-9-24**      **EMPLOYEE ASSISTANCE.** A referral network to assist those who may be experiencing problems with drugs and/or alcohol will be established for all Village employees.

**11-9-25**      **STATUS OF EMPLOYMENT; REHAB COSTS.** There is no requirement by the employer to keep an employee on active employment status who is receiving rehabilitative treatment if it is determined that the employee's current use of drugs prevents the individual from performing work related duties or whose continuance on active status could constitute a threat to the property and/or

safety of others. **The employee shall pay for all costs of rehabilitation.** The employee may use

accumulated paid leave, and take unpaid leave pending treatment, at the discretion of the employer, and so long as the employee advised the Superintendent of use or abuse of drugs prior to occurrence of reasonable suspicion.

**11-9-26 - 11-9-29 RESERVED.**

**DIVISION III – COMPUTER USAGE POLICY**

**11-9-30 COMPUTER USAGE PROCEDURE.** Routinely all personnel will have access to a computer. The following procedures must be adhered to:

(A) All employees will only use the "Log-in ID", "User ID" and "Passwords" assigned to them, i.e. use of a supervisor "User ID" and "Passwords" by a line officer is prohibited unless authorized by the Administration. Use is a privilege, not a right, which may be suspended or terminated by Mayor when, in his/her judgment, this policy has been violated by the user.

No employee is authorized to share their "password" with anyone except the Supervisor assigned to overlook all passwords in the department.

(B) It is not permissible to use village computers and equipment in any inappropriate manner, such as to disgrace the department or a fellow employee. It is forbidden to use profanity or vulgar language on any department computer equipment.

(C) Only floppy disks which are requisitioned from the storerooms and the data processing department are authorized to be used in department computers. No outside floppy disks will be authorized to be used except with permission from Administration.

(D) No employee shall be allowed to do personal work at his or her village computer. This is with or without the use of any floppy disk.

(E) No employee shall be allowed to copy any village or department document to a floppy disk and use it outside the office without permission from Administration.

(F) No employee shall be allowed to have any unauthorized programs, utilities, games or files on their village PC.

(G) Any variance from the above procedures shall have prior Administration permission.

Information and data maintained in the electronic media on village computer system are protected by the same laws and policies, and are subject to the same limitations, as information and communications in other media. Said information and data are the property of the Village.

Before storing or sending confidential or personal information, users should understand that most materials on Village system are, by definition, public records. As such, they are subject to laws and policies that may compel the Village to disclose them. The privacy of the materials kept in electronic data storage and electronic mail is neither a right nor is it guaranteed.

**11-9-31 - 11-9-34 RESERVED.**

**DIVISION IV – ELECTRONIC COMMUNICATIONS**

**11-9-35**      **POLICY; INTRODUCTION/PURPOSE.** This policy is intended to serve as a guide on the proper use of the municipal electronic communication systems. This policy covers the use of all forms of electronic communications, including but not limited to e-mail, voice mail, fax machines, external bulletin boards, Intranet and the Internet, and applies to all users. Users are expected to read, understand and follow the provisions of this policy and will be held responsible for knowing its contents. Use of the electronic communication system constitutes acceptance of this policy and its requirements.

The Village provides electronic mail (e-mail) and/or Internet access to Elected Officials and Staff who need it to perform the functions of their position. The purpose of this document is to communicate to all personnel their responsibility for acceptable use of the Internet and e-mail (whether sent over the Internet or over the Village’s own network). Policies and procedures are also outlined for the disclosure and monitoring of the contents of e-mail messages stored in the system when required.

The Village’s objectives for Employees to use e-mail and/or the Internet include:

- (A) exchanging information more efficiently than by telephone or written memorandum;
- (B) gathering information and performing research for departments; and
- (C) reducing the handling of paper copy.

**11-9-36**      **POLICY DEFINITIONS.** As used in this Policy, the terms listed below shall be defined as follows:

(A)      **Electronic Mail (E-Mail).** Electronic mail may include non-interactive communication of text, data, image, or voice messages between a sender and designated recipient(s) by systems utilizing telecommunications links. It may also include correspondence transmitted and stored electronically using software facilities called “mail”, “facsimile”, “messaging” systems or voice messages transmitted and stored for later retrieval from a computer system.

(B)      **Encryption Software.** Proprietary software that changes information from its native state to an unrecognizable coded state that can only be returned to its native state with special software.

(C)      **Internet.** A worldwide network of networks, connecting informational networks communicating through a common communications language or “Protocol”.

(D)      **Intranet.** An in-house web site that serves the users of the Village. Although Intranet pages may link to the Internet, an Intranet is not a site accessed by the general public.

(E)      **World Wide Web.** An Internet client-server distributed information and retrieval system based upon hypertext transfer protocol (http) that transfers hypertext documents that can contain text, graphics, audio, video, and other multimedia file types across a varied array of computer systems.

(F)      **Users.** Elected Officials, Department Heads, Employees, Volunteers, Contractors and Consultants.

(G)      **Firewall.** An electronic device used to protect private networks from unauthorized access from users on the Internet.

**11-9-37**      **OWNERSHIP.** The electronic communication system is the property of the Village. All computer equipment, computer hardware and computer software provided by the Village are the property of the Village. All communications and information transmitted by, received from, or stored in these systems are the property of the Village.

**11-9-38**      **USE OF ELECTRONIC COMMUNICATIONS.** The Village’s electronic communications systems, including e-mail and the Internet, are intended for Village business use only. Personal uses of the Internet and e-mail systems are prohibited. The Village reserves the right to use

filtering software to block access to Internet sites that are considered inappropriate or non-productive. The filtered sites shall be reviewed and approved by the Mayor.

Before using these systems, all users shall understand that any information that is created, sent, received, accessed or stored in these systems shall be the property of the Village and shall not be private. If a User is permitted to use electronic communication systems, such use shall not violate any section of this policy or interfere with user's work performance.

Users shall use the same care and discretion when writing e-mail and other electronic communications as they would with any formal written communication. Any messages or information sent by users to other individuals via electronic communication systems, such as the Internet or e-mail, are statements identifiable and attributable to the Village. Consequently, all electronic communications sent by users shall be professional and comply with this policy.

**11-9-39 PROHIBITED COMMUNICATIONS.** Under no circumstances may any user operate the Village's electronic communications systems for creating, possessing, uploading, downloading, accessing, transmitting or distributing material that is illegal, sexually explicit, discriminatory, defamatory or interferes with the productivity of coworkers. Specifically prohibited communications include, but are not limited to, communications that promote or transact the following: illegal activities; outside business interests; malicious use; personal activities (including chat rooms); jokes; political causes; football pools or other sorts of gambling; recreational games; the creation or distribution of chain letters; list servers for non-work purposes; "spams" (mailing to a large number of people that contain unwanted solicitations or information); sexual or any other form of harassment; discrimination on the basis of race, creed, color, gender, religion or disability; or for solicitations or advertisements for non-work purposes. Users may not engage in any use that violates copyright or trademark laws.

Also prohibited is any activity that could negatively impact public trust and confidence in the Village or create the appearance of impropriety.

Users are also prohibited from posting information, opinions or comments to Internet discussion groups (for example: news groups, chat, list servers or electronic bulletin boards). Under no circumstances may any user represent their own views as those of the Village.

Users may not disclose confidential or sensitive information. Personal information such as the home addresses, phone numbers, and social security numbers of Elected Officials or Employees should never be disclosed on the Internet.

**11-9-40 NO PRESUMPTION OF POLICY.** Although users may use passwords to access some electronic communication systems, these communications should not be considered private. Users should *always assume* that any communications, whether business-related or personal, created, sent, received or stored on the Village's electronic communication systems may be read or heard by someone other than the intended recipient.

Users should also recognize that e-mail messages deleted from the system may still be retrieved from the computer's back-up system when requested by authorized personnel. Consequently, messages that were previously deleted may be recreated, printed out, or forwarded to someone else without the user's knowledge.

**11-9-41 VILLAGE'S RIGHT TO MONITOR USE.** Under authorization of the Mayor, the Village may monitor, intercept, access, and disclose all information created, sent, received, or stored on its electronic communication systems at any time, with or without notice to the user. The contents of computers, voice mail, e-mail and other electronic communications will be inspected when there are allegations that there have been breaches of confidentiality, security, or violations of this Electronic Communications Policy. These inspections will also be conducted when it is necessary to locate substantive information that is not readily available by less intrusive means. Before providing access to

store electronic communications such as e-mail messages, written authorization will be required from the Mayor.



The contents of the computers, voice mail, e-mail and other electronic communications may be turned over to the appropriate authority when there are allegations that there have been violations of law.

In addition, the Village will regularly monitor and maintain a log of the user's Internet access, including the type of sites accessed, the name of the server, and the time of day that access occurs. The Mayor will have access to this log upon request. They may use this information that was obtained through monitoring as a basis for employee discipline.

The Mayor may authorize individuals for investigative purposes to engage in activities otherwise prohibited by this policy.

**11-9-42 PROHIBITED ACTIVITIES.** Users shall not download software programs of any kind. No software is to be installed on Village computers without the approval of the Village Board. Users may not upload, download, or otherwise transmit copyrighted, trademarked, or patented material; trade secrets; or confidential, private or proprietary information or materials. Users may not use the Village's electronic communication systems to gain unauthorized access to remote computers or other systems or to damage, alter, or disrupt such computers or systems in any way, nor may users use someone else's code or password or disclose anyone's code or password including their own. It is a violation of this policy for users to intentionally intercept, eavesdrop, record or alter another person's Internet and e-mail messages. Users may not allow unauthorized individuals to have access to or use the Village's electronic communication systems, or otherwise permit any use that would jeopardize the security of the Village's electronic communication systems. Also, users may not post an unauthorized home page or similar web site.

Users may not make unauthorized commitments or promises that might be perceived as binding the Village. Users must use their real names when sending e-mail messages or other electronic communications and may not misrepresent, obscure or in any way attempt to subvert the information necessary to identify the actual person responsible for the electronic communication. Sending an e-mail message under a fictitious or false name is a violation of this policy. Likewise, using another user's account or login ID constitutes a violation of this policy.

**11-9-43 PASSWORDS.** Each user will maintain a unique password. Users must keep their passwords confidential and must never leave their computers unattended when logged into the system. Passwords shall be changed whenever a password may have been compromised or revealed or when the computer security system requests a new password.

Directories of user e-mail addresses may not be made available for public access. No visitors, contractors or temporary employees may use the Village's e-mail without prior written authorization from the Mayor.

**11-9-44 INTERNET USAGE.** Access to the Internet from any PC connected to the Village's network is only allowed in accordance with this policy. Alternate methods of Internet access, such as using a modem to access a personal dial-up Internet account is prohibited as it may compromise the Village's network security exposing it to potential harm from computer hackers.

Sessions on the Internet are logged automatically in exactly the same way that phone numbers are logged in the phone system. Do not use the Internet for tasks that you would not want to be logged.

Web browsers leave "footprints" providing a trail of all site visits. Do not visit any site where you would be reluctant to leave your name and work locations.

Use appropriate judgment before filling out a form included in a Web page. The form shall pass through many interconnecting computers and networks before reaching its destination. Other individuals will be able to eavesdrop on it. Personal or valuable information on the form may not remain confidential. Under no circumstances should you ever put a Social Security number on the Internet.

An Internet message sent from the Village's address constitutes a Village communication; therefore, it should be composed and structured correctly. Whenever possible, spell check messages prior to transmission, especially when sending to a non-Village address.

Sending e-mail from the Village's address can be likened to sending a letter on Village letterhead. Messages may be forwarded by the recipient to others, printed in a location where others may view the message, and/or directed to the wrong recipient. Also, computer forensic experts can often retrieve e-mail previously deleted. An ill-considered remark can return to haunt the sender later.

Be courteous and follow generally accepted standards of etiquette. Protect others' privacy and confidentiality. Consider the Village's needs before sending, filing, or destroying e-mail messages. Remove personal messages, temporary records and duplicate copies in a timely manner.

**11-9-45**      **RECORDS RETAINED.** Certain significant types of e-mail messages or their attached files may be considered records and should be retained if required by the Village's record-retention policies. Examples of messages sent by e-mail that may constitute records include:

- (A) policies and directives;
- (B) correspondence or memoranda related to official business;
- (C) work schedules and assignments;
- (D) agendas and minutes of meetings;
- (E) drafts of documents that are circulated for comment or approval;
- (F) any document that initiates, authorizes, or completes a business transaction; and
- (G) final reports or recommendations.

**11-9-46**      **RECORDS DISPOSAL.** The content and maintenance of a user's electronic mailbox are the user's responsibility. The content and maintenance of a user's disk storage area are the user's responsibility. Each user should review his/her electronic records for deletion every **thirty (30) days**.

Messages of transitory or little value that are not normally retained in record-keeping systems should be regularly deleted. Informational messages, such as meeting notices, reminders, informal notes, and telephone messages should be deleted once the administrative purpose is served. If it is necessary to retain any e-mail message for an extended period, transfer it from the e-mail system to an appropriate electronic or other filing system. With the approval of the Mayor, the Village Clerk or one of his/her staff members designated by him/her is permitted to remove any information retained in an e-mail system for more than **thirty (30) days**.

**11-9-47**      **ACCESSING USER E-MAIL DURING ABSENCE.** During a user's absence, the Mayor may authorize the Village Clerk to access the user's e-mail messages and electronic Internet records without the consent of the user when necessary to carry out normal business functions.

**11-9-48**      **FIREWALLS AND NETWORK PROTECTION.** Firewalls and other devices to ensure the safety of the Village private network will be installed to protect all Village Electronic Communication Systems. Local governments are often targets of hackers and unauthorized intrusions because of the unique types of information stored on their systems. For this reason, the Village takes a *very cautious* approach to security regarding the Internet and e-mail. Policies to ensure the security of the system include, but are not limited to: blocking access to certain Internet sites; filtering out potentially threatening e-mail attachments; filtering out dangerous types of web pages including Java Script, and ActiveX programs. Other methods of security may be deployed as new threats are discovered.

Any attempts to bypass or disable the security features installed by the Village will be in violation of this policy and may result in disciplinary action.

**11-9-49**      **PASSWORD PROTECTION.** Users should use caution when using encryption software or password protecting their files. Password protected files cannot be retrieved without the

necessary password. The Village is not responsible for any lost, damaged or inaccessible files that result from password protection.

**11-9-50 VIRUSES AND TAMPERING.** Any files downloaded from the Internet must be scanned with virus detection software before installation and execution. All computers designated as having access to the Internet and e-mail must have virus detection software installed on them. Users may not deliberately disable the virus protection capabilities of these systems. The intentional introduction of viruses, attempts to breach system security, or other malicious tampering with any of the Village's electronic communication systems is expressly prohibited. Users must immediately report any viruses, tampering or other system breaches to the Mayor or a designated officer.

Many viruses are transmitted through the e-mail system as attachments. Caution should be practiced prior to the accessing of any attachments to e-mail messages. Never access any unexpected attachments without verifying the source and reason for it, even if you recognize the sender of the e-mail. It is common practice for hackers to alter the source of an e-mail in an attempt to spread a virus.

**11-9-51 DISCLAIMER OF LIABILITY FOR USE OF THE INTERNET.** The Village is not responsible for material viewed or downloaded by users from the Internet. The Internet provides access to a significant amount of information, some of which contains offensive, sexually explicit and inappropriate material. It is difficult to avoid contact with this material; therefore, users of the Internet do so at their own risk.

**11-9-52 DUTY NOT TO WASTE ELECTRONIC COMMUNICATIONS RESOURCES.** Users must not deliberately perform actions that waste electronic communication resources or unfairly monopolize resources to the exclusion of other users. This includes, but is not limited to, subscribing to list servers, mailing lists or web sites not directly related to the user's job responsibilities; spending nonproductive time on the Internet; and doing large non-work related file downloads or mass mailings. Electronic communication resources are limited and users have a duty to conserve these resources.

**11-9-53 E-MAIL ADDRESSES.** The Village reserves the right to keep a user's e-mail address active for a reasonable period of time following the user's departure to ensure that important business communications reach their respective department.

**11-9-54 FREEDOM OF INFORMATION ACT REQUESTS.** The Village will not accept Freedom of Information Act (F.O.I.A.) requests from the public via the Internet. If a citizen e-mails a F.O.I.A. request to a user, the employee should notify the citizen that these requests must be made in writing in compliance with the Freedom of Information Code. **(See Chapter 22)**

**11-9-55 USE OF CREDIT CARDS ON THE INTERNET.** Before making purchases on the Internet, users who are authorized to use Village credit cards must ensure that they are using a secured site. The Village recommends that users do not use their credit cards over the Internet and expressly disclaims responsibility for any loss or damages that results from credit card usage over the Internet.

**11-9-56 VIOLATIONS.** Violations of this policy may subject employees to disciplinary action ranging from the removal of electronic communication privileges to dismissal from employment. Village employees who observe violations of this policy are obligated to report the violations to the Mayor or Village Clerk.

**11-9-57**      **POLICY CHANGES.** The Village reserves the right to change this policy at any time with notice. Nothing in this policy is intended or should be construed as an agreement and/or a contract expressed or implied. Policy changes will be disseminated electronically or in written form within **forty-eight (48) hours** of taking effect after an ordinance has been adopted.

**ARTICLE X - RIGHTS OF EMPLOYEES**

**11-10-1**      **PERSONNEL FILE.** Employees are allowed to look at their own personnel files during normal business hours. Persons wishing to view their own file shall file a written request with the Mayor or the Village Clerk. A copy of the request shall be placed in the employee's personnel file. Nothing should be placed in an employee's personnel file nor shall anything be removed from the file without the consent of the Mayor and Village Board. Records of prior grievances and discipline action shall be maintained in the employee's personnel file. The final decision to remove items lies within the discretion of the Mayor and the Village Board.

**11-10-2**      **REFERENCES.** Employees or former employees have the right to obtain references or recommendations. Such references shall provide the applicable date of hire and the last date employed, and a general description of the applicable job duties. Additional comments concerning the employee or former employee's job performance dependability lies within the sound discretion of the Superintendent.

**11-10-3**      **SAFETY.** The Superintendent shall implement any safety procedures adopted by the Village, and employees shall comply with any of the safety procedures.

All employees are directed to report any hazardous conditions to their supervisor immediately.

Due to the open-office design of many department buildings, it is impossible to provide security for personal belongings left unattended. Employees are advised to keep their wallets, purses, etc. in their possession at all times. The Municipality cannot be responsible for losses due to theft.

**ARTICLE XI - RIGHTS OF EMPLOYER**

**11-11-1 VILLAGE'S RIGHTS.** The employee recognizes that the Village possesses the exclusive right to operate and direct the employees of the Village in all aspects, including, but not limited to, all rights and authority granted by law.

The employee further recognizes that this Code is not a binding contract between the Village and the employee. Nothing contained in this Code shall be construed as creating an employment agreement between the Village and its employees from time to time.

**11-11-2 NEW REGULATIONS.** The Village has the right to unilaterally create new employment policies and regulations not mentioned in this Code, and to change provisions of this Code without approval or consent of the employees of the Village.

**11-11-3 MANAGEMENT RESPONSIBILITIES.** The employer has the ultimate responsibility for proper management including but not limited to responsibilities and the right for the following:

(A) To maintain executive management and administrative control of the department and its property, facilities and staff.

(B) To hire all employees and to determine their qualifications and the conditions for their continued employment or their dismissal or demotion.

(C) To direct, supervise, promote, suspend, discipline, terminate, assign and schedule employees.

(D) To relieve employees from duties because of a lack of work or funds, or under conditions where continued work would be inefficient or nonproductive or under conditions as may be deemed necessary or advisable by the department.

(E) To determine services to be rendered, operations to be performed, utilization of technology and budgetary matters.

(F) To determine the methods, processes, means, job classifications and personnel by which the operations of the department are to be conducted.

It is recognized that the employer normally exercises most of the powers, rights, authorities, duties and responsibilities through and with the cooperation of the administrative staff.

**11-11-4 LENGTH OF SERVICE.** Length of service is defined as the length of continuous service of an employee since the employee's last date of hire with the Village within the employee's department. In the event an employee is transferred from or to another department of the Village, the employee's total continuous employment with the Village will be used as the basis for vacation and sick leave only.

An employee's continuous service record shall be broken by voluntary resignation or discharge. If such continuous service is broken due to curtailment of operation, said employee shall be considered on layoff.

**11-11-5 EXEMPTIONS TO LABOR AGREEMENTS.** All sections and subsections of this Code shall not apply to the employees governed by a collective bargaining agreement provided the subject matter in the Collective Bargaining Agreement sections are the same.

**ARTICLE XII - SEXUAL MISCONDUCT POLICY**

**11-12-1 SEXUAL MISCONDUCT POLICY STATEMENT.** The Village will not tolerate and will seek to eradicate any behavior by its employees, volunteers or students which constitutes sexual misconduct toward another employee, volunteer or student. "Sexual misconduct" means any actual, attempted or alleged sexual molestation, assault, abuse, sexual exploitation or sexual injury. "Sexual misconduct" does not include "sexual harassment".

**11-12-2 REPORTING PROCEDURES AND DESIGNATED SEXUAL ABUSE COORDINATOR.** It is the express policy of the Village to encourage victims of sexual misconduct, and their parents or guardians in the case of minors, to come forward with such claims. The Village shall designate a Sexual Abuse Coordinator, who hereinafter shall be referred to as "Coordinator", who shall remain accountable for the implementation and monitoring of this policy. The identity of the Sexual Abuse Coordinator shall remain on file with the Village. In order to conduct an immediate investigation, any incident of sexual misconduct shall be reported as quickly as possible in confidence, as follows:

(A) **Employees and Volunteers.** Employees and volunteers are required to report any known or suspected incidents of sexual misconduct. They must also report to their supervisor or the Coordinator. If the person to whom an employee or volunteer is directed to report is the offending person, the report should be made to the next higher level of administration or supervision.

(B) **Investigation and Confidentiality.** All formal complaints will be given a full impartial and timely investigation. During such investigation, while every effort will be made to protect the privacy rights of all parties' confidentiality cannot be guaranteed.

(C) **Discipline.** Any Village employee or volunteer who is determined, after an investigation, to have engaged in sexual misconduct in violation of this policy will be subject to disciplinary action up to and including discharge.

False accusations regarding sexual misconduct will not be tolerated, and any person knowingly making a false accusation shall likewise be subject to disciplinary action up to and including discharge, with regard to employees or volunteers.

The Village shall discipline any individual who retaliates against any person who reports alleged sexual misconduct or who retaliates against any person who testifies, assists or participates in an investigation, a proceeding or a hearing relating to a sexual misconduct complaint. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

**11-12-3 CHILD ABUSE.** Sexual abuse of a minor is a crime.

(A) **Child Abuse Incident Reporting and Follow-Up.** Any case of known or suspected child abuse of a minor must be reported immediately in compliance with Illinois mandatory reporting guidelines and to the Coordinator and the Village Attorney's Office.

In the event that the Coordinator is first notified of an incident of known or suspected child abuse, the Coordinator shall immediately notify the child's parent or legal guardian as the case be, and the appropriate legal authorities as required by state or local law. The Coordinator shall prepare a Suspected Child Abuse Standard Report and immediately follow-up to investigate the incident and to ascertain the condition of the child. The Coordinator shall communicate any questions or concerns about any incident with the State's Attorney.

Any employee or volunteer involved in a reported incident of sexual misconduct or child abuse shall be immediately relieved of responsibilities that involve interaction with minors or shall be suspended, as determined by the employee's supervisor. Reinstatement of employees or volunteers involved in a reported incident of child abuse shall occur only after all allegations of child abuse have been cleared by the County.

(B) **Maintenance of Records and Documents.** The Coordinator shall maintain all records and documentation required by law or otherwise required by this and other such related policies of the Village including all documents related to procedures for hiring-screening, employee/volunteer code of conduct, training, sign-in/sign-out, pick-up and release procedures, incident reporting follow-up and disciplinary action.



**ARTICLE XIII – SOCIAL MEDIA POLICY**

**11-13-1 MISSION STATEMENT.** It shall be the mission of the Village to ensure its employees maintain professional conduct in their on and off work lives. This shall include the image an employee portrays of themselves on the internet and computer related media.

**11-13-2 PURPOSE.** The purpose of this policy is to outline the expectations of employees with respect to their use of social media and social networking and the direct effect such use has upon the reputation and perception of the Village.

**11-13-3 POLICY.** Employees shall not use any form of social media or social networking, including but limited to: Facebook, Twitter, MySpace, LinkedIn, Tumblr, YouTube, Google+, Pinterest, Instagram, Foursquare, The Squad Room, usenet groups, online forums, message boards or bulletin boards, blogs, and other similarly developed formats, in any way so as to tarnish the Village's reputation. Employees of the Village are embodiments of our mission. It is vital that each employee accept their role as ambassadors of the department, striving to maintain public trust and confidence, in not only their professional actions but also in their personal and online actions. Any online activity that has the effect of diminishing the public's trust and/or confidence in the Village will hinder the efforts of the Village to fulfill its mission. Any online actions taken that detract from the mission of the Village, or reflects negatively on the position of the Village will be viewed as a direct violation of this policy. For police officers: by virtue of the position of peace officer, they are held to a higher standard than general members of the public and their online activities should reflect such professional expectations and standards.

**11-13-4 RULES AND REGULATIONS.**

(A) Employees are prohibited from using Village computers or cell phones/devices for any unauthorized purpose, including the participating in social media or social networking.

(B) Employees are prohibited from using any social media or social networking platform while at work. Police officers may seek permission from the Mayor to use social media or networking for investigative or for public information purposes.

(C) Unless granted explicit permission, employees including police officers of the Village are prohibited from posting any of the following in any social networking platform, either on their own sites, the sites of others known to them, the sites of others unknown to them, news media pages, or other information exchange forums:

- (1) Any text, photograph, audio, video, or any other multimedia file related to any investigation of the police department, both current and past.
- (2) Any text, photograph, audio, video, or any other multimedia file related to any past or current action of the Village police department, either in homage or critique.
- (3) Any text, photograph, audio, video, or any other multimedia file that is related to any Village department business or event.

(D) Employees who choose to maintain or participate in social media or social networking platforms while off work shall conduct themselves professionally and in such a manner that will not reflect negatively upon the Village or its mission. In the course of operating or participating in such venues, the following rules shall apply:

- (1) Employees will be held responsible for the content that appears on their maintained social media or social networking sites and will be obligated to remove any posting or material contributed by others that reflects negatively upon the Village.

- (2) Sexually graphic or explicit material, of any kind, shall not be posted by the employee on any form of social media or social networking sites.

- (3) Sexually graphic or explicit material posted by others to the employee's social media or social networking sites shall be immediately removed.
- (4) Weaponry, owned by the Village, shall not be displayed or referenced to, in any multimedia format, on social media or social networking sites.
- (5) Weaponry, privately owned by any police officer, shall not be displayed or referenced to, in any multimedia format, on social media or social networking sites if such displays or depictions promote a disparaging image to the Village.
- (6) Any text, photograph, audio, video, or any other multimedia file included on a social media or social networking site that infers, implies, states, opines or otherwise expresses the employee's views on the public shall not be detrimental to the Village's mission now shall it, in any way, undermine the public's trust or confidence of the Village departments.
- (7) Any text, photograph, audio, video, or any other multimedia file included on a social media or social networking site that infers, implies, states, opines or otherwise expresses the employee's views on the legal, judicial or criminal systems shall not, in any way, undermine the public's trust and confidence of the Village departments.
- (8) Any posting that detracts from the Village department's mission will be considered a direct violation of this policy.

(E) Employees who are brought under administrative or internal investigation related to their performance, functionality or duties may be ordered to provide the Village, or its designated investigator, with access to the social media and social networking platforms in which they participate or maintain.

(F) Employees who are brought under administrative or internal investigation related to the Village's operation, productivity, efficiency, morale or reputation, may be ordered to provide the Village, or its designated investigator, with access to the social media and social networking platforms in which they participate or maintain.

(G) If requested, any employee shall complete an affidavit attesting to all the social media and social networking platforms in which they mail or participate.

(H) Any candidate seeking employment with the Village shall complete an affidavit attesting to all the social media and social networking platforms in which they maintain or participate.

**ARTICLE XIV – ANTI-BULLYING POLICY**

**11-14-1 APPLICATION OF POLICY.** The Village finds a safe work environment is beneficial for employees and promotes productivity. Workplace bullying has been linked to absenteeism, drug and alcohol use, and sexual violence. The Village considers workplace bullying unacceptable and will not tolerate it. The anti-bullying policy shall apply to all individuals who are employees, volunteers and contractors. For purposes of this policy:

- (A) **"Employee"** is defined as an individual working for the Village for remuneration;
- (B) **"Volunteer"** is defined as an individual who volunteers services to the Village without remuneration;
- (C) **"Contractor"** is defined as an individual who contracts with the Village to provide services, or an individual who works for a contractor of the Village.

**11-14-2 DEFINITION.** Bullying is defined as any severe or pervasive physical or verbal act or conduct, including communications made in writing or electronically, directed toward a person that has or can be reasonably predicted to have the effect of one or more of the following:

- (A) placing the person in reasonable fear of harm to the person or the person's property;
- (B) causing a substantially detrimental effect on the person's physical or mental health;
- (C) substantially interfering with the person's productivity; or
- (D) substantially interfering with the person's ability to participate in or benefit from the opportunities offered by the employer.

Bullying may be intentional or unintentional. The Village considers the following types of behavior illustrative examples of bullying: harassment, threats, intimidation, stalking, physical violence, sexual harassment, sexual violence, pushing; shoving; kicking; poking; tripping; assault, or threat of physical assault; theft, public humiliation, destruction of property, or retaliation for asserting or alleging an act of bullying.

**11-14-3 BULLYING PROHIBITED.** Bullying on the basis of actual or perceived race, color, religion, sex, national origin, ancestry, age, marital status, physical or mental disability, military status, sexual orientation, gender-related identity or expression, unfavorable discharge from military service, association with a person or group with one or more of the aforementioned actual or perceived characteristics, and any other distinguishing characteristic is prohibited in all places of employment, and an employer shall prevent bullying in its place of employment.

- (A) No person shall be subjected to bullying:
  - (1) during any period of employment activity;
  - (2) while working, on property of the employer, or at employer-sponsored or employer-sanctioned events or activities; or
  - (3) through the transmission of information from an employment utilized telephone, computer, computer network, or other similar electronic employer-utilized equipment.
- (B) Nothing in this policy is intended to infringe upon any right to exercise free expression or the free exercise of religion or religiously based views protected under the First Amendment of the United States Constitution.

**11-14-4 DISCIPLINARY ACTION.** Any employee or volunteer who is determined, after an investigation, to have engaged in bullying in violation of this policy shall be subject to disciplinary action up to and including immediate discharge. Any contractor found to be in violation of this policy may be subject to contract cancellation.

(A) **False Accusations.** False accusations regarding bullying against employees, volunteers, contractors, or elected officials shall not be tolerated, and any person knowingly making a false accusation shall be subject to disciplinary action up to and including immediate discharge.

(B) **Retaliation for Reporting Bullying.** The Village shall discipline any employee or volunteer who retaliates against any person who reports who reports alleged bullying, or who retaliates against any person who testifies, assists or participates in an investigation, a proceeding or a hearing relating to bullying complaint. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment. Contractors are likewise prohibited from retaliating.

**11-14-5 REPORTING AND COMPLAINT PROCEDURE.** The Village encourages all employees, volunteers or contractors to promptly report any instance of bullying behavior. Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of bullying. Therefore, while no fixed reporting period has been established, prompt reporting of complaints or concerns is encouraged so that rapid and constructive action can be taken. The Village shall make every effort to stop alleged workplace bullying before it becomes severe or pervasive, but can only do so with the cooperation of its employees.

Reports of bullying will be treated seriously, and investigated promptly and impartially. The Village further encourages all individuals to whom this policy applies to formally report any concerns of assault, battery, or other bullying behavior of a criminal nature to the Village Attorney's office. The Village Board requires any supervisor who witnesses bullying, irrespective of reporting relationship or his/her responsibility to address it, to promptly report this conduct to the Police Chief or the Mayor.

Individuals who believe they have experienced conduct that they believe violates this policy, or who have concerns about such matter, should report their complaints or concerns verbally or in writing to his or her supervisor, or the Village Attorney, before the conduct becomes severe or pervasive. If a verbal report is made, it shall be documented in writing by the official to whom it is reported. Individuals should not feel obligated to report their complaints to their immediate supervisor first before bringing the matter to the attention of one of the other designated Village representatives identified above.

The availability of this complaint procedure does not preclude individuals who believe they are being subjected to bullying conduct from promptly advising the offender that his or her behavior is unwelcome and requesting that such behavior immediately stop.

**ARTICLE XV – DOMESTIC AND SEXUAL VIOLENCE POLICY**

**11-15-1**     **PURPOSE OF POLICY.** Domestic violence can permeate the lives and compromise the safety of employees with tragic, destructive and often fatal results. Domestic violence occurs within a wide spectrum of relationships, including married and formerly married couples, couples with children in common, couples who live together or have lived together, gay, lesbian, bisexual and transgender couples, and couples who are dating or who have dated in the past. Domestic violence represents a pattern of coercive tactics which can include physical, psychological, sexual, economic and emotional abuse perpetrated by one person against another in an intimate relationship or in the same household, with the goal of establishing and maintaining power and control over the victim. In addition to exacting a tremendous toll from the individuals it directly affects, domestic violence often spills over into the workplace, compromising the safety of both victims and co-workers and resulting in lost productivity, increased health care costs, increased absenteeism, and increased employee turnover. The Village will take appropriate actions to promote safety in the workplace and respond effectively to the needs of victims of domestic violence.

**11-15-2**     **DEFINITION.** For purposes of this policy and pursuant to the Illinois Victims' Economic Security and Safety Act (VESSA), the following terms are defined as follows:

(A)           **"Abuser":** A person who perpetrates a pattern of coercive tactics which can include physical, psychological, sexual, economic, and emotional abuse against an adult intimate partner, with the goal of establishing and maintaining power and control over the victim.

(B)           **"Domestic Violence":** Domestic violence means abuse by a family or household member, as defined by this policy pursuant to Section 103 of the Illinois Domestic Violence Act of 1986. Domestic violence includes sexual assault or stalking.

(C)           **"Employee":** A person working for the Village for remuneration for services.

(D)           **"Family or Household Member":** For employees with a family or household member who is a victim of domestic or sexual violence, this means spouse, parent, son, daughter, other person related by blood or by present or prior marriage, another person who shares a relationship through a son or daughter, and persons jointly residing in the same household.

(E)           **"Parent"** means biological parent of an employee or an individual who stood in loco parentis to an employee when the employee was a son or daughter as defined herein.

(F)           **"Son or Daughter"** means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is under **eighteen (18) years** of age, or is **eighteen (18) years** of age or older and incapable of self-care because of a mental or physical disability.

**11-15-3**     **VICTIMS' ECONOMIC SECURITY AND SAFETY ACT (VESSA).** The person against whom an abuser directs coercive and/or violent acts, including an employee who is a victim of domestic or sexual violence, or an employee's family or household member who is a victim of domestic or sexual violence, and whose interests are not adverse to the employee as it related to domestic or sexual violence.

**11-15-4**     **POLICY.**

(A)           **Employee Awareness.** The Village shall take reasonable actions to educate employees regarding the effects of domestic violence and methods to report such violence to authorities. It is the policy of the Village that information on domestic violence and available resources shall be available to employees through the Village Board and by this written policy, which shall be disseminated to employees.

(B)           **Non-Discriminatory Policy.** Non-Discriminatory and Responsive Personnel Policies for Victimized Employees of the Village shall ensure that personnel policies and procedures do not

discriminate against victims of domestic violence and are responsive to the needs of victims of domestic violence.

- (1) Illinois law prohibits employers from interfering with, restraining, or denying the exercise of any right provided under VESSA. This law requires employers, when given **forty-eight (48) hours** prior notification, to allow time off for employed victims of domestic or sexual violence and employees with a family or household member who is a victim of domestic or sexual violence, to take unpaid leave to seek medical help, legal assistance, counseling, safety planning, and other assistance without penalty from the employer for the employee or the family or household member who is a victim.
- (2) Illinois law prohibits employers from discriminating against any employee who is a victim of domestic or sexual violence or any employee who has a family or household member who is a victim of domestic or sexual violence.
- (3) An employee who is a victim of domestic or sexual violence, or has a family or household member who is a victim of domestic or sexual violence and whose interests are not adverse to the employee as it relates to domestic or sexual violence, may take unpaid leave from work to address domestic or sexual violence by:
  - (a) seeking medical attention for, or recovering from, physical or psychological injuries caused by domestic or sexual violence to the victim;
  - (b) obtaining services from a victim services organization for the victim;
  - (c) obtaining psychological or other counseling for the victim;
  - (d) participating in safety planning, temporarily or permanently relocating, or taking other actions to increase the safety of the victim;
  - (e) seeking legal assistance or remedies to ensure the health and safety of the victim, including preparing for or participating in any civil or criminal legal proceeding related to or derived from domestic or sexual violence.
- (4) The employee shall be entitled to a total of **twelve (12) workweeks** of leave during any **twelve (12) month** period. This policy does not create a right for an employee to take an unpaid leave that exceeds the unpaid leave time allowed under, or is in addition to, the unpaid leave time permitted by the federal Family Medical Leave Act. Leave may be taken intermittently or on a reduced work schedule. An employee may substitute accumulated paid leave for unpaid leave; however, the paid leave will count toward the number of workweeks used for purposes of this policy. The employee shall provide at least **forty-eight (48) hours** advance notice of the employee's intention to take leave, unless providing such notice is not practicable. No action will be taken against an employee for failing to provide **forty-eight (48) hours** advance notice if the employee provides certification that leave was used for the purposes outlined in **Section 11-15-4(B)(2)** of this Section and can demonstrate that advance notice was not practicable.
- (5) During a leave taken pursuant to this policy, the Village shall maintain coverage under its group health plan for the duration of such leave at the level and under the conditions coverage would have been provided if the employee had continued in employment for the duration of such leave. If the employee fails to return from leave, however, the Village may recover any premium costs it paid for such coverage if the reason

for the employee not returning is other than the continuation,



recurrence, or onset of domestic or sexual violence or circumstances beyond the control of the employee. Neither seniority nor leave benefits will accrue to the employee during unpaid leave.

- (6) The Village, upon request, will assist the employee in determining the best use of his/her attendance and leave benefits when an employee needs to be absent as a result of being a victim of domestic violence. If an employee requests time off to care for and/or assist a family or household member who has been a victim of domestic violence, the employee's supervisor or the Village Board (or their designee) will evaluate the employee's request for leave for eligibility under existing law and collective bargaining agreements applicable to the employee and the attendance rules.
- (7) The Village requires certification from an employee for leave under this policy. The employee shall certify that the leave is for one of the purposes enumerated in **Section 11-15-4(B)** of this Section. Certification shall be provided to the employer within a time period set by the employer.
- (8) The Village understands that victims of domestic violence may lack the required documentation or have difficulty obtaining the required certification to justify absences without compromising their safety. Therefore, the Mayor or his designee shall consult with the employee to identify what documentation she/he might have, or be able to obtain, that will not compromise his/her safety-related needs and will satisfactorily meet the documentation requirement of the employer.
- (9) All information provided to the employer pursuant to notification and certification requirements of this policy, and the purposes for which leave may be requested pursuant to this policy, shall be retained in strictest confidence by the employer, except to the extent that disclosure is requested or consented to in writing by the employee, or otherwise required by applicable federal or State law. Reported information shall be kept private to the greatest extent possible by Federal law, State law, and Village policy; however, information may have to be disclosed pursuant to a subpoena, Illinois Supreme Court Rules, a court of law, or where otherwise required by law. Where medical information is received by the Village from an employee who is the victim of domestic violence, such medical information shall be kept confidential.
- (10) Employees who are victims of domestic violence and who are legally separated from a covered spouse or civil-union partner, shall be allowed to make reasonable changes in benefits at any time during the calendar year, provided the change is requested within **thirty (30) days** of the separation and is in accordance with the Village policies, rules, and regulations.
- (11) The Village will not make inquiries about a job applicant's current or past domestic violence victimization, and employment decisions will not be based on any assumptions about or knowledge of such exposure.

(C) **Accountability for Employees Who are Abusers.** The Village will hold employees, individuals who volunteer services to the Village without remuneration (hereafter "volunteers"), and individuals who contract with the Village or work for contractors of the Village (hereafter "contractors"), accountable for engaging in the following behavior: (i) using Village resources to commit an act of domestic violence; (ii) committing an act of domestic violence from or at the workplace or from any other location while on official Village business; or (iii) using their job-related authority and/or Village resources in order to negatively affect victims and/or assist perpetrators in locating a victim and/or in perpetrating an act of domestic violence.

Any physical assault or threat made by an employee, volunteer, or contractor, while on Village premises, during working hours, while representing the Village, or at a Village-sponsored event, is a serious violation of this policy. This policy applies not only to acts against employees, but to acts against all other persons. Those found to have violated this policy will be subject to corrective or disciplinary action, up to and including discharge.

- (1) In cases in which the Village has found that an employee, volunteer, or contractor, has threatened, harassed, or abused an intimate partner at the workplace using Village resources such as work time, workplace telephones, facsimile machines, mail, e-mail or other means, said employee shall be subject to corrective or disciplinary action.
- (2) In cases in which the Village has verification that an employee, volunteer, or contractor is responsible for a domestic violence-related offense, or is the subject of any order of protection, including temporary, final or out-of-state order, as a result of domestic violence, and said employee, volunteer or contractor has job functions that include the authority to take actions that directly impact victims of domestic violence and/or actions that may protect abusers from appropriate consequences for their behavior, the Mayor shall determine if corrective action is warranted.
- (3) In cases in which any employee, volunteer, or contractor intentionally uses his/her job-related authority and/or intentionally uses Village resources in order to negatively impact a victim of domestic violence, assist an abuser in locating a victim, assist an abuser in perpetrating acts of domestic violence, or protect an abuser from appropriate consequences for his/her behavior, said individual may be subject to corrective or disciplinary action.

**ARTICLE XVI - DISCIPLINE**

**11-16-1**      **PROCEDURE.** The formal disciplinary process is a five step procedure, but dismissal may occur at any step in the process. Superintendents may use the Discipline Form attached as **Appendix B** for documentation purposes. Under normal circumstances, these steps are outlined in the following sections.

**11-16-2**      **VERBAL REPRIMAND.** A verbal reprimand informs an employee of unsatisfactory conduct, attitude or performance, and acknowledges that continued such actions will result in more severe disciplinary actions. The reprimand should be done in private, and should be documented with the date and nature of the problem and placed in the employee's personnel file.

**11-16-3**      **WRITTEN REPRIMAND.** A written reprimand informs an employee of unsatisfactory conduct, attitude or performance. Written reprimand is more severe than a verbal reprimand, but serves the same purpose to acknowledge further unsatisfactory conduct, attitude, or performance will result in more severe disciplinary action. A copy of the written reprimand will be sent to the employee, the Superintendent, Mayor and employee's personnel file.

**11-16-4**      **PROBATION.** Employee may be placed on probation by the Superintendent and/or the Mayor if the employee's performance is substandard and/or the employee's conduct and behavior are inappropriate and not condoned by management. Employee may be placed on probation not to exceed **six (6) months**. At the end of **three (3) months**, an informal evaluation of the employee's performance will be conducted. At the end of the probationary period, the employee's performance will be formally evaluated. Evaluations will determine if the employee should be retained. If the employee violates the conditions of the probation, the employee may be subject to termination. Removal from probationary status is based upon satisfactory completion of the probationary period, recommendation from the employee's immediate superintendent, and approval of the Mayor.

**11-16-5**      **ADMINISTRATIVE LEAVE.** An Employee may be placed on administrative leave by the Mayor with or without pay and benefits pending an investigation based on alleged violation of the municipal policies and procedures. The administrative leave may be extended for the period of time the investigation continues but no longer than **thirty (30) days**.

**11-16-6**      **SUSPENSION.** Suspension of an employee would be at the discretion of the Superintendent. The suspension will result in a loss of salary for the period of the suspension. Upon return to work the suspended employee will be placed on probationary status for a period not to exceed **six (6) months**. If the employee violates the conditions of the probation, the employee may be subject to termination. Removal from probationary status is based upon satisfactory completion of a probationary period, a recommendation from the employee's immediate superintendent, and the approval the Mayor and Village Board. The period of suspension may be up to but not exceeding **thirty (30) days** off without pay in one calendar year. The suspension may include demotion, and is within the discretion of the Superintendent.

**11-16-7**      **DISMISSAL.** Dismissal shall be used as a disciplinary action of last resort at the discretion of the Mayor and the Village Board. All employees are subject to discharge by the Mayor with the advice and consent of the Village Board during any of the disciplinary steps.

**11-16-8 CODE OF CONDUCT.** Disciplinary action may be brought against an employee for the following, including but not limited to:

- (A) Violating any provisions of this Personnel Code.
- (B) Knowingly falsifying a report.
- (C) Being insubordinate to or showing disrespect towards superiors.
- (D) Neglecting to perform the job or performing the job inefficiently.
- (E) Engaging in any conduct unbecoming of a Village employee or that discredits the Village.
- (F) Leaving the assigned job without permission.
- (G) Absence from work without leave or permission.
- (H) Willfully destroying or damaging any property of the Village.
- (I) Taking or giving bribes.
- (J) Being under the influence of intoxicating beverages while at work.
- (K) Using, manufacturing, distributing, dispensing, or possessing any statutorily defined illegal drugs, narcotics, or controlled substances, or failing to report to the employee's Superintendent any arrest or conviction for using, manufacturing, distributing, dispensing, or possessing any statutorily defined illegal drugs, narcotics, or controlled substance.
- (L) Failure of any employee to notify their Superintendent within **five (5) days** after an arrest or conviction of a violation of any local, state, or federal criminal drug statute.
- (M) Using a Village vehicle without the knowledge of the immediate supervisor.
- (N) Improperly operating a Village vehicle or permitting an unauthorized person to operate a Village vehicle.
- (O) Excessive unexcused absence from work or tardiness.
- (P) Possession of explosives, firearms or other dangerous weapons on Village premises, unless otherwise permitted.
- (Q) Use of overtime for other than work purposes.
- (R) Failure to follow any safety rules, regulations, or manuals.
- (S) Gambling during working hours around Village premises.
- (T) Sleeping on the job.
- (U) Being discourteous to the public.
- (V) Engaging in or instigating or causing an interruption or impeding work.
- (W) Substantial misrepresentation of facts in obtaining employment with the Village.
- (X) The use or consumption of Village property for personal or private purposes, or the use of Village employees during working hours for such purposes.
- (Y) Disorderly conduct during working time or on Village premises, including fighting, interfering with work of another, or threatening or abusing any person by word or act.
- (Z) Unauthorized use of Village property such as Village owned vehicles, equipment and materials.
- (AA) Abuse of sick leave by misrepresentation of the leave request
- (BB) Violation of a written order of a Superintendent.
- (CC) Failure to pay legitimate debts, thus exposing the Village to harassment by creditors.
- (DD) Using profanity on the job.
- (EE) Releasing confidential information.
- (FF) Using or attempting to use an official position to secure special privileges, exemptions, or personal gain except as may be otherwise provided by law.
- (GG) Engaging in disreputable acts and not conducting themselves with "good moral character".
- (HH) Abuse of telephone usage.
- (II) Theft of any Village or employee property.
- (JJ) Discriminating against any person, individual, entity, co-employee, on the basis of race, color, religion, sex, national origin, age, handicap or disability, ancestry, marital status, sex harassment or any other prohibited form of discrimination under federal or state law or government contract or grantee regulations.

(KK) Failure to perform essential functions of his/her position.

- (LL) Abusing Village computer equipment.
- (MM) Charged with misdemeanor or felony.
- (NN) Allowing drug and/or alcohol in or on machinery and/or vehicles.

**11-16-9**      **POLITICAL ACTIVITIES.** No form of discipline can occur because of any employee's political activity or political beliefs. This prohibition on discipline does not apply to individuals in policy making or confidential positions or where an overriding interest or vital importance exists which requires that an employee's political beliefs and activities conform to those of the Superintendent or the Corporate Authorities.

The Village also recognizes that false accusations can have serious affects on innocent men and women. We trust that all employees will continue to act in a responsible and professional manner to establish a pleasant working environment free of discrimination.

**ARTICLE XVII - MISCELLANEOUS**

**11-17-1 GRIEVANCE PROCEDURE.** The purpose of a grievance procedure is to establish and maintain harmonious and cooperative working relationships between the Village and its employees, to assure equitable treatment of employees, and to provide expeditious means of resolving employee dissatisfaction over circumstances or conditions of employment.

Strict adherence to the grievance procedures and time limits is mandatory, except that the time limits may be extended for good cause.

A grievance is defined as a dispute, disagreement, complaint, or any matter concerning any terms or conditions of employment, or concerning the application of any departmental policy, or concerning any employee relationship, or work related issue.

As used in this Article, the term days shall mean working days of the employee filing the grievance.

At any step, if a written response is not provided to the grieving employee within the **ten (10) day** time frame, the grievance will be considered denied at that step, and the employee may proceed to the next step.

If any Superintendent is disciplined and/or discharged by the Mayor with the advice and consent of the Village Board, the discipline and/or discharge shall constitute the final resolution of the matter and there shall be no access in this instance to the various steps of the grievance procedure. The failure of a reappointment of a Superintendent by the Mayor shall not be interpreted to constitute discipline and/or discharge of an ongoing employment relationship with the Village.

Steps:

(A) A grieving employee shall within **five (5) days** after he learns of the circumstances or conditions which prompted the grievance, submit the grievance to the employee's Superintendent, in writing, informing such Superintendent of the grievance and the particulars concerning the same. The Superintendent shall provide a written response to the grieving employee within **ten (10) days** after receiving the grievance.

(B) If the grievance is not resolved to the employee's satisfaction, the employee may submit the grievance to the Mayor by summarizing the grievance in writing.

The grievance must be submitted to the Mayor within **five (5) days** of the decision of the Superintendent.

For all other employees, the grievance shall be before the Mayor.

**(See Appendix "C" for Disability Act Procedure.)**

**11-17-2 LAYOFFS.** In the event it becomes necessary to layoff employees for any reason, employees will be laid off based on the following criteria: Employee's knowledge, skills, and abilities in relation to positions available, lack of work, lack of funds, the employee's length of service, the employee's work record including commendations as well as disciplinary action, the employee's attitude and relations with other employee's as well as other agencies and change in duties of the department. The employee shall receive **two (2) weeks'** notice.

**11-17-3 RESIGNATION.** Sick leave, vacation, and retirement fund benefits cease at midnight on the date of termination. Life and health insurance will cease at the end of the month of the termination. Employees may elect to continue participation in the plan on a self-pay basis as provided by federal statutes. The employee will be paid for each day of accrued and unused vacation time. Monies accumulated in the employee's retirement account may be refundable, according to IMRF Rules. Forms required to request this refund are available from the Village Clerk's office.

**APPENDIX A**

**EMPLOYEE NOTIFICATION OF PERSONNEL CODE  
DRUG FREE WORKPLACE POLICY, SEXUAL MISCONDUCT POLICY AND DISCLAIMER  
OF EMPLOYMENT**

The Employee Code of the Village is not intended to create any employment relationship with any employees that is contractual in nature. All employees are employed at the will of the Village, and employees can be terminated at will. All employment policies of the Village are subject to change without notice and/or approval of any employee. Any and all discipline and/or discharge procedures contained in this Code are illustrative in nature, and only provide examples of the manner in which employees may be disciplined or terminated. Any and all such procedures are not meant to be the sole or exclusive way in which discipline or discharge could occur.

By signing this disclaimer, the employee understands that the employment relationship between the employee and the Village is NOT contractual in nature; that employment can be terminated at the will of the Village, that all employment policies are subject to change without notice and/or approval of the employee; and that any and all discipline and/or discharge procedures contained in the Code are merely illustrative in nature, and are not meant to be the sole or exclusive manner in which discipline and/or discharge could occur.

I have been given a copy of the Village's Employee Code, originally adopted \_\_\_\_\_  
\_\_\_\_\_, 20\_\_.

I understand that contained within the Employee Code is the Drug Free Workplace Policy. I have read and understood the Drug Free Workplace Policy, and agree to abide by its terms and conditions.

Name \_\_\_\_\_

Date \_\_\_\_\_

This form is to be retained by the Village Clerk.



**APPENDIX B**

**EMPLOYEE CODE: DISCIPLINE FORM**

Date \_\_\_\_\_

Employee Name \_\_\_\_\_

Employee's Job Position \_\_\_\_\_

Village Department \_\_\_\_\_

Superintendent \_\_\_\_\_

Type of Discipline (Check One):

- \_\_\_\_\_ Verbal Reprimand
- \_\_\_\_\_ Written Reprimand
- \_\_\_\_\_ Probation
- \_\_\_\_\_ Suspension
- \_\_\_\_\_ Dismissal

State the Section of the Employee Code violated:

Section \_\_\_\_\_ Subsection \_\_\_\_\_ Page Number \_\_\_\_\_

State any Code of Conduct violation, listing the Code of Conduct Subparagraph Number

\_\_\_\_\_

State the facts which support the violation \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

DATE \_\_\_\_\_

\_\_\_\_\_  
Superintendent/Mayor

DATE \_\_\_\_\_

\_\_\_\_\_  
(Signature of Employee)

## **APPENDIX C**

### **AMERICANS WITH DISABILITY ACT GRIEVANCE PROCEDURE**

1. All complaints regarding access or alleged discrimination should be submitted in writing to the American Disabilities Act Coordinator for resolution. A record of the complaint and action taken will be maintained. A decision by the ADA Coordinator will be rendered promptly.
2. If the complaints cannot be resolved to the satisfaction of the complainant by the ADA Coordinator, then for building accessibility issues, the matter shall be turned over to the Village Board for consideration. For employment and public service issues, the matter will be forwarded to the Village Board for consideration.
3. If the complaint cannot be resolved to the complainant's satisfaction by the Village Board, the complaint will be reviewed and decided upon by the Mayor. The decision of the Mayor shall be considered final.
4. A record of action taken on each request or complaint shall be maintained as a part of the records or minutes at each level of the grievance process.
5. The individual's right to prompt and equitable resolution of the complaint shall not be impaired by his/her pursuit of other remedies, such as the filing of a complaint with the U.S. Department of Justice or any other appropriate federal agency. Furthermore, the filing of a lawsuit in state or federal district court can occur at any time. The use of this grievance procedure is not a prerequisite to the pursuit of other remedies.

**APPENDIX D**

**REQUEST FOR FAMILY OR MEDICAL LEAVE**

Request for Family or Medical Leave must be made, if practical, at least **thirty (30) days** prior to the date the requested leave is to begin.

Name \_\_\_\_\_ Date \_\_\_\_\_

Department \_\_\_\_\_ Title \_\_\_\_\_

Status         Full-Time     Part-Time     Temporary

Hire Date: \_\_\_\_\_ Length of Service \_\_\_\_\_

I request Family or Medical Leave for one or more of the following reasons:

Because of the birth of my child and in order to care for him or her\*

Expected date of birth \_\_\_\_\_ Actual date of birth \_\_\_\_\_

Leave start \_\_\_\_\_ Expected return date \_\_\_\_\_

Because of the placement of a child with me for adoption or foster care\*\*

Leave start \_\_\_\_\_ Expected return date \_\_\_\_\_

In order to care for my spouse, child, or parent who has a serious health condition\*

Leave start \_\_\_\_\_ Expected return date \_\_\_\_\_

For a serious health condition that makes me unable to perform by job\*

Describe: \_\_\_\_\_

\_\_\_\_\_

Leave start \_\_\_\_\_ Expected return date \_\_\_\_\_

\* A physician's certification will be required for leave due to a serious health condition.

\*\* Certification will be required for leave due to adoption or foster care.

[ ] For other reasons. Describe: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Leave start \_\_\_\_\_ Expected return date \_\_\_\_\_

[ ] Requested intermittent leave schedule (if applicable; subject to employer's approval).  
\_\_\_\_\_  
\_\_\_\_\_

Have you taken a Family or Medical Leave in the past **twelve (12) months**?

[ ] Yes [ ] No If yes, how many workdays? \_\_\_\_\_

I understand and agree to the following provisions:

I have worked for the Village of \_\_\_\_\_ at least **one (1) year** and at least **one thousand two hundred fifty (1,250) hours** in the previous **twelve (12) months**.

If I fail to return to work after the leave for reasons other than the continuation, recurrence, or onset of a serious health condition that would entitle me to Medical Leave or other circumstances beyond my control, I may be financially responsible for the medical insurance premiums the Village paid while I was on leave.

This leave will be unpaid, unless under the Village Policy, I would be eligible for sick leave or have accrued vacation or comp time; or in the case of my own disability, payment will occur under a disability program with IMRF, if I am so covered.

I may be required to exhaust my vacation, comp time, or sick leave as part of my **twelve (12) weeks** of leave.

After **twelve (12) weeks** of leave, if I do not return to work or contact my supervisor or Mayor on the date intended, it will be considered that I abandoned my job.

Employee Signature \_\_\_\_\_

Date \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

**LEAVE APPROVAL**

For full day leave:

Superintendent/Mayor \_\_\_\_\_  
Signature Date

For intermittent or reduced day leave:

Superintendent/Mayor \_\_\_\_\_  
Signature Date

Notes: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PAYROLL INSTRUCTIONS**

[ ] With pay from \_\_\_\_\_ to \_\_\_\_\_ Employee # \_\_\_\_\_

[ ] Without pay from \_\_\_\_\_ to \_\_\_\_\_

Comments: \_\_\_\_\_

**PLEASE FORWARD COMPLETED REQUEST TO THE VILLAGE CLERK FOR FURTHER PROCESSING.**

**APPENDIX E**

**REQUEST FOR SPECIAL LEAVE**

Request for Special Leave must be made at least **thirty (30) days** prior to the date the requested leave is to begin.

Name \_\_\_\_\_ Date \_\_\_\_\_

Department \_\_\_\_\_ Title \_\_\_\_\_

Hire Date: \_\_\_\_\_ Length of Service \_\_\_\_\_

All full-time and salary exempt employees who have completed **one (1) full year** of continuous service may request a special leave. Special leave will only be granted for personal reasons, and shall be recommended by employee's Superintendent and approved by the corporate authorities. Special leave shall be granted without pay. The period for special leave shall not exceed **six (6) months**. An extension may be granted up to a maximum of **six (6) months** for a total of **one (1) year**. In order to continue to receive medical and insurance benefits during a special leave, the employee shall contribute both the employee and the employer's share of IMRF and insurance costs.

I wish to request a Special Leave for the following reasons:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Employee Signature \_\_\_\_\_ Date \_\_\_\_\_

Address \_\_\_\_\_ Phone \_\_\_\_\_

**LEAVE APPROVAL**

Superintendent \_\_\_\_\_  
Signature Date

**PLEASE FORWARD COMPLETED REQUEST TO THE MUNICIPAL CLERK FOR FURTHER PROCESSING.**

**CHAPTER 14 – FLOOD PLAIN CODE**

<b><u>ARTICLE</u></b>	<b><u>TITLE</u></b>	<b><u>PAGE</u></b>
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	<i>Section 14-1-1</i>	<i>- Purpose 14-1</i>
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CHAPTER 14

FLOOD PLAIN CODE

**14-1-1**      **PURPOSE.** This Code is enacted pursuant to the police powers granted to this Village by the **Illinois Municipal Code (65 ILCS 5/1-2-1, 5/11-12-12, 5/11-30-2, 5/11-30-8, and 5/11-31-2)** in order to accomplish the following purposes:

- (A)            To prevent unwise developments from increasing flood or drainage hazards to others;
- (B)            To protect new buildings and major improvements to buildings from flood damage;
- (C)            To promote and protect the public health, safety, and general welfare of the citizens from the hazards of flooding;
- (D)            To lessen the burden on the taxpayer for flood control, repairs to public facilities and utilities, and flood rescue and relief operations;
- (E)            To maintain property values and a stable tax base by minimizing the potential for creating blight areas;
- (F)            To make federally subsidized flood insurance available; and
- (G)            To preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.

**14-1-2**      **DEFINITIONS.** For the purposes of this Code, the following definitions are adopted:

**BASE FLOOD:** The flood having a one-percent probability of being equaled or exceeded in any given year. The base flood is also known as the 100-year flood. The base flood elevation at any location is as defined in **Section 14-1-3** of this Code.

**BASE FLOOD ELEVATION (BFE):** The elevation in relation to mean sea level of the crest of the base flood.

**BASEMENT:** That portion of a building having its floor sub-grade (below ground level) on all sides.

**BUILDING:** A walled and roofed structure, including gas or liquid storage tank, that is principally above ground, including manufactured homes, prefabricated buildings and gas or liquid storage tanks. The term also includes recreational vehicles and travel trailers installed on a site for more than **one hundred eighty (180) days** per year.

**CRITICAL FACILITY:** Any facility which is critical to the health and welfare of the population and, if flooded, would create an added dimension to the disaster. Damage to these critical facilities can impact the delivery of vital services, can cause greater damage to other sectors of the community, or can put special populations at risk.

Examples of critical facilities where flood protection should be required include: emergency services facilities (such as fire and police stations), schools, hospitals, retirement homes and senior care facilities, major roads and bridges, critical utility sites (telephone switching stations or electrical transformers), and hazardous material storage facilities (chemicals, petrochemicals, hazardous or toxic substances).

**DEVELOPMENT:** Any man-made change to real estate including, but not necessarily limited to:

- (A)            demolition, construction, reconstruction, repair, placement of a building, or any structural alteration to a building;
- (B)            substantial improvement of an existing building;
- (C)            installation of a manufactured home on a site, preparing a site for a manufactured home, or installing a travel trailer on a site for more than **one hundred eighty (180) days** per year;



- (D) installation of utilities, construction of roads, bridges, culverts or similar projects;

(E) construction or erection of levees, dams, walls, or fences;  
 (F) drilling, mining, filling, dredging, grading, excavating, paving, or other alterations of the ground surface;

(E) storage of materials including the placement of gas and liquid storage tanks, and channel modifications or any other activity that might change the direction, height, or velocity of flood or surface waters.

“Development” does not include routine maintenance of existing buildings and facilities, resurfacing roads, or gardening, plowing, and similar practices that do not involve filling, grading, or construction of levees.

**EXISTING MANUFACTURED HOME PARK OR SUBDIVISION:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed or buildings to be constructed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

**EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION:** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**FEMA:** Federal Emergency Management Agency.

**FLOOD:** A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

**FLOOD FRINGE:** That portion of the floodplain outside of the regulatory floodway.

**FLOOD INSURANCE RATE MAP:** A map prepared by the Federal Emergency Management Agency that depicts the floodplain or special flood hazard area (SFHA) within a community. This map includes insurance rate zones and may or may not depict floodways and show base flood elevations.

**FLOOD INSURANCE STUDY:** An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

**FLOODPLAIN AND SPECIAL FLOOD HAZARD AREA (SFHA):** These two terms are synonymous. Those lands within the jurisdiction of the Village, the extraterritorial jurisdiction of the Village, or that may be annexed into the Village, that are subject to inundation by the base flood. The floodplains of the Village are generally identified as such on panel number(s) #17157C0179, 0183, and 0200 of the countywide Flood Insurance Rate Map of Randolph County prepared by the Federal Emergency Management Agency and dated **November 5, 2008**. Floodplain also includes those areas of known flooding as identified by the community.

The floodplains of those parts of unincorporated Randolph County that are within the extraterritorial jurisdiction of the Village or that may be annexed into the Village are generally identified as such on the Flood Insurance Rate Map prepared for Randolph County by the Federal Emergency Management Agency and dated **November 5, 2008**.

**FLOODPROOFING:** Any combination of structural or nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate, property and their contents.

**FLOODPROOFING CERTIFICATE:** A form published by the Federal Emergency Management Agency that is used to certify that a building has been designed and constructed to be structurally dry flood proofed to the flood protection elevation.

**FLOOD PROTECTION ELEVATION (FPE):** The elevation of the base flood plus **one (1) foot** of freeboard at any given location in the floodplain.

**FLOODWAY:** That portion of the floodplain required to store and convey the base flood. The floodway for the floodplains of Mississippi River and Kaskaskia River shall be according to the best data available from Federal, State, or other sources.

**FREEBOARD:** An increment of elevation added to the base flood elevation to provide a factor of safety for uncertainties in calculations, future watershed development, unknown localized conditions, wave actions and unpredictable effects such as those caused by ice or debris jams.

**HISTORIC STRUCTURE:** Any structure that is:

(A) Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.

(B) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.

(C) Individually listed on the state inventory of historic places by the Illinois Historic Preservation Agency.

(D) Individually listed on a local inventory of historic places that has been certified by the Illinois Historic Preservation Agency.

**IDNR/OWR:** Illinois Department of Natural Resources/Office of Water Resources.

**LOWEST FLOOR:** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor. Provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of **Section 14-1-7** of this Code.

**MANUFACTURED HOME:** A structure transportable in one or more sections, that is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities.

**MANUFACTURED HOME PARK OR SUBDIVISION:** A parcel (or contiguous parcels) of land divided into two or more lots for rent or sale.

**NEW CONSTRUCTION:** Structures for which the start of construction commenced or after the effective date of floodplain management regulations adopted by a community and includes any subsequent improvements of such structures.

**NEW MANUFACTURED HOME PARK OR SUBDIVISION:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed or buildings to be constructed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by a community.

**NFIP:** National Flood Insurance Program.

**RECREATIONAL VEHICLE OR TRAVEL TRAILER:** A vehicle which is:

(A) built on a single chassis;

(B) **four hundred (400) square feet** or less in size;

(C) designed to be self-propelled or permanently towable by a light duty truck and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

**REPETITIVE LOSS:** Flood related damages sustained by a structure on two separate occasions during a **ten (10) year** period for which the cost of repairs at the time of each such flood event on the average equals or exceeds **twenty-five percent (25%)** of the market value of the structure before the damage occurred.

**SFHA:** See definition of floodplain.

**START OF CONSTRUCTION:** Includes substantial improvement and means the date the building permit was issued. This, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement or other improvement, was within **one hundred eighty (180) days** of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation or placement of a manufactured home on a foundation. For a substantial improvement, actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building whether or not that alteration affects the external dimensions of the building.

**STRUCTURE:** See "Building".

**SUBSTANTIAL DAMAGE:** Damage of any origin sustained by a structure whereby the cumulative percentage of damage subsequent to the adoption of this Code, equals or exceeds **fifty**

**percent (50%)** of the market value of the structure before the damage occurred regardless of actual

repair work performed. Volunteer labor and materials must be included in this determination. The term includes "Repetitive Loss" (See definition).

***SUBSTANTIAL IMPROVEMENT:*** Any reconstruction, rehabilitation, addition or improvement of a structure taking place subsequent to the adoption of this Code, in which the cumulative percentage of improvements: equals or exceeds **fifty percent (50%)** of the market value of the structure before the improvement or repair is started, or increases the floor area by more than **twenty percent (20%)**.

"Substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. This term includes structures which have incurred repetitive loss or substantial damage, regardless of the actual repair work done.

The term does not include:

(A) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or

(B) Any alteration of a structure listed on the National Register of Historic Places or the Illinois Register of Historic Places.

***VIOLATION:*** The failure of a structure or other development to be fully compliance with the community's floodplain management regulations. A structure or other development without the required federal, state, and/or local permits and elevation certification is presumed to be in violation until such time as the documentation is provided.

**14-1-3 BASE FLOOD ELEVATION.** This Code's protection standard is the base flood. The best available base flood data are listed below. Whenever a party disagrees with the best available data, the party shall finance the detailed engineering study needed to replace existing data with better data and submit it to the FEMA and IDNR/OWR for approval prior to any development of the site.

(A) The base flood elevation for the floodplains of Kaskaskia River and Mississippi River shall be as delineated on the 100-year flood profiles in the countywide Flood Insurance Study of Randolph County prepared by the Federal Emergency Management Agency and dated **November 5, 2008**.

(B) The base flood elevation for each floodplain delineated as an "AH Zone" or "AO Zone" shall be that elevation (or depth) delineated on the countywide Flood Insurance Rate Map of Randolph County.

(C) The base flood elevation for each of the remaining floodplains delineated as an "A Zone" on the countywide Flood Insurance Rate Map of Randolph County shall be according to the best data available from federal, state or sources. Should no other data exist, an engineering study must be financed by the applicant to determine base flood elevations.

(D) The base flood elevation for the floodplains of those parts of unincorporated Randolph County that are within the extraterritorial jurisdiction of the Village, or that may be annexed into the Village, shall be as delineated on the 100 year flood profiles in the Flood Insurance Study of Randolph County prepared by the Federal Emergency Management Agency and dated **November 5, 2008**.

**14-1-4 DUTIES OF THE ZONING ADMINISTRATOR AND/OR FLOOD PLAIN MANAGER.** The Zoning Administrator and/or Flood Plain Manager shall be responsible for the general administration of this Chapter and ensure that all development activities within the floodplain under the jurisdiction of the Village meet the requirements of this Chapter. Specifically, the Zoning Administrator and/or Flood Plain Manager shall:

(A) Process development permits in accordance with **Section 14-1-5;**

(B) Ensure that all development in a floodway (or a floodplain with no delineated floodway) meets the damage prevention requirements of **Section 14-1-6;**

(C) Ensure that the building protection requirements for all buildings subject to **Section 14-1-7** are met and maintain a record of the "as-built" elevation of the lowest floor (including basement) or floodproof certificate;

- (D) Assure that all subdivisions and annexations meet the requirements of **Section 14-1-8**;
- (E) Ensure that water supply and waste disposal systems meet the Public Health standards of **Section 14-1-9**;
- (F) If a variance is requested, ensure that the requirements of **Section 14-1-11** are met and maintain documentation of any variances granted;
- (G) Inspect all development projects and take any and all penalty actions outlined in **Section 40-1-13** as necessary to ensure compliance with this Chapter;
- (H) Assure that applicants are aware of and obtain any and all other required local, state, and federal permits;
- (I) Notify IDNR/OWR and any neighboring communities prior to any alteration or relocation of a watercourse;
- (J) Provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques;
- (K) Cooperate with state and federal floodplain management agencies to coordinate base flood data and to improve the administration of this Chapter;
- (L) Maintain for public inspection base flood data, floodplain maps, copies of state and federal permits, and documentation of compliance for development activities subject to this Chapter;
- (M) Perform site inspections to ensure compliance with this Chapter and make substantial damage determinations for structures within the floodplain, and
- (N) Maintain the accuracy of floodplain maps including notifying IDNR/OWR and/or submitting information to FEMA within **six (6) months** whenever a modification of the floodplain may change the base flood elevation or result in a change to the floodplain map.

**14-1-5 DEVELOPMENT PERMIT.** No person, firm, corporation, or governmental body not exempted by law shall commence any development in the floodplain without first obtaining a Development Permit from the Zoning Administrator and/or Flood Plain Manager. The Zoning Administrator and/or Flood Plain Manager shall not issue a Development Permit if the proposed development does not meet the requirements of this Code.

- (A) The application for development permit shall be accompanied by:
  - (1) drawings of the site, drawn to scale showing property line dimensions;
  - (2) existing grade elevations and all changes in grade resulting from excavation or filling;
  - (3) the location and dimensions of all buildings and additions to buildings;
  - (4) the elevation of the lowest floor (including basement) of all proposed buildings subject to the requirements of **Section 14-1-7** of this Code, and
  - (5) cost of project or improvements as estimated by a licensed engineer or architect. A signed estimate by a contractor may also meet this requirement.
- (B) Upon receipt of an application for a development permit, the Zoning Administrator and/or Flood Plain Manager shall compare the elevation of the site to the base flood elevation. Any development located on land that can be shown by survey data to be higher than the current base flood elevation and which has not been filled after the date of the site's first Flood Insurance Rate Map is not in the floodplain and therefore not subject to the requirements of this Chapter. Conversely, any development located on land shown to be below the base flood elevation and hydraulically connected, but not shown on the current Flood Insurance Rate Map, is subject to the provisions of this Chapter.

The Zoning Administrator and/or Flood Plain Manager shall maintain documentation of the existing ground elevation at the development site and certification that this ground elevation existed prior to the date of the site's first Flood Insurance Rate Map identification.

The Zoning Administrator and/or Flood Plain Manager shall be responsible for obtaining from the applicant copies of all other federal, state, and local permits, approvals or permit-not-required letters that may be required for this type of activity. The Zoning Administrator and/or Flood Plain Manager shall not issue a permit unless all other federal, state, and local permits have been obtained.

**14-1-6 PREVENTING INCREASED FLOOD HEIGHTS AND RESULTING DAMAGES.**

Within any floodway identified on the countywide Flood Insurance Rate Map, and within all other floodplains where a floodway has not been delineated, the following standards shall apply:

(A) Except as provided in **Section 14-1-6(B)** of this Chapter, no development shall be allowed which, acting in combination with existing and anticipated development will cause any increase in flood heights or velocities or threat to public health and safety. The following specific development activities shall be considered as meeting this requirement:

- (1) Bridge and culvert crossings of streams in rural areas meeting the following conditions of the Illinois Department of Natural Resources, Office of Water Resources Statewide Permit Number 2:
  - (a) The crossing will not result in an increase in water surface profile elevation in excess of **one (1) foot**.
  - (b) The crossing will not result in an increase in water surface profile elevation in excess of **one-half (1/2) foot** at a point **one thousand (1,000) feet** upstream of the proposed structure.
  - (c) There are no buildings in the area impacted by the increases in water surface profile.
  - (d) The proposed bridge or culvert crossing will not involve straightening, enlarging, or relocating the existing channel.
  - (e) The design must be certified by a licensed professional engineer in the State of Illinois and the designs must meet the conditions of an IDNR/OWR permit.
  - (f) The design must be certified by a second licensed professional engineer.
- (2) Barge fleeting facilities meeting the following conditions of IDNR/OWR Statewide Permit No. 3:
  - (a) The permit is only applicable when deadmen, pier cells, or other similar anchorage devices have been permitted by the U.S. Army Corps of Engineers.
- (3) Aerial utility crossings meeting the following conditions of IDNR/OWR Statewide Permit No. 4:
  - (a) The utility line must be constructed above the existing 100-year flood elevation or attached to an existing bridge.
  - (b) A utility line attached to an existing bridge shall be constructed above the low cord elevation of the bridge.
  - (c) No supporting towers or poles shall be located in a river, lake or stream.
  - (d) Supporting towers including foundation and poles shall be designed and located so as to not cause an obstruction of flood flows by trapping debris.
  - (e) All disturbed areas shall be returned to pre-construction grades and re-vegetated.
  - (f) All Illinois Commerce Commission, National Electrical Safety Code, and federal requirements must be met.
- (4) Minor boat docks meeting the following conditions of IDNR/OWR Statewide Permit No. 5:
  - (a) The boat dock must not extend more than **fifty (50) feet** into a waterway and no more than **one-quarter (1/4)** of the width of



- the waterway and shall not extend beyond the navigational limited established by the IDNR and Corps of Engineers.
- (b) The width of the boat dock shall not be more than **ten (10) feet**.
  - (c) For L-shaped or T-shaped docks, the length of that portion parallel to the shoreline must not exceed **fifty percent (50%)** of the landowner's shoreline frontage nor **fifty (50) feet**.
  - (d) Docks must be aligned so as not to cross the projection of property lines into the waterway or come within **ten (10) feet** of the projected property line.
  - (e) Dock posts must be marked by reflective devices.
  - (f) The boat dock must be securely anchored to prevent detachment during times of high wind or water.
  - (g) Metal drums or containers may not be used as buoyancy units unless they are filled with flotation foam. Containers which previously stored pesticides, herbicides, or any other toxic chemicals are not permissible.
  - (h) This permit does not authorize any other related construction activity such as shore protection or fill.
  - (i) Non-floating boat docks must be constructed in a manner which will minimize obstruction to flow.
  - (j) At any future date, the permittee must agree to make necessary modifications to the dock as determined by the IDNR or Corp of Engineers.
- (5) Minor, non-obstructive activities meeting the following conditions of IDNR/OWR Statewide Permit No. 6:
- (a) The following activities (not involving fill or positive change in grade) are covered by this permit:
    - (i) The construction of underground utility lines, wells, or septic tanks not crossing a lake or stream.
    - (ii) The construction of light poles, sign posts, and similar structures.
    - (iii) The construction of sidewalks, driveways, athletic fields (excluding fences), patios, and similar structures.
    - (iv) The construction of properly anchored, unwallled, open structures such as playground equipment, pavilions, and carports.
    - (v) The placement of properly anchored buildings not exceeding **seventy (70) square feet** in size, nor **ten (10) square feet** in any dimension. Only one such building on a property is authorized by this statewide permit.
    - (vi) The raising of existing buildings, provided no changes are made to the outside dimensions of the building and the placement of fill is not involved.
- (6) Outfall structures and drainage ditch outlets meeting the following conditions of IDNR/OWR Statewide Permit No. 7:
- (a) Any outfall structure, including any headwall or end-section, shall not extend riverward or lakeward of the existing adjacent natural bank slope or adjacent bank protection.
  - (b) The velocity of the discharge shall not exceed the scour velocity of the channel soil, unless channel erosion would be prevented by the use of riprap or other design measures.

- (c) Outlets from drainage ditches shall not be opened to a stream until the ditch is vegetated or otherwise stabilized to minimize stream sedimentation.
  - (d) Disturbance of streamside vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed floodway areas, including the stream banks, shall be restored to their original contours and seeded or otherwise stabilized upon completion of construction.
- (7) Underground pipeline and utility crossings meeting the conditions of IDNR/OWR Statewide Permit No. 8:
- (a) In all cases, the crossing shall be placed beneath the bed of the river, lake or stream and, unless the crossing is encased in concrete or entrenched in bedrock, a minimum of **three (3) feet** of cover shall be provided. The river, lake or stream bed shall be returned to its original condition.
  - (b) Disturbance of streamside vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed floodway areas, including stream banks, shall be restored to their original contours and seeded or otherwise stabilized upon completion of construction.
  - (c) Any utility crossing carrying material which may cause water pollution, as defined by the Environmental Protection Act (**415 ILCS 5**), shall be provided with shut-off valves on each side of the body of water to be crossed.
  - (d) If blasting is to be utilized in the construction of the crossing, the permittee shall notify the IDNR/OWR at least **ten (10) days** prior to the blasting date to allow monitoring of any related fish kills.
- (8) Bank stabilization projects meeting the conditions of IDNR/OWR Statewide Permit No. 9:
- (a) Only the following materials may be utilized in urban areas: stone and concrete riprap, steel sheet piling, cellular blocks, fabric-formed concrete, gabion baskets, rock and wire mattresses, sand/cement filled bags, geotechnical fabric materials, natural vegetation and treated timber. Urban areas are defined as: areas of the State where residential, commercial, or industrial development currently exists or, based on land use plans or controls, is expected to occur within **ten (10) years**. (The Department should be consulted if there is a question of whether or not an area is considered urban).
  - (b) In addition to the materials listed in **Section 14-1-6(A)(8)(a)**, other materials (e.g. tire revetments) may be utilized in rural areas provided all other conditions of this permit are met.
  - (c) The following materials shall **not** be used in any case: auto bodies, garbage or debris, scrap lumber, metal refuse, roofing materials, asphalt or other bituminous materials, or any material which would cause water pollution as defined by the Environmental Protections Act (**415 ILCS 5**).
  - (d) The affected length of shoreline, stream bank, or channel to be protected shall not exceed, either singularly or cumulatively, **one thousand (1,000) feet**.
  - (e) All material utilized shall be properly sized or anchored to resist anticipated forces of current and wave action.

- (f) Materials shall be placed in a way which would not cause erosion or the accumulation of debris on properties adjacent to or opposite the project.
- (g) Materials shall not be placed higher than the existing top of the bank.
- (h) Materials shall be placed so that the modified bank full-width and cross-sectional area of the channel will conform to or be no more restrictive than that of the natural channel upstream and downstream of the site.  
For projects involving continuous placement of riprap along the bank, toe of the bank or other similar applications, in no case shall the cross-sectional area of the natural channel be reduced by more than **ten percent (10%)** nor the volume of material placed exceed **two (2) cubic yards** per lineal foot of the stream bank or shoreline. The bank may be graded to obtain a flatter slope and to lessen the quantity of material required.
- (i) If broken concrete is used, all protruding materials such as reinforcing rods shall be cut flush with the surface of the concrete and removed from the construction area.
- (j) Disturbance of vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed areas shall be seeded or otherwise stabilized upon completion of construction.
- (k) In the case of seawalls and gabion structures on lakes, the structure shall be constructed at or landward of the water line as determined by the normal pool elevation, unless:
  - (i) It is constructed in alignment with an existing seawall(s) or gabion structure(s), and
  - (ii) The volume of material placed, including the structure, would not exceed **two (2) cubic yards** per lineal foot.
- (l) Excess material excavated during the construction of the bank or shoreline protection shall be placed in accordance with local, state, and federal laws and rules, shall not be placed in a floodway.
- (9) Accessory structures and additions to existing residential buildings meeting the conditions of IDNR/OWR Statewide Permit No. 10:
  - (a) The accessory structure or building addition must comply with the requirements of the local floodplain ordinance.
  - (b) The principle structure to which the project is being added must have been in existence on the effective date of this permit (July 25, 1988).
  - (c) The accessory structure or addition must not exceed **five hundred (500) square feet** in size and must not deflect floodwaters onto another property.
  - (d) Must not involve the placement of any fill material.
  - (e) No construction shall be undertaken in, or within **fifty (50) feet** of the bank of the stream channel.
  - (f) The accessory structure or addition must be properly anchored to prevent its movement during flood conditions.
  - (g) Only one accessory structure or addition to an existing structure shall be authorized by this permit; plans for any subsequent addition must be submitted to IDNR/OWR for review.
  - (h) Disturbances of vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed

- floodway areas shall be seeded or otherwise stabilized upon completion of construction.
- (10) Minor maintenance dredging activities meeting the following conditions of IDNR/OWR Statewide Permit No. 11:
- (a) The affected length of the stream shall not either singularly or cumulatively exceed **one thousand (1,000) feet**.
  - (b) The project shall not include the construction of any new channel; all work must be confined to the existing channel or to reestablishing flows in the natural stream channel.
  - (c) The cross-sectional area of the dredged channel shall conform to that of the natural channel upstream and down stream of the site.
  - (d) Dredged or spoil material shall not be disposed of in a wetland and shall be either:
    - (i) removed from the floodway;
    - (ii) used to stabilize an existing bank provided no materials would be placed higher than the existing top of bank and provided the cross-sectional area of the natural channel would not be reduced by more than **ten percent (10%)**, nor the volume of material placed exceed **two (2) cubic yards** per lineal foot of streambank;
    - (iii) used to fill an existing washed out or scoured floodplain area such that the average natural floodplain elevation is not increased;
    - (iv) used to stabilize and existing levee provided the height of the levee would not be increased nor its alignment changed;
    - (v) placed in a disposal site previously approved by the Department in accordance with the conditions of the approval, or
    - (vi) used for beach nourishment, provided the material meets all applicable water quality standards.
  - (e) Disturbance of streamside vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed floodway areas, including the stream banks, shall be seeded or otherwise stabilized upon completion of construction.
- (11) Bridge and culvert replacement structures and bridge widening meeting the following conditions of IDNR/OWR Statewide Permit No. 12:
- (a) A licensed professional engineer shall determine and document that the existing structure has not been the cause of demonstrable flood damage. Such documentation shall include, at a minimum, confirmation that:
    - (i) No buildings or structures have been impacted by the backwater induced by the existing structure, and
    - (ii) There is no record of complaints of flood damages associated with the existing structure.
  - (b) A licensed professional engineer shall determine that the new structure will provide the same or greater effective waterway opening as the existing structure. For bridge widening projects the existing piers and the proposed pier extensions must be in line with the direction of the approaching flow upstream of the bridge.

- (c) The project shall not include any appreciable raising of the approach roads. (This condition does not apply if all points on

- the approaches exist at an elevation equal to or higher than the 100-year frequency flood headwater elevation as determined by a FEMA flood insurance study completed or approved by IDNR/OWR).
- (d) The project shall not involve the straightening, enlargement or relocation of the existing channel of the river or stream except as permitted by the Department's Statewide Permit Number 9 (Minor Shoreline, Channel and Streambank Protection Activities) or Statewide Permit Number 11 (Minor Maintenance Dredging Activities).
  - (e) The permittee shall maintain records of projects authorized by this permit necessary to document compliance with the above conditions.
- (12) Temporary construction activities meeting the following conditions of IDNR/OWR Statewide Permit No. 13:
- (a) No temporary construction activity shall be commenced until the individual permittee determines that the permanent structure (if any) for which the work is being performed has received all required federal, state and local authorizations.
  - (b) The term "temporary" shall mean not more than one construction season. All temporary construction materials must be removed from the stream and floodway within **one (1) year** of their placement and the area returned to the conditions existing prior to the beginning of construction. Any desired subsequent or repetitive material placement shall not occur without the review and approval of the IDNR/OWR.
  - (c) The temporary project shall be constructed such that it will not cause erosion or damage due to increases in water surface profiles to adjacent properties. For locations where there are structures in the upstream floodplain, the temporary project shall be constructed such that all water surface profile increases, due to the temporary project, are contained within the channel banks.
  - (d) This permit does not authorize the placement or construction of any solid embankment or wall such as a dam, roadway, levee, or dike across any channel or floodway.
  - (e) No temporary structure shall be placed within any river or stream channel until a licensed professional engineer determines and documents that the temporary structure will meet the requirements of Special Condition Number 3 of this statewide permit. Such documentation shall include, at a minimum, confirmation that no buildings or structures will be impacted by the backwater induced by the temporary structure.
  - (f) The permittee shall maintain records of projects authorized by this permit necessary to document compliance with the above condition.
  - (g) Disturbance of vegetation shall be kept to a minimum during construction to prevent erosion and sedimentation. All disturbed areas shall be seeded or otherwise stabilized upon completion of the removal of the temporary construction.
  - (h) Materials used for the project shall not cause water pollution as defined by the Environmental Protection Act (**415 ILCS 5**).

- (13) Any development determined by IDNR/OWR to be located entirely within a flood fringe area shall be exempt from State Floodway permit requirements.
- (B) Other development activities not listed in **Section 14-1-6(A)** may be permitted only if:
- (1) permit has been issued for the work by IDNR/OWR (or written documentation is provided that an IDNR/OWR permit is not required); or
  - (2) sufficient data has been provided to FEMA when necessary, and approval obtained from FEMA for a revision of the regulatory map and base flood elevation.

**14-1-7**      **PROTECTING BUILDINGS.**

(A) In addition to the damage prevention requirements of **Section 14-1-6**, all buildings located in the floodplain shall be protected from flood damage below the flood protection elevation. This building protection requirement applies to the following situations:

- (1) Construction or placement of a new building or alteration or addition to an existing building valued at more than **One Thousand Dollars (\$1,000.00)** or **seventy (70) square feet**.
- (2) Substantial improvements or structural alterations made to an existing building that increase the floor area by more than **twenty percent (20%)** or equal or exceed the market value by **fifty percent (50%)**. Alteration shall be figured cumulatively subsequent to the adoption of this Code. If substantially improved, the existing structure and the addition must meet the flood protection standards of this Section.
- (3) Repairs made to a substantially damaged building. These repairs shall be figured cumulatively subsequent to the adoption of this Code. If substantially damaged the entire structure must meet the flood protection standards of this Section.
- (4) Installing a manufactured home on a new site or a new manufactured home on an existing site. (The building protection requirements do not apply to returning a manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage).
- (5) Installing a travel trailer or recreational vehicle on a site for more than **one hundred eighty (180) days** per year.
- (6) Repetitive loss to an existing building as defined in **Section 14-1-2**.

(B) Residential or non-residential buildings can meet the building protection requirements by one of the following methods:

- (1) The building may be constructed on permanent landfill in accordance with the following:
  - (a) The lowest floor (including basement) shall be at or above the flood protection elevation.
  - (b) The fill shall be placed in layers no greater than **six (6) inches** before compaction and should extend at least **ten (10) feet** beyond the foundation before sloping below the flood protection elevation.
  - (c) The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or other structural measure.
  - (d) The fill shall be composed of rock or soil and not incorporate debris or refuse materials, and
  - (e) shall not adversely affect the flow of surface drainage from or onto neighboring properties and when necessary storm water management techniques such as swales or basins shall be incorporated.

- (2) The building may be elevated on solid walls in accordance with the following:
- (a) The building or improvements shall be elevated on stilts, piles, walls, crawlspace, or other foundation that is permanently open to flood waters.
  - (b) The lowest floor and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters shall be located at or above the flood protection elevation.
  - (c) If walls are used, all enclosed areas below the flood protection elevation shall address hydrostatic pressures by allowing the automatic entry and exit of floodwaters. Designs must either be certified by a licensed professional engineer or by having a minimum of one permanent opening on each wall no more than **one (1) foot** above grade with a minimum of **two (2)** openings. The openings shall provide a total net area of not less than **one (1) square inch** for every **one (1) square foot** of enclosed area subject to flooding below the base flood elevation, and
  - (d) The foundation and supporting members shall be anchored, designed, and certified so as to minimize exposure to hydrodynamic forces such as current, waves, ice, and floating debris.
    - (i) All structural components below the flood protection elevation shall be constructed of materials resistant to flood damage.
    - (ii) Water and sewer pipes, electrical and telephone lines, submersible pumps, and other service facilities may be located below the flood protection elevation provided they are waterproofed.
    - (iii) The area below the flood protection elevation shall be used solely for parking or building access and not later modified or occupied as habitable space, or
    - (iv) in lieu of the above criteria, the design methods to comply with these requirements may be certified by a licensed professional engineer or architect.
- (3) The building may be constructed with a crawlspace located below the flood protection elevation provided that the following conditions are met:
- (a) The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
  - (b) Any enclosed area below the flood protection elevation shall have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. A minimum of one opening on each wall having a total net area of not less than **one (1) square inch** per **one (1) square foot** of enclosed area. The openings shall be no more than **one (1) foot** above grade.
  - (c) The interior grade of the crawlspace below the flood protection elevation must not be more than **two (2) feet** below the lowest adjacent exterior grade.
  - (d) The interior height of the crawlspace measured from the interior grade of the crawl to the top of the foundations wall must not exceed **four (4) feet** at any point.



- (e) An adequate drainage system must be installed to remove floodwaters from the interior area of the crawlspace within a reasonable period of time after a flood event.
- (f) Portions of the building below the flood protection elevation must be constructed with materials resistant to flood damage, and
- (g) Utility systems within the crawlspace must be elevated above the flood protection elevation.

(C) **Non-Residential Buildings** may be structurally dry floodproofed (in lieu of elevation) provided a licensed professional engineer or architect certifies that:

- (1) Below the flood protection elevation the structure and attendant utility facilities are watertight and capable of resisting the effects of the base flood.
- (2) The building design accounts for flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, the effects of buoyancy, and the impact from debris and ice.
- (3) Floodproofing measures will be incorporated into the building design and operable without human intervention and without an outside source of electricity.
- (4) Levees, berms, floodwalls and similar works are not considered floodproofing for the purpose of this subsection.

(D) **Manufactured Homes or Travel Trailers** to be permanently installed on site shall be:

- (1) elevated to or above the flood protection elevation in accordance with **Section 14-1-7(B)**, and
- (2) anchored to resist flotation, collapse, or lateral movement by being tied down in accordance with the Rules and Regulations for the Illinois Mobile Home Tie-Down Act issued pursuant to 77 IL Adm. Code § 870.

(E) **Travel Trailers and Recreational Vehicles** on site for more than **one hundred eighty (180) days** per year shall meet the elevation requirements of **Section 14-1-7(D)** unless the following conditions are met:

- (1) The vehicle must be either self-propelled or towable by a light duty truck.
- (2) The hitch must remain on the vehicle at all times.
- (3) The vehicle must not be attached to external structures such as decks and porches.
- (4) The vehicle must be designed solely for recreation, camping, travel, or seasonal use rather than as a permanent dwelling.
- (5) The vehicles largest horizontal projections must be no larger than **four hundred (400) square feet**.
- (6) The vehicle's wheels must remain on axles and inflated.
- (7) Air conditioning units must be attached to the frame so as to be safe for movement out of the floodplain.
- (8) Propane tanks as well as electrical and sewage connections must be quick-disconnect and above the 100-year flood elevation.
- (9) The vehicle must be licensed and titled as a recreational vehicle or park model.
- (10) The vehicle must be either (a) entirely supported by jacks, or (b) have a hitch jack permanently mounted, have the tires touching the ground and be supported by blocks in a manner that will allow the blocks to be easily removed by use of the hitch jack.

(F) **Garages, Sheds or Other Minor Accessory Structures** constructed ancillary to an existing residential use may be permitted provided the following conditions are met:

- (1) The garage or shed must be non-habitable.

- (2) The garage or shed must be used only for the storage of vehicles and tools and cannot be modified later into another use.

- (3) The garage or shed must be located outside of the floodway or have the appropriate state and/or federal permits.
- (4) The garage or shed must be on a single-family lot and be accessory to an existing principal structure on the same lot.
- (5) Below the base flood elevation, the garage or shed must be built of materials not susceptible to flood damage.
- (6) All utilities, plumbing, heating, air conditioning and electrical must be elevated above the flood protection elevation.
- (7) The garage or shed must have at least **one (1)** permanent opening on each wall no more than **one (1) foot** above grade with **one (1) square inch** of opening for every square foot of floor area.
- (8) The garage or shed must be less than **Ten Thousand Dollars (\$10,000.00)** in market value or replacement cost whichever is greater or less than **five hundred (500) square feet**.
- (9) The structure shall be anchored to resist flotation and overturning.
- (10) All flammable or toxic materials (gasoline, paint, insecticides, fertilizers, etc.) shall be stored above the flood protection elevation.
- (11) The lowest floor elevation should be documented and the owner advised of the flood insurance implications.

**14-1-8 SUBDIVISION REQUIREMENTS.** The Village Board shall take into account hazards, to the extent that they are known, in all official actions related to land management use and development.

(A) New subdivisions, manufactured home parks, annexation agreements, planned unit developments, and additions to manufactured home parks and subdivisions shall meet the damage prevention and building protection standards of **Sections 14-1-6** and **14-1-7** of this Code. Any proposal for such development shall include the following data:

- (1) The base flood elevation and the boundary of the floodplain, where the base flood elevation is not available from an existing study, the applicant shall be responsible for calculating the base flood elevation;
- (2) The boundary of the floodway when available; and
- (3) A signed statement by a Licensed Professional Engineer that the proposed plat or plan accounts for changes in the drainage of surface waters in accordance with the Plat Act (**765 ILCS 205/2**).

Streets, blocks, lots, parks and other public grounds shall be located and laid out in such a manner as to preserve and utilize natural streams and channels. Wherever possible the floodplains shall be included within parks or other public grounds.

**14-1-9 PUBLIC HEALTH AND OTHER STANDARDS.**

(A) Public health standards must be met for all floodplain development. In addition to the requirements of **Sections 14-1-6** and **14-1-7**, the following standards apply:

- (1) No development in the floodplain shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the flood protection elevation unless such materials are stored in a floodproofed and anchored storage tank and certified by a professional engineer or floodproofed building constructed according to the requirements of **Section 14-1-7** of this Code.
- (2) Public utilities and facilities such as sewer, gas and electric shall be located and constructed to minimize or eliminate flood damage.

- (3) Public sanitary sewer systems and water supply systems shall be located and constructed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

- (4) New and replacement on-site sanitary sewer lines or waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding. Manholes or other above ground openings located below the flood protection elevation shall be watertight.
- (5) Construction of new or substantially improved critical facilities shall be located outside the limits of the floodplain. Construction of new critical facilities shall be permissible within the floodplain if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor (including basement) elevated or structurally dry floodproofed to the 500-year flood frequency elevation or **three (3) feet** above the level of the 100-year flood frequency elevation whichever is greater. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities.

(B) All other activities defined as development shall be designed so as not to alter flood flows or increase potential flood damages.

**14-1-10 CARRYING CAPACITY AND NOTIFICATION.** For all projects involving channel modification, fill, or stream maintenance (including levees), the flood carrying capacity of the watercourse shall be maintained.

In addition, the Village shall notify adjacent communities in writing **thirty (30) days** prior to the issuance of a permit for the alteration or relocation of the watercourse.

**14-1-11 VARIANCES.** Whenever the standards of this Code place undue hardship on a specific development proposal, the applicant may apply to the Zoning Board of Appeals for a variance. The Zoning Board of Appeals shall review the applicant's request for a variance and shall submit its recommendation to the Village Board. The Village Board may attach such conditions to granting of a variance as it deems necessary to further the intent of this Code.

(A) No variance shall be granted unless the applicant demonstrates that all of the following conditions are met:

- (1) The development activity cannot be located outside the floodplain;
- (2) An exceptional hardship would result if the variance were not granted;
- (3) The relief requested is the minimum necessary;
- (4) There will be no additional threat to public health, safety, or creation of a nuisance;
- (5) There will be no additional public expense for flood protection, rescue or relief operations, policing, or repairs to roads, utilities, or other public facilities;
- (6) The applicant's circumstances are unique and do not establish a pattern inconsistent with the intent of the NFIP; and
- (7) All other state and federal permits have been obtained.

(B) The Zoning Board of Appeals shall notify an applicant in writing that a variance from the requirements of the building protection standards of **Section 14-1-7** would lessen the degree of protection to a building will:

- (1) Result in increased premium rates for flood insurance up to **Twenty-Five Dollars (\$25.00)** per **One Hundred Dollars (\$100.00)** of insurance coverage;
- (2) Increase the risks to life and property; and

- (3) Require that the applicant proceed with knowledge of these risks and that the applicant acknowledge in writing the assumption of the risk and liability.

(C) Variances to the building protection requirements of **Section 14-1-7** of this Code requested in connection with the reconstruction, repair or alteration of a historic site or historic structure as defined in "Historic Structures", may be granted using criteria more permissive than the requirements of **Section 14-1-6** and **14-1-7** of this Code subject to the conditions that:

- (1) The repair or rehabilitation is the minimum necessary to preserve the historic character and design of the structure.
- (2) The repair or rehabilitation will not result in the structure being removed as a certified historic structure.

**14-1-12 DISCLAIMER OF LIABILITY.** The degree of protection required by this Code is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes. This Code does not imply that development either inside or outside of the floodplain will be free from flooding or damage. This Code does not create liability on the part of the Village or any officer or employee thereof for any flood damage that results from proper reliance on this Code or any administrative decision made lawfully thereunder.

**14-1-13 PENALTY.** Failure to obtain a permit for development in the floodplain or failure to comply with the conditions of a permit or a variance shall be deemed to be a violation of this Code. Upon due investigation, the Village Attorney may determine that a violation of the minimum standards of this Code exists. The Attorney shall notify the owner in writing of such violation.

(A) If such owner fails, after **ten (10) days'** notice, to correct the violation:

- (1) The Village shall make application to the Circuit Court for an injunction requiring conformance with this Code or make such other order as the court deems necessary to secure compliance with this Code.
- (2) Any person who violates this Code shall, upon conviction thereof, be fined not less than **Fifty Dollars (\$50.00)** nor more than **Seven Hundred Fifty Dollars (\$750.00)** for each offense; and
- (3) A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues; and
- (4) The Village shall record a notice of violation on the title of the property.

(B) The Village Attorney shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.

The Village Attorney is authorized to issue an order requiring the suspension of the subject development. The stop-work order shall be in writing, indicate the reason for the issuance, and shall order the action, if necessary, to resolve the circumstances requiring the stop-work order. The stop-work order constitutes a suspension of the permit.

No site development permit shall be permanently suspended or revoked until a hearing is held by the Board of Appeals. Written notice of such hearing shall be served on the permittee and shall state:

- (1) the grounds for the complaint, reasons for suspension or revocation, and
- (2) the time and place of the hearing.

At such hearing the permittee shall be given an opportunity to present evidence on their behalf. At the conclusion of the hearing, the Board of Appeals shall determine whether the permit shall be suspended or revoked.

(C) Nothing herein shall prevent the Village from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

**14-1-14 ABROGATION AND GREATER RESTRICTIONS.** This Code repeals and replaces other ordinances adopted by the Village Board to fulfill the requirements of the National Flood

Insurance Program including: Ordinance #481A dated **October 10, 1995**. However, this Code does not



repeal the original resolution or ordinance adopted to achieve eligibility in the Program. Nor does this Code repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Where this Code and other ordinance easements, covenants or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

**14-1-15 SEVERABILITY.** The provisions and sections of this Code shall be deemed separable and the invalidity of any portion of this Code shall not affect the validity of the remainder.

**(65 ILCS 5/1-2-1; 5/11-12-12; 5/11-30-2; 5/11-30-8 and 5/11-31-2)**

**(Ord. No. 2008-11; 10-13-08)**

**CHAPTER 15 – FRANCHISES**

<b><u>ARTICLE</u></b>		<b><u>TITLE</u></b>	<b><u>PAGE</u></b>
<b><i>I</i></b>	<b><i>GAS UTILITY SYSTEM</i></b>		
	<i>Section 15-1-1</i>	- <i>Ameren Illinois Gas Franchise</i>	<i>15-1</i>
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**CHAPTER 15**

**FRANCHISES**

**ARTICLE I – GAS UTILITY SYSTEM**

**15-1-1**      **AMEREN ILLINOIS GAS FRANCHISE.** The natural gas franchise between the Village of Evansville and Ameren Illinois Company is hereby included as **Appendix "A"**.

**(Ord. No. 2017-04; 07-10-17)**

**APPENDIX "A"**

**GAS FRANCHISE**

**AN ORDINANCE RENEWING AN EXISTING FRANCHISE AND GRANTING FOR A PERIOD OF 20 YEARS TO AMEREN ILLINOIS, A CORPORATION, ITS SUCCESSORS AND ASSIGNS, THE FRANCHISE, RIGHT, PERMISSION AND AUTHORITY TO CONSTRUCT, RECONSTRUCT, EXCAVATE FOR, PLACE, REMOVE, EXTEND, MAINTAIN, AND OPERATE A GAS UTILITY SYSTEM IN THE VILLAGE OF EVANSVILLE, COUNTY OF RANDOLPH AND STATE OF ILLINOIS.**

**BE IT ORDAINED BY THE PRERESIDENT AND THE BOARD OF TRUSTEES OF THE VILLAGE OF EVANSVILLE, COUNTY OF RANDOLPH, AND THE STATE OF ILLINOIS, AS FOLLOWS:**

**Section 1 – Grant of Franchise**

**1.1 Extension.** It is the intent of the parties by this Ordinance to extend for an additional term, subject to the terms and conditions here stated, the authorization to Ameren Illinois, its successors and assigns, to construct, operate and maintain a gas utility system within the Village as originally authorized by an Ordinance No. 281 approved October 4, 1965. The parties acknowledge that by so doing they are continuing an existing relationship authorizing the services of a utility for the provision of gas energy and other purposes within the Village for the benefit of its citizens and residents as well as other consumers of gas energy located within its corporate limits.

**1.2 Grant of Franchise.** There is hereby given and granted to Ameren Illinois, its successors and assigns (hereinafter referred to as the Company), the right, privilege and authority to construct, operate, maintain and/or extend within the corporate limits, as the same now exists or may hereafter be extended, of the Village of Evansville (hereinafter referred to as "Municipality"), a gas utility system for the transmission, distribution and/or sale of gas energy and other purposes (the System), together with the right, privilege and authority to lay, erect, construct, install, operate and/or maintain all necessary mains, pipes, valves, equipment and/or other apparatus (collectively Facilities) as may be necessary or convenient for the System, in, upon, along, over, under, through and/or across each and all of the streets, avenues, alleys, bridges, easements, rights of way and/or other public places (collectively Public Thoroughfare).

**1.3 Successors and Assigns.** The rights, privileges and authority hereby granted shall inure to and be vested in Company, its successors and assigns, successively, subject to all of the terms, provisions and conditions herein contained, and each of the obligations hereby imposed upon Company shall devolve and be binding upon its successors and assigns, successively, in the same manner.

**Section 2 - Term**

**2.1** All rights, privileges and authority given and granted by this Ordinance are granted for a term of 20 years from and after the acceptance of this Ordinance as hereinafter provided (the Initial Term), and thereafter on a year-to-year basis (each a Subsequent Term) unless either the Company or Municipality notifies the other in writing of its desire to terminate this Ordinance at least **six (6) months** prior to the expiration of the Initial Term or any Subsequent Term.

**Section 3 – Franchise Fee and Tax Consideration**

**3.1 Franchise Fee.** As a further consideration for the rights, privileges and authorities granted by this Ordinance, the Company shall, throughout the period in which Company shall exercise the rights, privileges and authority granted by this Ordinance furnish to the said Municipality, compensation in the

amount of **\$1,910**, payable annually, within **thirty (30) days** of the anniversary date. Municipality may request a revision to the compensation amount after **five (5) years** from the date of passage of this

Ordinance if Municipality has a reasonable belief that its population has increased or decreased by **three percent (3%)** or more. Municipality must request the revision at least **sixty (60) days** prior to the next anniversary date. If Company confirms that the number of customers served by the System within Municipality's corporate limits has increased or decreased by **three percent (3%)** or more, the compensation amount will be revised by that percentage for the next and succeeding payments. Municipality may request revisions to compensation amounts under these criteria in additional **five (5) year** period throughout the term of this Ordinance.

**3.2 Tax Exemption.** The Company shall be exempt from any special tax, assessment, license, rental or other charge during the term of this Ordinance, on all Facilities placed under the Public Thoroughfare within the corporate limits of Municipality.

#### **Section 4 – Construction Activities**

**4.1 Construction.** All Facilities shall, so far as practicable, be placed underground and shall be so located and laid as not to interfere unnecessarily with any pipes, conduits, sewers, drains, pavements, public places, or right-of-way existing at the time of such location, and said Company shall forthwith repair any damage caused to such improvements to the satisfaction of the official or officials of said Municipality having charge of the supervision thereof. There shall be no unnecessary obstruction to the Public Thoroughfares of said Municipality in the laying, installation, operation or maintenance of any of said Facilities. All Facilities of Company in said Municipality shall be installed and maintained in accordance with the applicable rules and regulations of the Illinois Commerce Commission.

**4.2 Relocation.** When any Public Thoroughfare, upon which or in which any Facilities of Company have been placed or installed, shall be graded, curbed, paved or otherwise changed or when there is a relocation of such Public Thoroughfare, so as to make the resetting or relocation of any Facilities placed or installed under this Ordinance necessary the Company shall make such resetting or relocation, at the Company's cost and expense as qualified. The work is reasonably necessary for the construction, repair, maintenance, improvement or use of such Public Thoroughfare; is reasonably necessary for the location, construction, replacement, maintenance, improvement or use of other property of the Municipality; or is reasonably necessary for the operations of the Municipality. If the setting or location, or resetting or relocation of any Facilities is required for aesthetic purpose, the Municipality shall reimburse the Company for the resetting and/or relocation. The Company, as determined in discretion will not be responsible for the expense of removals, relocations, changes or alterations required by the Municipality for the purpose of assisting either private projects, aesthetic reasons, or municipal gas utility. Municipality shall provide the Company with a suitable location for the resetting or relocation of such Facilities, and the Company's obligation shall be limited to resetting or relocating the Facilities of the same type and configuration as the displaced Facilities. Company shall make such resetting or relocation within a reasonable time after receiving written notice of the need for the same from the authorized representative of the Municipality, and the establishment by the Municipality of the permanent grade at the new location. Except as expressly stated, nothing in this Section requires the Company to bear responsibility for any costs or expenses to relocate its Facilities for any other reason or cause.

**4.3 Permit Obligation.** This Ordinance shall not relieve Company of the obligation to comply with any ordinance now existing in the Municipality or enacted in the future requiring Company to obtain written permits or other approval from the Municipality prior to commencement of construction of Facilities within the Public Thoroughfare thereof, except Company shall not be required to obtain permits or other approval from the Municipality for the maintenance, upgrading and repair of its Facilities. Except in cases of emergency, prior to engaging in any excavation activity that is expected to create an obstruction or other hazardous condition in any Public Thoroughfare, the Company shall notify Municipality of the location and extent of the planned excavation. In cases of emergency, Company shall notify Municipality of the location and extent of any such activity as soon as practicable after the emergency has been abated.

## Section 5 – Indemnity and Insurance

**5.1 Indemnification.** The Company shall indemnify and save harmless the Municipality and all contractors, officers, employees and representatives thereof from all claims, demands, causes of action, liability, judgments, costs and expenses or losses for injury or death to persons or damage to property owned by, and Worker's Compensation claims against any parties indemnified herein, arising out of, caused by, or as a result of the Company's construction, erection, maintenance, use or presence of, or removal of any Facilities. The foregoing indemnification shall not apply to the extent any such claim, demand, cause of action, liability, judgment, cost, expense or loss arises out of, is caused by, or results from the negligent or wrongful willful act or omission of the Municipality or any contractor, officer, employee or representative thereof.

**5.2 Insurance.** Company shall be obligated under this Ordinance to maintain through the Term of this Ordinance, at its sole cost and expense, to maintain the following insurance coverages which shall name Municipality as an additional insured:

- A. **Comprehensive General Liability.** Comprehensive General Liability insurance, including contractual liability with limits of **Two Million Dollars (\$2,000,000)** per occurrence for bodily injury and property damage. Railroad exclusions must be deleted if any work is to be performed within **fifty (50) feet** of an active railroad track.
- B. **Comprehensive Automobile Liability.** Commercial Auto Liability insurance with a limit of liability for bodily injury and property damage of not less than **Two Million Dollars (\$2,000,000)**. Such policy shall include owned and blanket non-owned and hired coverage.
- C. **Workers' Compensation.** Workers' compensation coverage in accordance with statutory limits.
- D. **General Standards for All Insurance.** All commercial insurance policies obtained by the Company to satisfy this obligation must be written by companies customarily used by public utilities for those purposes, including policies issued by a captive insurance company affiliated with the Company. Upon written request, the Company shall provide Municipality with evidence of insurance. The above requirements may be satisfied with primary insurance, excess insurance or a combination of both.
- E. **Self-Insurance.** Company shall have the right to self-insure any or all of the above-required insurance coverage.

## Section 6 – Miscellaneous Provisions

**6.1 Rates.** The rates to be charged by the Company for gas service rendered under this Ordinance shall be such as are approved from time to time by the Illinois Commerce Commission of the State of Illinois and/or such other duly constituted governmental authority as shall have jurisdiction thereof. All Rules and Regulations of the Illinois Commerce Commission of the State of Illinois applicable to the rights, privileges and authority granted by this Ordinance, in the event of conflict herewith, shall govern.

**6.2 Company Rights Independent of Ordinance.** The Municipality acknowledges that Company is vested in rights, permissions and authority independent of this Ordinance. Neither acceptance of this Ordinance nor compliance with its provisions shall impair in any way or waive any right, permission or authority which Company may have independent of this Ordinance. In addition, neither use by Company of public property or places as authorized by this Ordinance nor service rendered by Company in said Municipality shall be treated as use solely of the rights, permission and authority provided for by this Ordinance and in no way shall indicate non-use of any right, permission or authority vested in the Company independent of this Ordinance. In the event the Municipality vacates any Public Thoroughfare during the term of this Ordinance, Municipality agrees to reserve unto Company the rights, privileges and authority herein given and granted to Company in upon, along, over and across each and all of such vacated premises which are at that time in use by the Company.

**6.3 Conflicting Ordinances.** All ordinances and parts of ordinances in conflict with this Ordinance or with any of its provisions are, to the extent of such conflict, hereby repealed.

**6.4 Severance Clause.** If any provision of this Ordinance, or the application of such provision to particular circumstances, shall be held invalid, the remainder of this Ordinance, or the application of such provision to circumstances other than those as to which it is held invalid, shall not be affected thereby.

**6.5 Conflicting State Statutes.** Any conflict between the Franchise Ordinance and any state statute will be resolved by giving the state statute mandatory priority over any contrary language contained in the Franchise Ordinance.

**6.6 Most Favored Nation.** If, at any time, during the term of this contract, Municipality permits another entity or person to provide gas distribution or similar services, and Company reasonably believes the other entity or person is granted more favorable treatment, terms, or conditions, then Company shall notify Municipality of such treatment, terms, or conditions. Alternatively, if Municipality reasonably believes the other entity or person grants Municipality more favorable treatment, terms, or conditions, then Municipality shall notify Company of such treatment, terms, or conditions. Upon receipt of such notice, Municipality and Company shall negotiate in good faith to amend this Ordinance to provide Company or Municipality such more favorable treatment, terms or conditions on an equivalent basis. Such amendment shall take into consideration all circumstances that distinguish between Company and the entity or person receiving the more favorable or less favorable treatment, terms, or conditions.

### **Section 7 – General Provisions**

**7.1 Notice.** Any notice that (a) requires a response or action from the Municipality or the Company within a specific time frame or (b) would trigger a timeline that would affect one or both of the parties' rights under this Ordinance must be made in writing and must be sufficiently given and served on the other party by hand delivery, first class mail, registered or certified, return receipt requested, postage prepaid, or by reputable overnight courier service and addressed as follows:

If to Municipality:

Village Clerk  
Village of Evansville  
403 Spring Street  
PO Box 257  
Evansville, IL 62242

If to Company:

Ameren Illinois Company d/b/a Ameren Illinois  
President  
6 Executive Drive  
Collinsville, IL 62234

For other notices regarding the general business between the parties, e-mail messages and facsimiles will be acceptable when addressed to the persons of record specified above.

**7.2 Entire Agreement and Interpretation.** This Ordinance embodies the entire understanding and agreement of the Municipality and the Company with respect to the subject matter of this Ordinance and the Franchise. This Ordinance supersedes, cancels, repeals, and shall be in lieu of the Previous Agreement.



**7.3 Governing Law and Venue.** This Ordinance has been approved and executed in the State of Illinois and will be governed in all respects, including validity, interpretation, and effect, and construed in accordance with, the laws of the State of Illinois. Any court action against the Municipality may be filed only in Randolph County, Illinois, in which the Municipality's principal office is located.

**7.4 Amendments.** No provision of this Ordinance may be amended or otherwise modified, in whole or in part, to be contractually binding on Municipality or Company, except by an instrument in writing duly approved and executed by the Municipality and accepted by the Company.

**7.5 No Third-Party Beneficiaries.** Nothing in this Ordinance is intended to confer third-party beneficiary status on any person, individual, corporation, or member of the public to enforce the terms of this Ordinance.

**7.6 No Waiver of Rights.** Nothing in this Ordinance may be construed as a waiver of any rights, substantive or procedural, the Company or the Municipality may have under federal or State of Illinois law unless such waiver is expressly stated in this Ordinance.

#### **Section 8 – Acceptance**

**8.1** This Ordinance shall confer no right, privilege or authority on Company, its successors or assigns, unless Company shall within **ninety (90) days** after due notice to the Company of the enactment of this Ordinance, file with the Village Clerk an acceptance of the terms and provisions hereof; provided, however, that if such acceptance be not so filed within said period of **ninety (90) days**, all rights, privileges, and authority herein granted shall become null and void.

#### **Section 9 – Effective Date**

**9.1** This Ordinance shall be in full force from and after its passage, approval and **ten (10) day** period of publication in the manner provided by law. This Ordinance shall take effect and the rights, privileges and authority hereby granted and renewed shall vest in Company upon its filing of an acceptance with the Village Clerk according to the terms prescribed herein.

**Passed and approved this 10<sup>th</sup> day of July, 2017.**

**CHAPTER 20 – LIBRARY**

<b><u>ARTICLE</u></b>	<b><u>TITLE</u></b>	<b><u>PAGE</u></b>
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## CHAPTER 20

## LIBRARY

## ARTICLE I – LIBRARY BOARD

**20-1-1**        **ESTABLISHED.** There is hereby established a Public Library for the use and benefit of the inhabitants of the Village. **(75 ILCS 5/4-3)**

**20-1-2**        **ELECTION - TRUSTEES.** There shall be elected to the library board **seven (7) trustees** at the time the library is established. The **seven (7) trustees** shall serve as follows:

**Two (2)** shall be elected in 2009 for **six (6) year** terms and for **six (6) year** terms thereafter; **Two (2)** shall be elected in 2011 for a **six (6) year** term and for **six (6) year** terms thereafter; **Three (3)** shall be elected in 2013 for a **six (6) year** term and for **six (6) year** terms thereafter. **(75 ILCS 5/4-3)**

Trustees of the Library Board shall serve without compensation, but shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties from library funds. **(75 ILCS 5/4-5)**

**20-1-3**        **TERM.** As the terms of the library trustees elected in any incorporated town or village expires, their successors shall be elected in accordance with the general election law to hold their office for **six (6) years** until their successors are elected and qualified. **(75 ILCS 5/4-3.1)**

**20-1-4**        **VACANCIES.** Vacancies shall also be declared in the office of trustee by the board when, at the election of the first board of library trustees or at any subsequent election, there are not sufficient trustees elected to fill an entire board of **seven (7) trustees**.

If a vacancy occurs in the board of trustees, the vacancy may be filled by the remaining trustees until the next regular library election at which library trustees are scheduled to be elected under the consolidated schedule of elections in the general election law, at which election a trustee shall be elected to fill the vacancy for the remainder of the unexpired term. If, however, the vacancy occurs with less than **twenty-eight (28) months** remaining in the term, and if the vacancy occurs less than **eighty-eight (88) days** before the next regular scheduled election for this office, then the person so appointed shall serve the remainder of the unexpired term, and no election to fill the vacancy shall be held. If there is a failure to appoint a library trustee or a failure to elect a library trustee, or if the person elected or appointed fails to qualify for office, the trustee may continue in office if available and qualified until his successor has been elected or appointed and qualified. Vacancies shall be filled forthwith. **(75 ILCS 5/4-4)**

**20-1-5**        **OATH OF OFFICE; ORGANIZATION; MEETINGS.**

(A)            Within **sixty (60) days** after their election, the new trustees shall take their oath of office and meet to organize the board. The oath shall consist of the following:

“I, \_\_\_\_\_ do solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of trustee according to the best of my ability.”

(B)            The first action taken at the organizational meeting of the Board shall be the election of a president and a secretary and such other officers as the Board may deem necessary, and the Board shall further provide in the bylaws of the Board as to the length of the terms in office. The

trustees shall determine the time and place of all official meetings of the Board at which any legal action  
may be

taken and shall post notice thereof at the public library maintained by the Board and at not less than one public place within the corporate confines of the area of library service one day in advance thereof. **(75 ILCS 5/4-6)**

**20-1-6 CUSTODIAN OF FUNDS.** The Village Treasurer shall be the custodian of all funds of the Library Board of Trustees. The cost of any bond necessary to satisfy the requirements of **Chapter 75, Section 5/4-9 of the Illinois Compiled Statutes** shall be borne by the library.

**20-1-7 POWERS AND DUTIES.** The Board of Library Trustees shall carry out the spirit and intent of this Chapter in establishing, supporting and maintaining a public library or libraries for providing library service and, in addition to, but without limiting other powers conferred by this Chapter shall have the following powers:

(A) To make and adopt such bylaws, rules and regulations for their own guidance and for the government of the library as may be expedient, not inconsistent with this Chapter.

(B) To have the exclusive control of the expenditure of all moneys collected for the library and deposited to the credit of the library fund;

(C) To have the exclusive control of the construction of any library building and of the supervision, care and custody of the grounds, rooms or buildings constructed, leased or set apart for that purpose;

(D) To purchase or lease real or personal property, and to construct an appropriate building or buildings for the use of a library established hereunder, using, at the Board's option, contracts providing for all or part of the consideration to be paid through installments at stated intervals during a certain period not to exceed **twenty (20) years** with interest on the unpaid balance at any lawful rate for municipal corporations in this State, except that contracts for installment purchases of real estate shall provide for not more than **seventy-five percent (75%)** of the total consideration to be repaid by installments, and to refund at any time any installment contract entered into pursuant to this paragraph by means of a refunding loan agreement, which may provide for installment payments of principal and interest to be made at stated intervals during a certain period not to exceed **twenty (20) years** from the date of such refunding loan agreement, with interest on the unpaid principal balance at any lawful rate for municipal corporations in this State, except that no installment contract or refunding loan agreement for the same property or construction project may exceed an aggregate of **twenty (20) years;**

(E) To remodel or reconstruct a building erected or purchased by the Board, when such building is not adapted to its purposes or needs;

(F) To sell or otherwise dispose of any real or personal property that it deems no longer necessary or useful for library purposes, and to lease to others any real property not immediately useful, but for which plans for ultimate use have been or will be adopted, however, the corporate authorities shall have the first right to purchase or lease;

(G) To appoint and to fix the compensation of a qualified librarian, who shall have the authority to hire such other employees as may be necessary, to fix their compensation, and to remove such appointees, subject to the approval of the library board, (but these powers are subject to **Division 1 of Article 10 of the Illinois Municipal Code** in municipalities in which that Division is in force). The Board may also retain counsel and professional consultants as needed; **(65 ILCS 5/10-1-1)**

(H) To contract with any public or private corporation or entity for the purpose of providing or receiving library service or of performing any and all other acts necessary and proper to carry out the responsibilities and the provisions of this Chapter. This contractual power includes, but is not limited to participating in interstate library compacts and library systems, and contracting to supply library services and for the expenditure of any Federal or State funds made available to the municipality or to the State of Illinois for library purposes;

(I) To join with the board or boards of any one or more libraries in this State in maintaining libraries, or for the maintenance of a common library or common library services for participants, upon such terms as may be agreed upon by and between the boards;

(J) To enter into contracts and to take title to any property acquired by it for library purposes by the name and style of "**The Library Board of Trustees of the Village**" and by that name to sue and be sued.

(K) To exclude from the use of the library any person who willfully violates the rules prescribed by the Board;

(L) To extend the privileges and use of the library; including the borrowing of materials on an individual basis by persons residing outside of the Village. If the Board exercises this power, the privilege of library use shall be upon such terms and conditions as the Board shall, from time to time, by its regulations, prescribe and for such privileges and use, the Board shall charge a nonresident fee at least equal to the cost paid by residents of the Village, with the cost to be determined according to the formula established by the **Illinois State Library**. The nonresident fee shall not apply to privilege and use provided under the terms of the library's membership in a library system operating under the provisions of the **Illinois Library System Act** or under the terms of any reciprocal agreement with a public or private corporation or entity providing a library service or to a nonresident who is an individual or as a partner, principal stockholder, or other joint owner owns taxable property or is a senior administrative officer of a firm, business, or other corporation owning taxable property within the municipality upon the presentation of the most recent tax bill upon that taxable property, provided that the privilege and use of the library is extended to only one such nonresident for each parcel of such taxable property.

(M) To exercise the power of eminent domain subject to the prior approval of the corporate authorities under the provisions of **Illinois Compiled Statutes, Chapter 75, Sec. 5/5-1 and 5/5-2** and in accordance with the Eminent Domain Act.

(N) To join the public library as a member in the **Illinois Library Association and the American Library Association**, non-profit, non-political, **(501-C-3)** associations, as designated by the federal Internal Revenue Service, having the purpose of library development and librarianship; to provide for the payment of annual membership dues, fees and assessments and act by, through, and in the name of such instrumentality by providing and disseminating information and research services, employing personnel and doing any and all other acts for the purpose of improving library development;

(O) To accumulate and set apart as reserve funds, portions of the unexpended balances of the proceeds received annually from taxes or other sources for the purpose of providing self-insurance against liabilities relating to the public library;

(P) To invest funds pursuant to the **Illinois Compiled Statutes, Chapter 30, Section 235/.01, et seq. (75 ILCS 5/4-7)**

**20-1-8**      **SELECTION AND USE OF LIBRARY MATERIALS.** The Board of Library Trustees shall establish, and review at least biennially, a written policy for the selection of library materials and the use of library materials and facilities. No employee may be disciplined or dismissed for the selection of library materials when the selection is made in good faith and in accordance with the written policy required to be established pursuant to this Section. **(75 ILCS 5/4-7.2)**

**20-1-9**      **FREE TO PUBLIC.** The library established shall be free for the use of the inhabitants of the Village, always subject to such rules and regulations as the Library Board of Trustees may adopt, in order to render the use of the library and reading room to the greatest benefit to the greatest number. **(75 ILCS 5/4-7)**

**20-1-10**     **ANNUAL REPORT.** Within **thirty (30) days** after the expiration of each fiscal year of the municipality, the Library Board of Trustees shall make a report of the condition of their trust on the last day of the fiscal year to the Village Board. This report shall be made in writing and shall be verified under oath by the secretary or some other responsible officer of the Library Board of Trustees. The report shall contain the following:

(A) An itemized statement of the various sums of money received from the Library Fund and from other sources;



- (B) An itemized statement of the objects and purposes for which those sums of money have been expended;
  - (C) A statement of the number of books and periodicals available for use and the number and character thereof circulated;
  - (D) A statement of the real and personal property acquired by legacy, purchase, gift or otherwise;
  - (E) A statement of the character of any extensions of library service which have been undertaken;
  - (F) A statement of the financial requirements of the library for the ensuing fiscal year for inclusion in the appropriation of the corporate authority and of the amount of money which, in the judgment of the Library Board of Trustees, it will be necessary to levy for library purposes in the next annual tax levy ordinance;
  - (G) A statement as to the amount of accumulations and the reasons therefor;
  - (H) A statement as to any outstanding liabilities including those for bonds still outstanding or amounts due for judgments, settlements, liability insurance, or for amounts due under a certificate of the board;
  - (I) Any other statistics, information and suggestions that may be of interest.
- A report shall also be filed at the same time with the **Illinois State Library. (75 ILCS 5/4-10)**

**20-1-11 DONATIONS.** Any person desiring to make donations of money, personal property or real estate for the benefit of such library shall have the right to vest the title of the money or real estate so donated in the Library Board of Trustees to be held and controlled by the board when accepted, according to the terms of the deed, gift, devise or bequest of such property, and as to such property, the Board of Trustees shall be held and considered as special trustees. **(75 ILCS 5/1-6)**

**20-1-12 DISTURBANCE PROHIBITED - PENALTY.** Any person who shall create any disturbance while in the rooms of the Public Library, or who shall be guilty of any conduct calculated to annoy or disturb others in said library and who shall not cease said conduct when requested to do so by the Librarian or other person in charge, shall be subject to arrest under the provisions of this Chapter.

**20-1-13 INJURY TO OR FAILURE TO RETURN BOOKS - PENALTY.** No person shall maliciously cut, injure, deface, tear, or destroy any book, newspaper, periodical, or picture belonging to the Public Library. No person shall fail to return any book or books taken from the Library at the time when, by the rules of the Library, the same should be returned. The person shall promptly pay the fine provided for by the rules and regulations governing the Library, as the same have been or may be established by the Library Board of Trustees.

**20-1-14 REFERENCE.** The Village Board does hereby include by reference, all provisions of **Chapter 75; Paragraph 5/4, et seq. of the Illinois Compiled Statutes** applicable to the Village Library that are not provided heretofore.

## **CHAPTER 21 - LIQUOR**

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## CHAPTER 21

## LIQUOR

## ARTICLE I – GENERALLY

**21-1-1** **DEFINITIONS.** Unless the context otherwise requires, the words and phrases herein defined are used in this Chapter in the sense given them in the following definitions:

**"ALCOHOL"** means the product of distillation of any fermented liquid, whether rectified or diluted, whatever may be the origin thereof, and includes synthetic ethyl alcohol. It does not include denatured alcohol or wood alcohol.

**"ALCOHOLIC LIQUOR"** includes alcohol, spirits, wine and beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer, and capable of being consumed as a beverage by human beings. The provisions of this Chapter shall not apply to alcohol used in the manufacture of denatured alcohol produced in accordance with **Acts of Congress** and regulations promulgated thereunder, nor to any liquid or solid containing **one-half of one percent** or less of alcohol by volume. **(235 ILCS 5/1-3.05)**

**"BEER"** means a beverage obtained by the alcoholic fermentation of an infusion or concoction of barley or other grain, malt and hops in water, and includes, among other things, beer, ale, stout, lager beer, porter and the like. **(235 ILCS 1-3.04)**

**"CATERER RETAILER"** means a person who serves alcoholic liquors for consumption, either on-site or off-site, whether the location is licensed or unlicensed, as an incidental part of food service. Prepared meals and alcoholic liquors are sold at a package price agreed upon under contract. **(235 ILCS 5/1-3.34)**

**"CLOSE"** means to shut up so as to prevent entrance or access by any person; and the entire suspension of business unless modified by the Mayor and the Village Board for a specific occasion.

**"CLUB"** means a corporation organized under the laws of this State and not for pecuniary profit, solely for the promotion of some common object other than the sale or consumption of alcoholic liquors, kept, used and maintained by its members, through the payment of annual dues, and owning, hiring or leasing a building or space in a building of such extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests and provided with suitable and adequate kitchen and dining space and equipment and maintaining a sufficient number of servants and employees for cooking, preparing and serving food and meals for its members and their guests; provided that such club files with the Mayor at the time of its application for a license under this Chapter, **two (2) copies** of a list of names and residences of its members, and similarly files within **ten (10) days** of the election of any additional member, his name and address; and provided further, that its affairs and management are conducted by a board of directors, executive committee, or similar body chosen by the members at their annual meeting and that no member or officer, agent or employee of the club is paid, or directly or indirectly receives, in the form of salary or other compensation any profits from the distribution or sale of alcoholic liquor to the club or its members or guests introduced by members, beyond the amount of such salary as may be fixed and voted at the annual meeting by the members or by the board of directors or other governing body out of the general revenue of the club. **(235 ILCS 5/1-3.24)**

**"CORPORATION"** means any corporation, domestic or foreign, qualified to do business in the State of Illinois under the "Business Corporation Act" of Illinois. **(Rule 100.10(b))**

**"DISTILLED SPIRITS"**. See "Spirits".

**"EVENT"** means a single theme. **(Rules and Regulations 100.10(o))**

**"HOTEL"** means every building or other structure kept, used, maintained, advertised and held out to the public to be a place where food is actually served and consumed and sleeping accommodations are offered for adequate pay to travelers and guests, whether transient, permanent or residential, in which **twenty-five (25)** or more rooms are used for the sleeping accommodations of such guests and having **one (1)** or more public dining rooms where meals are served to such guests, such sleeping accommodations and dining rooms being conducted in the same building or buildings in connection therewith, and such building or buildings, structure or structures being provided with adequate and sanitary kitchen or dining room equipment and capacity. **(235 ILCS 5/1-3.25)**

**"MANAGER" OR "AGENT"** means any individual employed by any licensed place of business, provided said individual possess the same qualifications required of the licensee. Satisfactory evidence of such employment will be furnished the Commission in the form and manner as such Commission shall from time to time prescribe. **(Rule 100.10(f))**

**"MAYOR"** means the Local Liquor Control Commissioner as provided in the **Illinois Compiled Statutes, Chapter 235, entitled "Dramshop"** and all references to Liquor Commissioner shall refer to the Mayor unless otherwise provided.

**"MEAL"** means food that is prepared and served on the licensed premises and excludes the serving of snacks. **(Rules and Regulations 100.10(n))**

**"ORIGINAL PACKAGE"** means any bottle, flask, jug, can, cask, barrel, keg, hogshead or other receptacle or container, whatsoever, used, corked or capped, sealed and labeled by the manufacturer of alcoholic liquor, to contain and to convey any alcoholic liquor. **(235 ILCS 5/1-3.06)**

**"PACKAGE LIQUOR STORE"** means any public place where packaged liquors are offered for sale in the original, unopened container for consumption away from the premises.

**"PARTNER"** is any individual who is a member of a co-partnership. "Co-partnership" means an association of **two (2)** or more persons to carry on as co-owners of a business for profit. **(Rules and Regulations 100.10(d)(e))**

**"PREMISES/PLACE OF BUSINESS"** means the place or location where alcoholic beverages are manufactured, stored, displayed, offered for sale or where drinks containing alcoholic beverages are mixed, concocted and served for consumption. Not included are sidewalks, street, parking areas and grounds adjacent to any such place or location. **(Rules and Regulations 100.10(g))**

**"PRIVATE FUNCTION"** means a prearranged private party, function, or event for a specific social or business occasion, either by invitation or reservation and not open to the general public, where the guests in attendance are served in a room or rooms designated and used exclusively for the private party, function or event.

**"PUBLIC PLACE"** means any premises enclosed or unenclosed or partly enclosed and partly unenclosed wherein any service or goods, chattels or merchandise are offered for sale to the public or any such premises used as a clubhouse, club room or meeting place. The terms **"public place"** and **"public premises"** shall be interchangeable for the purposes of this Chapter.

**"RESIDENT"** means any person (other than a corporation) who has resided and maintained a bona fide residence in the State of Illinois for at least **one (1) year** and in the city, village and county in which the premises covered by the license are located for at least **ninety (90) days** prior to making application for such license. **(Rule 100.10(a))**

**"RESTAURANT"** means any public place kept, used, maintained, advertised, and held out to the public as a place where meals are served, and where meals actually are served and regularly served, without sleeping accommodations, such space being provided with adequate and sanitary kitchen and dining room equipment and capacity and having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests. **(235 ILCS 5/1-3.23)**

**"RETAILER"** means a person who sells or offers for sale alcoholic liquor for use or consumption and not for resale in any form. **(235 ILCS 5/1-3.17)**

**"SALE"** means any transfer, exchange or barter in any manner or by any means whatsoever for a consideration, and includes and means all sales made by any person, whether principal, proprietor, agent, servant or employee. **(235 ILCS 5/1-3.21)**

**"SELL AT RETAIL" and "SALE OF RETAIL"** refer to any mean sales for use or consumption and not for resale in any form. **(235 ILCS 5/1-3.18)**

**"SPECIAL EVENT"** means an event conducted by an educational, fraternal, political, civic, religious or non-profit organization. **(235 ILCS 5/1-3.30)**

**"SPECIAL EVENTS RETAILER"** means an educational, fraternal, political, civic, religious, or non-profit organization which sells or offers for sale beer or wine, or both, only for consumption at the location and on the dates designated by a special event retail license. **(235 ILCS 5/1-3.17.1)**

**"SPIRITS"** means any beverage which contains alcohol obtained by distillation, mixed with water or other substance in solution, and includes brandy, rum, whiskey, gin or other spirituous liquors and such liquors when rectified, blended or otherwise mixed with alcohol or other substances. **(235 ILCS 5/1-3.02)**

**"TO SELL"** includes to keep or expose for sale and to keep with intent to sell. **(235 ILCS 5/1-3.22)**

**"WINE"** means any alcoholic beverage obtained by the fermentation of the natural contents of fruits or vegetables containing sugar, including such beverages when fortified by the addition of alcohol or spirits as above defined. **(235 ILCS 5/1-3.03)**

**[All references to "Rules" refer to Illinois Liquor Control Commission Rules located in Title 11; Subtitle A; Chapter 1; Part 1; Section 100.5 et seq. of the Illinois Administration Code.]**

## ARTICLE II - LICENSES

**21-2-1 LICENSE REQUIRED.** No person shall sell, keep or offer for sale at retail, or conduct any place for the sale at retail of alcoholic liquor within the limits and territory of this municipality without having a license to do so, issued by the Mayor of this municipality in the manner hereinafter provided, and a valid license for such purpose issued by the **Illinois Liquor Control Commissioner of the State of Illinois**.

A similar valid license issued by the Mayor of this municipality is hereby required for and with respect to each building, location and premises, within the aforesaid territory of this municipality, at or upon which alcoholic liquor is to be sold or kept or offered for sale at retail. **(235 ILCS 5/4-1)**

**21-2-2 APPLICATIONS.** The Mayor is authorized to grant and issue licenses to individuals, firms, and corporations to sell at retail and to keep and offer for sale at retail alcoholic liquors within the limits and territory of this municipality upon the conditions and in the manner provided by this Chapter and by the **Act of the General Assembly of Illinois**, and not otherwise. Such license shall be in writing, signed by the Mayor and attested by the Municipal Clerk, with the seal of his office affixed thereto.

Prior to issuance of a license, the applicant must submit to the Mayor an application in triplicate, in writing and under oath, stating the following:

(A) The name, age, and address of the applicant in the case of an individual; in the case of a co-partnership, the persons entitled to share in the profits thereof, and in the case of a corporation for profit or a club, the date of incorporation, the object for which it was organized, the names and addresses of the officers, directors and the name of the person who will be managing the establishment for which the license is sought, and if a majority in interest of the stock of such corporation is owned by one person or his nominee, the address and name of such person.

(B) The citizenship of the applicant, his place of birth and if a naturalized citizen, the time and place of his naturalization.

(C) The character of business of the applicant, and in the case of a corporation, the objects for which it was formed.

(D) The length of time that the applicant has been engaged in the business of that character or in the case of a corporation, the date on which its charter was issued.

(E) The location and description of the premises or place of business which is to be operated under such license.

(F) Whether applicant has made similar application for a similar other license on premises other than described in the application and the disposition of such application.

(G) That applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any matter or thing contained in the aforesaid **Act of the General Assembly** or in this Chapter or resolution and amendments thereto.

(H) Whether a previous license issued to the applicant by any state, or subdivision thereof, or by the federal government has been revoked and the reasons therefor.

(I) That he will not violate any of the laws of the State of Illinois or of the United States, or any of the provisions of this Chapter or resolution and amendments thereto in the conduct of his place of business.

In the case of a partnership or corporation, the information and statements required by this Section shall be furnished as to each partner, and with respect to a corporation, the information and statements required by this Section shall be furnished as to the president of the corporation, the secretary of the corporation, the directors of the corporation, and with respect to the person who is to manage the establishment for which a license is sought.

If the application is made on behalf of a partnership, firm, association, club or corporation, then the same shall be signed and sworn to by at least **one (1) member** of such partnership, firm, association or club, or by the president and secretary of such corporation.



**One (1) copy** of the application shall be retained by the Mayor, **one (1) copy** given to the Chief of Police; the Chief of Police shall endorse on the copies his approval or disapproval of the application and

may make further comments regarding that application. The copies shall be returned to the Mayor and the endorsement and comment of the Chief of Police shall be considered by him as an aid in deciding whether the license should be issued or refused. **(235 ILCS 5/7-1)**

**21-2-3 EXAMINATION OF APPLICANT.** The Mayor shall have the right to examine or cause to be examined, under oath, any applicant for a local license or for renewal thereof, or any licensee upon whom notice of revocation or suspension has been served in the manner hereinafter provided, and to examine or cause to be examined, the books and records of any such applicant or licensee; to hear testimony and take proof for his information in the performance of his duties, and for such purpose to issue subpoenas which shall be effective in any part of this State. For the purpose of obtaining any of the information desired by the Mayor under this Section, he may authorize his agent to act on his behalf. **(235 ILCS 5/4-5)**

**21-2-4 PROHIBITED LICENSEES.** Except as otherwise provided in paragraph (U) of this Section, no license of any kind shall be issued by the Mayor to the following:

(A) A person who is not a resident of the Village except for; an Illinois Corporation, an Illinois Limited Liability Company, or a foreign Corporation licensed to do business in the State of Illinois. **(Ord. No. 541; 04-11-05)**

(B) A person who is not of good character and reputation in the community in which he resides;

(C) A person who is not **twenty-one (21) years** of age;

(D) A person who has been convicted of a felony under any Federal or State law, unless the Commission determines that such person has been sufficiently rehabilitated to warrant the public trust after considering matters set forth in such person's application and the Commission's investigation. The burden of proof of sufficient rehabilitation shall be on the applicant;

(E) A person who has been convicted of being the keeper of or is keeping a house of ill-fame;

(F) A person who has been convicted of pandering or other crime or misdemeanor opposed to decency or morality;

(G) A person whose license issued under this Act has been revoked for cause;

(H) A person who, at the time of the application for renewal of any license issued hereunder, would not be eligible for such license upon first application;

(I) A co-partnership, if any general partnership thereof, or any limited partnership thereof, owning more than **five percent (5%)** of the aggregate limited partner interest in such co-partnership would not be eligible to receive a license hereunder for any reason other than residence within the political subdivision, unless residency is required by local ordinance;

(J) A corporation, if any officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than **five percent (5%)** of the stock of such corporation, would not be eligible to receive a license hereunder for any reason other than citizenship and residence within the political subdivision;

(K) A corporation unless it is incorporated in Illinois, or unless it is a foreign corporation which is qualified under the "**Business Corporation Act of 1983**" to transact business in Illinois;

(L) A person whose place of business is conducted by a manager or agent unless the manager or agent possesses the same qualifications required by the licensee;

(M) A person who has been convicted of a violation of any Federal or State law concerning the manufacture, possession or sale of alcoholic liquor, subsequent to the passage of this Act or has forfeited his bond to appear in court to answer charges for any such violation;

(N) A person who does not beneficially own the premises for which a license is sought, or does not have a lease thereon for the full period for which the license is to be issued;

(O) Any law enforcing public official, including members of local liquor control commissions, any president of the village board of trustees, any member of a village board of trustees,

and no such official shall be interested directly in the manufacture, sale, or distribution of alcoholic liquor,

except that a license may be granted to such official in relation to premises that are not located within the territory subject to the jurisdiction of that official if the issuance of such license is approved by the State Liquor Control Commission and except that a license may be granted, in a village with a population of **fifty thousand (50,000)** or less, to any member of a village board of trustees in relation to premises that are located within the territory subject to the jurisdiction of that official if (i) the sale of alcoholic liquor pursuant to the license is incidental to the selling of food, (ii) the issuance of the license is approved by the State Commission, (iii) the issuance of the license is in accordance with all applicable local ordinances in effect where the premises are located, and (iv) the official granted a license does not vote on alcoholic liquor issues pending before the board or council to which the license holder is elected;

(P) A person who is not a beneficial owner of the business to be operated by the licensee;

(Q) A person who has been convicted of a gambling offense as prescribed by any of subsections (a)(3) through (a)(11) of Section 28-1 of, or as proscribed by Section 28-1.1 or 28-3 of, the Criminal Code of 1961, or as proscribed by a statute replaced by any of the aforesaid statutory provisions;

(R) A person or entity to whom a federal wagering stamp has been issued by the federal government, unless the person or entity is eligible to be issued a license under the Raffles Act or the Illinois Pull Tabs and Jar Games Act;

(S) A person who intends to sell alcoholic liquors for use or consumption on his or her licensed retail premises who does not have liquor liability insurance coverage for that premises in an amount that is at least equal to the maximum liability amounts set out in Section 5/6-21 of Chapter 235 of the Illinois Compiled Statutes;

(T) A person who is delinquent in the payment of any indebtedness or obligation to the City;

(U) A criminal conviction of a corporation is not grounds for the denial, suspension, or revocation of a license applied for or held by the corporation if the criminal conviction was not the result of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor, the offense that led to the conviction did not result in any financial gain to the corporation and the corporation has terminated its relationship with each director, officer, employee, or controlling shareholder whose actions directly contributed to the conviction of the corporation. The Mayor shall determine if all provisions of this paragraph (U) have been met before any action on the corporation's license is initiated. **(235 ILCS 5/6-2)**

**21-2-5 TERM; FEE SUBMITTED IN ADVANCE.** Retail liquor licenses issued under this Chapter shall be valid for a **twelve (12) month period** upon the payment of the license fee as hereinafter set forth unless sooner revoked or suspended. The **twelve (12) month period** shall be from **May 1st to April 30th** of the following year.

The license fee shall be payable in advance by the applicant for a license at the time the application for a license is submitted to the Mayor as hereinbefore provided. In the event the license is denied, the license fee shall be returned to the applicant. The fees shall be deposited in the Municipal General Fund. The application for a license shall be filed with the Municipal Clerk.

Licenses shall state thereon the names of the licensees and the address and description of the premises for which they are granted and the dates of their issuance and expiration.

With respect to a corporation operating an establishment for which a liquor license has been issued, should the manager of said establishment change after the issuance of said liquor license, the corporation **must submit** the new manager's name and shall be submitted within **thirty (30) days**. Continuation of the license will be contingent upon a background check of the new manager as set out in this Chapter, and all fees shall be waived should the license be changed only as a result of a change of managers. If, for some reason, the manager is not acceptable, the licensee shall have **thirty (30) days** to submit a new name before revocation. Failure to provide new information shall be grounds for suspension or revocation of said license. **(235 ILCS 5/4-1)**

**21-2-6**      **CLASSIFICATION - FEES.** Licenses as required by this Article shall be divided into **five (5) classes** as follows:

(A) **Class "A" Licenses: Tavern.** Class "A" licenses shall authorize the retail sale on the premises specified of alcoholic liquor for consumption on the premises as well as other retail sales of such liquor. The annual fee for such license shall be **Three Hundred Dollars (\$300.00)**. There shall be issued in the Village no more than **six (6)** Class "A" Liquor Licenses.

(B) **Class "B" Licenses: Package Store.** Class "B" licenses shall authorize the retail sale of alcoholic liquor, but not for consumption on the premises where sold. The annual fee for such license shall be **Two Hundred Dollars (\$200.00)**. There shall be no more than **two (2)** Class "B" licenses issued in the Village.

(C) **Class "C" Licenses: Restaurant.** Class "C" licenses shall authorize the sale of beer and wine for consumption on the premises with food. The annual fee for such license shall be **Three Hundred Dollars (\$300.00)**.

(D) **Class "D" Licenses: Restaurant.** Class "D" licenses shall only authorize the licensee to sell alcoholic liquor at retail in the original package for consumption off the premises and/or beer and wine for consumption on the premises, by the drink or pitcher. The annual fee for such license shall be **Three Hundred Dollars (\$300.00)**.

(E) **Class "E" Licenses; License by the Hour: Civic Organizations.**

- (1) Upon application, the Mayor is authorized to issue a license to any charitable or civic organization which desires to keep any alcoholic liquors. The organization shall be organized under the laws of the State of Illinois Attorney General's office as a not-for-profit organization.
- (2) The fee for such license shall be **One Dollar (\$1.00)**, subject to the provisions of this Code.
- (3) Such organization(s) shall provide evidence of dramshop insurance as required by law and this Chapter governing the sale or giving away of alcoholic liquors.
- (4) No such license shall be transferable.

**(Ord. No. 2017-05; 09-11-17)**

**21-2-7 NATURE OF LICENSE.** A license issued under this Chapter shall be purely a personal privilege, good for not to exceed **one (1) year** after issued unless sooner revoked as in this Chapter authorized and provided, and shall not constitute property nor shall it be subject to attachment, garnishment or execution; nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered or hypothecated. Such license shall not descend by the laws of testate or intestate devolution, but it shall cease upon the death of the licensee, provided that executors and administrators of any estate of the deceased licensee and the trustees of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic liquor, may continue the business of the sale of alcoholic liquor under the order of the court having jurisdiction of such estate and may exercise the privileges of such deceased, insolvent, or bankrupt licensee after the death of such decedent or such insolvency or bankruptcy until the expiration of such license, but not longer than **six (6) months** after the death, bankruptcy or insolvency of such licensee. **(235 ILCS 5/6-1) (See Attorney General's Report No. 703; 01-08-48)**

**21-2-8 LIMITATION OF LICENSES.**

(A) **Annexing License Holders.** The restrictions contained in this Chapter shall in no way affect taverns and other business(es) holding retail liquor licenses, duly licensed by the County, which are located in the territory annexed to the municipality. Licenses may be issued to them or renewed by the duly constituted authorities upon annexation; provided that thereafter, all of the restrictions and contingencies contained herein shall apply.

(B) **Destroyed or Damaged Business.** No license shall be held in existence by the mere payment of fees by any person, firm or corporation for a period longer than **ninety (90) days** without a tavern or liquor business for the same being in complete and full operation. However, if a tavern or liquor business has been destroyed or damaged by fire or act of God and cannot be rebuilt or

repaired within the **ninety (90) day period**, then, in that event, the Mayor shall extend the period of

time for which a liquor license may be held by the mere payment of fees without the tavern or liquor business being in full and complete operation for an additional **ninety (90) days**.

If either of the above stated periods of time passes without the particular tavern or liquor business returning to complete and full operation, the license for that particular business shall expire and not be subject to renewal, unless all other requirements of this Chapter shall have been met. **(235 ILCS 5/4-1)**

**21-2-9**        **DRAMSHOP INSURANCE.** No license shall be issued hereunder unless the applicant shall file with the application a certificate by an insurance company authorized to do business in the State of Illinois, certifying that the applicant has the following coverages up to the full amount of potential liability as established by the Illinois Compiled Statutes from time to time. **(235 ILCS 5/6-21)**

**21-2-10**       **DISPLAY OF LICENSE.** Every licensee under this Chapter shall cause his license to be framed and hung in plain view in a conspicuous place on the licensed premises. **(235 ILCS 5/6-24)**

**21-2-11**       **RECORD OF LICENSES.** The Mayor shall keep a complete record of all licenses issued by him and shall supply the Clerk, Treasurer and Chief of Police a copy of the same. Upon issuance or revocation of a license, the Mayor shall give written notice to these same officers within **forty-eight (48) hours.** **(235 ILCS 5/4-1)**

**21-2-12**       **DISPLAY OF LIQUOR.** No licensee shall display or permit to be displayed alcoholic liquors, wines or beer of any kind or character, nor advertisements thereof in the display window or windows of any licensed premises.



### ARTICLE III - REGULATIONS

**21-3-1 HOURS.** It shall be unlawful to sell or offer for sale at retail, any alcoholic liquor in the Village between the hours of:

Sunday	12:15 a.m. until 6:00 a.m.
Monday	12:15 a.m. until 6:00 a.m.
Tuesday	12:15 a.m. until 6:00 a.m.
Wednesday	12:15 a.m. until 6:00 a.m.
Thursday	12:15 a.m. until 6:00 a.m.
Friday	12:45 a.m. until 6:00 a.m.
Saturday	12:45 a.m. until 6:00 a.m.

All places may remain open and continue such business for **one (1) hour** after Midnight on the eve of legal holidays if the holidays fall on Sunday, Monday, Tuesday, Wednesday or Thursday. On special occasions, an hour of business after **12:00 Midnight** may be granted by the Local Liquor Commissioner.

No persons except the licensee or employees of the licensee shall be allowed on the premises **fifteen (15) minutes** after closing time.

Any holder of a retail liquor license or his agent or employee who violates the provisions of this Chapter in regulating the legal hours of operation shall, upon conviction, be fined according to the provisions of **Section 1-1-20** of this Code. **(Ord. No. 518; 05-14-01) (235 ILCS 5/4-1)**

**21-3-2 HAPPY HOUR RESTRICTIONS.**

(A) All retail licensees shall maintain a schedule of the prices charged for all drinks of alcoholic liquor to be served and consumed on the licensed premises or in any room or part thereof. Whenever a hotel or multi-use establishment which holds a valid retailer's license operates on its premises more than one establishment at which drinks of alcoholic liquor are sold at retail, the hotel or multi-use establishment shall maintain at each such establishment a separate schedule of the prices charged for such drinks at the establishment.

(B) No retail licensee or employee or agent of such licensee shall:

- (1) Sell more than **one (1) drink** of alcoholic liquor for the price of **one (1) drink** of alcoholic liquor;
- (2) Sell, offer to sell or serve to any person an unlimited number of drinks of alcoholic liquor during any set period of time for a fixed price, except at private functions not open to the general public or as provided by **235 ILCS 5/6-28.5**;
- (3) Increase the volume of alcoholic liquor contained in a drink, or the size of a drink of alcoholic liquor, without increasing proportionately the price regularly charged for the drink on that day;
- (4) Encourage or permit, on the licensed premises, any game or contest which involves drinking alcoholic liquor or the awarding of drinks of alcoholic liquor as prizes for such game or contest on the licenses premises; or
- (5) Advertise or promote in any way, whether on or off the licensed premises, any of the practices prohibited under paragraphs (1) through (4).

(C) Permitted happy hours and meal packages, party packages, and entertainment packages.

(1) As used in this Section:

- (a) **"Dedicated event space"** means a room or rooms or other clearly delineated space within a retail licensee's premises that is reserved for the exclusive use of party package invitees during the entirety of a party package. Furniture, stanchions and

ropes,

or other room dividers may be used to clearly delineate a dedicated event space.

- (b) **"Meal package"** means a food and beverage package, which may or may not include entertainment, where the service of alcoholic liquor is an accompaniment to the food, including, but not limited to, a meal, tour, tasting, or any combination thereof for a fixed price by a retail licensee or any other licensee operating within a sports facility, restaurant, winery, brewery, or distillery.
- (c) **"Party package"** means a private party, function, or event for a specific social or business occasion, either arranged by invitation or reservation for a defined number of individuals, that is not open to the general public and where attendees are served both food and alcohol for a fixed price in a dedicated event space.

(2) A retail licensee may:

- (a) offer free food or entertainment at any time;
- (b) include drinks of alcoholic liquor as part of a meal package;
- (c) sell or offer for sale a party package only if the retail licensee:
  - (i) offers food in the dedicated event space;
  - (ii) limits the party package to no more than **three (3) hours**;
  - (iii) distributes wristbands, lanyards, shirts, or any other such wearable items to identify party package attendees so the attendees may be granted access to the dedicated event space; and
  - (iv) excludes individuals not participating in the party package from the dedicated event space;
- (d) include drinks of alcoholic liquor as part of a hotel package;
- (e) negotiate drinks of alcoholic liquor as part of a hotel package;
- (f) provide room service to persons renting rooms at a hotel;
- (g) sell pitchers (or the equivalent, including, but not limited to, buckets of bottled beer), carafes, or bottles of alcoholic liquor which are customarily sold in such manner, or sell bottles of spirits;
- (h) advertise events permitted under this Section;
- (i) include drinks of alcoholic liquor as part of an entertainment package where the licensee is separately licensed by a municipal ordinance that (i) restricts dates of operation to dates during which there is an event at an adjacent stadium, (ii) restricts hours of serving alcoholic liquor to **two (2) hours** before the event and **one (1) hour** after the event, (iii) restricts alcoholic liquor sales to beer and wine, (iv) requires tickets for admission to the establishment, and (v) prohibits sale of admission tickets on the day of an event and permits the sale of admission tickets for single events only; and
- (j) discount any drink of alcoholic liquor during a specified time period only if:
  - (i) the price of the drink of alcoholic liquor is not changed during the time that it is discounted;
  - (ii) the period of time during which any drink of alcoholic liquor is discounted does not exceed **four (4) hours** per day and **fifteen (15) hours** per week; however, this

period of time is not required to be consecutive and may be divided by the licensee in any manner;

- (iii) the drink of alcoholic liquor is not discounted between the hours of **10:00 P.M.** and the licensed premises' closing hour; and
- (iv) notice of the discount of the drink of alcoholic liquor during a specified time is posted on the licensed premises or on the licensee's publicly available website at least **seven (7) days** prior to the specified time.

(D) A violation of this Section shall be grounds for suspension or revocation of the retailer's license as provided by **Article IV** of this Chapter. **(235 ILCS 5/6-28)**

**21-3-3 PROHIBITED LOCATIONS.** No license shall be issued for the sale of any alcoholic liquor at retail within **one hundred (100) feet** of any church, school (other than an institution of higher learning), hospital, home for the aged or indigent persons, or for veterans, their spouses or children or any military or naval station; provided, that this prohibition shall not apply to hotels offering restaurant service, regularly organized clubs or to restaurants, food shops, or other places where the sale of alcoholic liquors is not the principal business carried on if such place of business so exempted shall have been established for such purposes prior to the taking effect of this Chapter; nor to the renewal of a license for the sale at retail of alcoholic liquor on the premises within **one hundred (100) feet** of any church or school where such church or school has been established within such **one hundred (100) feet** since the issuance of the original license. In the case of a church, the distance of **one hundred (100) feet** shall be measured to the nearest part of any building used for worship services or educational programs and not to property boundaries.

Nothing in this Section shall prohibit the issuance of a license to a church or private school to sell at retail alcoholic liquor if any such sales are limited to periods when groups are assembled on the premises solely for the promotion of some common object other than the sale or consumption of alcoholic liquors. **(235 ILCS 5/6-11)**

**21-3-4 CHANGE OF LOCATION.** A retail liquor dealer's license shall permit the sale of alcoholic liquor only on the premises described in the application and license. Such location may be changed only upon the written permit to make such change issued by the Mayor. No change of location shall be permitted unless the proposed new location is a proper one for the retail sale of alcoholic liquor under the law of this state and the Code of this municipality. **(235 ILCS 5/7-14)**

**21-3-5 STORES SELLING SCHOOL SUPPLIES, LUNCHES, ETC.** No license shall be issued to any person for the sale at retail of any alcoholic liquor at any store or other place of business where the majority of customers are minors of school age or where the principal business transacted consists of school books, school supplies, food, lunches, or drinks for such minors. **(235 ILCS 5/6-12)**

**21-3-6 TRANSPORTING, ETC., IN MOTOR VEHICLES.** No person shall, within this municipality, transport, carry, possess, or have any alcoholic liquor in, upon, or about any motor vehicle in or on any public street, alley or place, except in the original package and with the seal unbroken.

**21-3-7 OPEN LIQUOR - CUP-TO-GO PROHIBITED.** The licensee shall not knowingly permit any person to leave his premises with open liquor or in a "**cup-to-go**".

**21-3-8 LIQUOR IN VEHICLES; UNDERAGE.** The presence in a vehicle other than a public vehicle of any alcoholic liquor shall be prima facie evidence that it is in the possession of and is

being carried by all persons occupying such vehicle at the time of which such alcoholic liquor is found, except under the following circumstances:

- (A) If such liquor is found on the person of one of the occupants therein; or  
 (B) If such vehicle contains at least one occupant over **twenty-one (21) years of age.**

**21-3-9 RESTRICTED RESIDENTIAL AREAS.** It shall be unlawful to establish a retail liquor business within the municipality in violation of the restrictions of the Zoning Code.

**21-3-10 ELECTION DAYS.** All such licensees may sell alcoholic liquor at retail, by the drink or in the original package for consumption either on or off the premises licensed on the day of any national, state, county or municipal election, including primary elections during the hours the polls are open within the political area in which such election is being held and on Sundays; subject to all the remaining terms, conditions and opening hours and closing hours as set forth in this Chapter.

**21-3-11 UNLAWFUL ACTS.** It shall be unlawful for any person to do or commit any of the following acts within the Village, to-wit:

- (A) Drink any alcoholic liquors on any public street, alley, sidewalk, or other public way without special permission granted by the Mayor.  
 (B) Drink any alcoholic liquors in any public park, except with the permission of the Mayor.  
 (C) Drink any alcoholic liquors on any private property without permission of an owner thereof.  
 (D) Appear on or in any public street, alley, sidewalk or other public place, including parks and recreation areas, in an intoxicated condition.

**21-3-12 UNLAWFUL ENTERTAINMENT.** No licensee, his agent, servant or employee shall permit or allow any lewd or lascivious act or any topless and/or bottomless employee and/or employees **[topless being defined as naked and substantially without clothing or covering of the body from the waist to the neckline and bottomless being defined as naked and substantially without clothing or covering of the body from the waist downward]**, or entertainment to be performed within the licensed premises by an entertainer employed therein, or by any employee or guest.

Nor shall any licensee, his agent, servant or employee permit or allow any employee or guest or any other person whomever to solicit or encourage the purchasing of any alcoholic liquor or beverage of any description, or the giving of any gratuity or gift by any patron or guest to or for the benefit of such employee or guest.

The following kinds of conduct on premises in this municipality licensed to sell alcoholic liquor are prohibited:

- (A) The performance of acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts;  
 (B) The actual or simulated exhibition, touching, caressing, or fondling of the breasts, buttocks, pubic hair, anus, vulva, or genitals;  
 (C) The actual or simulated displaying of the breasts, buttocks, pubic hair, anus, vulva, or genitals;  
 (D) The permitting by a licensee of any person to remain in or upon the licensed premises who exposes to view any portion of his or her breasts, buttocks, genitals, vulva, or anus;  
 (E) The displaying of films or pictures depicting acts, a live performance of which are prohibited by the regulations quoted above.

**21-3-13**      **SANITARY CONDITIONS.** All premises used for the retail sale of alcoholic liquor or for the storage of such liquor for such sale shall be kept in a clean and sanitary condition, and shall be kept in full compliance with the codes regulating the condition of the premises used for the storage or sale of food for human consumption. **(410 ILCS 650/1, et seq.)**

**21-3-14**      **DISEASED EMPLOYEES.** It shall be unlawful to employ in any premises used for the retail sale of alcoholic liquor, any person who is afflicted with or who is a carrier of any contagious disease, infectious or venereal disease; and it shall be unlawful for any person who is afflicted with or a carrier of any such disease to work in or about any premises or to engage in any way in the handling, preparation or distribution of such liquor. **(410 ILCS 650/10)**

**21-3-15**      **HEALTH PERMIT.** Every licensee shall have, at all times, a valid operating permit from the County Health Department which regulates health standards.

**21-3-16**      **PEDDLING.** It shall be unlawful to peddle alcoholic liquor in this municipality. **(235 ILCS 5/4-1)**

**21-3-17**      **GAMBLING.** It is unlawful to keep, place, maintain, or operate any gambling device or instrument in and upon the premises used or occupied as a place where alcoholic liquor is sold or given away, except in the following instances:

(A)      **Bingo.** When conducting or participating in the game commonly known as Bingo, when conducted in accordance with the Bingo License and Tax Act. **(230 ILCS 25/1 et seq.)**

(B)      **Video Poker.** Video Gaming Terminal games at a licensed establishment, licensed fraternal organization, or licensed veteran's establishment, when conducted in accordance with the Video Gaming Act. **(230 ILCS 40/1 et seq.)**

**(Ord. No. 2012-04; 08-13-12) (See Chapter 7 for license fee.)**

**21-3-18**      **DISORDERLY HOUSE.** Any person licensed under this Chapter shall not suffer or permit any disorder, drunkenness, quarreling, fighting, unlawful games, or riotous or disorderly conduct in any house or premises kept or occupied by him for the sale of liquor. **(235 ILCS 5/4-1)**

**21-3-19**      **PROHIBITED SALES - GENERALLY.** No licensee, nor any officer, associate, member, representative, agent or employee of such licensee shall sell, give or deliver alcoholic liquor to any person under the age of **twenty-one (21) years**, or to any intoxicated person or to any person known by him to be a habitual drunkard, spendthrift, insane, or mentally ill. No person, after purchasing or otherwise obtaining alcoholic liquor shall sell, give or deliver such alcoholic liquor to another person under the age of **twenty-one (21) years**, except in the performance of a religious ceremony or service. **(235 ILCS 5/6-16)**

**21-3-20**      **PERSONS SELLING LIQUOR.** It shall be unlawful for any person under the age of **eighteen (18) years** to bartend any bar or to sell, draw, pour or mix any alcoholic liquor in any licensed retail premises. **(235 ILCS 5/4-1)**

**21-3-21**      **UNDERAGED; ENTRY ON LICENSED PREMISES.** It shall be unlawful for any person under the age of **sixteen (16) years** to enter upon premises where alcoholic liquors, spirits, beer or wine are sold by the holder of a Class "A" or a Class "B" license unless accompanied by a parent



or legal guardian. No holder of a Class "A" or Class "B" license, nor any officer, associate, member,

representative, agent or employee of such licensee shall permit any person under the age of **sixteen (16) years** not accompanied by a parent or legal guardian to enter the licensed premises or with the permission of the licensee. For the purpose of preventing the violation of this section, any holder of a Class "A" or a Class "B" license, or his agent or employee, may refuse to permit entry onto the licensed premises of any person under the age of **sixteen (16) years** who is unable to produce adequate written evidence of the fact that the person accompanying such person under the age of **sixteen (16) years** is that person's parent or legal guardian. **(235 ILCS 5/4-1)**

**21-3-22      UNLAWFUL PURCHASE OF LIQUOR.** Any person to whom the sale, gift or delivery of any alcoholic liquor is prohibited because of age shall not purchase or accept a gift of such alcoholic liquor or have such alcoholic liquor in his possession. **(235 ILCS 5/6-20)**

**21-3-23      IDENTIFICATION REQUIRED.** If a licensee or his agents or employees believe or have reason to believe that a sale or delivery of any alcoholic liquor is prohibited because of the age of the prospective recipient, he shall, before making such sale or delivery, demand presentation of some form of positive identification, containing proof of age, issued by a public officer in the performance of his official duties.

Proof that the defendant/licensee or his employees or agent demanded, was shown, and reasonably relied upon such written evidence in any transaction forbidden by this section is competent evidence and may be considered in any criminal prosecution therefor or in any proceedings for the suspension or revocation of any license based thereon. **(235 ILCS 5/6-20)**

**21-3-24      TRANSFER OF IDENTIFICATION CARD.** No person shall transfer, alter or deface such an identification card; use the identification card of another; carry or use a false or forged identification card; or obtain an identification card by means of false information. No person shall purchase, accept delivery, or have possession of alcoholic liquor in violation of this Chapter.

The consumption of alcoholic liquor by any person under the age of **twenty-one (21) years** is forbidden. **(See 235 ILCS Sec. 5/6-20)**

**21-3-25      POSTING WARNING.** In every licensed business where alcoholic liquor is sold, there shall be displayed at all times in a prominent place, a printed card which shall be supplied by the Municipal Clerk, and which shall read as follows:

**UNDERAGE LIQUOR WARNING**

**"YOU ARE SUBJECT TO A FINE UP TO \$750 UNDER THE ORDINANCES OF THIS MUNICIPALITY IF YOU PURCHASE ALCOHOLIC LIQUOR OR MISREPRESENT YOUR AGE FOR THE PURPOSE OF PURCHASING OR OBTAINING ALCOHOLIC LIQUOR."**

**21-3-26      EXCLUSIONARY PROVISION.** The possession and dispensing or consumption by an underaged person of alcoholic liquor in the performance of a religious service or ceremony, or the consumption by an underaged person under the direct supervision and approval of the parent or parents of such underaged person in the privacy of a home is not prohibited by this Chapter. **(235 ILCS 5/6-20)**

**21-3-27      INSPECTIONS.** It shall be unlawful to refuse to grant admittance to the premises for which a license has been issued at any time upon the verbal request of the Chief of Police,

any police officer, or the Liquor Commissioner for the purpose of making an inspection of such premises or any part thereof. **(235 ILCS 5/4-4)**

**21-3-28**      **BOOKS AND RECORDS---AVAILABLE UPON REASONABLE NOTICE AND MAINTAINED IN STATE RECORDS.** It shall be the duty of every retail licensee to make books and records available upon reasonable notice for the purpose of investigation and control by the Mayor having jurisdiction over the licensee. Such books and records need not be maintained on the licensed premises, but must be maintained in the State of Illinois. **(235 ILCS 5/6-10)**

**21-3-29**      **RESTRICTIONS ON LICENSEE.** In addition to the restrictions on licensing, the holder of a license is subject to the following restrictions:

(A)            It is unlawful for any licensee to accept, receive or borrow money or anything of value directly or indirectly from any manufacturer or distributor of alcoholic liquor. **(235 ILCS 5/6-5)**

(B)            No licensee licensed under the provisions of this Code shall deny or permit his agents or employees to deny any person the full and equal enjoyment of the accommodations, advantages, facilities and privileges of any premises in which alcoholic liquors are authorized to be sold subject only to the conditions and limitations established by law and applicable alike to all citizens. **(235 ILCS 5/6-17)**

(C)            No licensee shall sell liquor to any persons on credit, or in payment for services rendered but this does not apply to clubs and hotels and liquor purchased for consumption off the premises. **(235 ILCS 5/6-19)**

(D)            No licensee shall fill or refill in whole or in part any original package of alcohol with the same or other liquor and no liquor shall be sold except in original packages. **(235 ILCS 5/6-22)**

(E)            No alcoholic liquor shall be sold or delivered in any building belonging to or under the control of a municipality except in connection with the operation of an established food service facility or at a site specifically provided for in the Act and where dram shop insurance coverage is provided. **(235 ILCS 5/6-15)**

(F)            An established place of business is a prerequisite to the issuance of a license. Revocation of a license when a licensee ceases to operate the business before the license expires is within the authority of the commissioner on the grounds of nonuse. **(See Goode V. Thomas 31 Ill. App. 3d 674, 1975)**

**21-3-30**      **SELLING FALSE IDENTIFICATION.** Any person who sells, gives, or furnishes to any person under the age of **twenty-one (21) years** any false or fraudulent written, printed, or photostatic evidence of the age and identity of such person or who sells, gives or furnishes to any person under the age of **twenty-one (21) years** evidence of age and identification of any other person is guilty of violating this Code. **(235 ILCS 5/6-16)**

**21-3-31**      **FALSE IDENTIFICATION.** Any person under the age of **twenty-one (21) years** who presents or offers to any licensee, his agent or employee, any written, printed or photostatic evidence of age and identity which is false, fraudulent, or not actually his own for the purpose of ordering, purchasing, attempting to purchase or otherwise procuring or attempting to procure, the serving of any alcoholic beverage, or who has in his possession any false or fraudulent, written, printed, or photostatic evidence of age and identity, is guilty of violating this Code. **(235 ILCS 5/6-16)**

**21-3-32**      **UNDERAGED DRINKING ON STREETS.** Any person under the age of **twenty-one (21) years** who has any alcoholic beverage in his possession on any street or highway or in any public place, or in any place open to the public is guilty of violating this Code. This section does not apply to possession by a person under the age of **twenty-one (21) years** making a delivery of an alcoholic beverage in pursuance of the order of his or her parent or in pursuance of his or her employment. **(235 ILCS 5/6-16)**

**21-3-33 RESIDENTIAL DRINKING.** Any person shall be guilty of a violation of this Code where he or she knowingly permits a gathering at a residence which he or she occupies of **two (2) or more persons** where any one or more of the persons is under **twenty-one (21) years** of age and the following factors also apply:

- (A) the person occupying the residence knows that any such person under the age of **twenty-one (21)** is in possession of or is consuming any alcoholic beverage; and
- (B) the possession or consumption of the alcohol by the person under **twenty-one (21)** is not otherwise permitted by this Code and
- (C) the person occupying the residence knows that the person under the age of **twenty-one (21)** leaves the residence in an intoxicated condition.

For the purposes of this section where the residence has an owner and a tenant or lessee, there is a rebuttable presumption that the residence is occupied only by the tenant or lessee. **(235 ILCS 5/6-16)**

**21-3-34 RENTING HOTEL ROOMS FOR DRINKING.** Any person who rents a hotel or motel room from the proprietor or agent thereof for the purpose of or with the knowledge that such room shall be used for the consumption of alcoholic liquor by persons under the age of **twenty-one (21) years** shall be guilty of violating this Code. **(235 ILCS 5/6-16)**

**21-3-35 BASSET TRAINING REQUIRED.**

(A) For all licenses issued on or after **October 1, 2016** and all original or renewal applications for Classes "A" to "D" liquor licenses shall be accompanied with proof of completion of a State Certified Beverage Alcohol Sellers and Servers Education and Training (BASSET) program for all persons who sell or serve alcoholic beverages, all management personnel working on premises, and anyone whose job description entails the checking of identification for the purpose of alcoholic beverages, pursuant to that license.

(B) A state certified BASSET training program shall be defined as a BASSET program licensed by the State of Illinois Liquor Control Commission (ILCC) as required by **235 ILCS 5/3-12(11.1)** and **6-27** and Title 77 of Illinois Administrative Code, Chapter XVI, Section 3500. All licensed BASSET providers shall be required to have on file all licenses and certificates to prove current qualifications and provide a certificate of course completion and a card (a picture type ID is optional), to participants as proof of completion.

(C) After **October 1, 2016**, any new owner, manager, employee, or agent requiring BASSET training, shall within **ninety (90) days** from the beginning of their employment with that licensee, complete an ILCC BASSET approved seller/server training program and shall until completion of the BASSET program work under the supervision of a person who has completed BASSET training.

(D) A photo copy of certificate of completion for all owners, managers, employees, or agents required by this Section to have BASSET training shall be maintained, by the establishment, in manner that will allow inspection, upon demand, by any designee of both the state or local liquor control authorities.

(E) The Village will honor all State of Illinois Liquor Control Commission (ILCC) BASSET approved programs.

**ARTICLE IV - VIOLATIONS AND PENALTIES**

**21-4-1 OWNER OF PREMISES PERMITTING VIOLATION.** If the owner of the licensed premises or any person from whom the licensee derives the right to possession of such premises, or the agent of such owner or person shall knowingly permit the licensee to use said licensed premises in violation of the terms of this Code, said owner, agent or other person shall be deemed guilty of a violation of this Code to the same extent as said licensee and be subject to the same punishment. **(235 ILCS 5/10-2)**

**21-4-2 ACTS OF AGENT OR EMPLOYEE - LIABILITY; KNOWLEDGE.** Every act or omission of whatsoever nature constituting a violation of any of the provisions of this Code by any officer, director, manager or other agent or employee of any licensee shall be deemed and held to be the act of such employer or licensee, and said employer or licensee shall be punishable in the same manner as if said act or omission had been done or omitted by him personally. **(235 ILCS 5/10-3)**

**21-4-3 REVOCAION OF LICENSE AFTER CONVICTION.** Whenever any licensee shall be convicted of any violation of this Code, the license of said licensee may, in the discretion of the Mayor, be revoked and forfeited and all fees paid thereon shall be forfeited, and it shall thereafter be unlawful and shall constitute a further violation of this Code for said licensee to continue to operate under such license. **(235 ILCS 5/10-4)**

**21-4-4 REVOCAION OF LICENSE WHEN EMPLOYEE CONVICTED.** Whenever any officer, director, manager, or other employee in a position of authority of any licensee under this Code shall be convicted of any violation of this Code while engaged in the course of his employment or while upon the premises described by the license, the license shall be revoked and the fees paid thereon forfeited, both as to the holder of the license and as to the premises, as if said licensee had himself been convicted. **(235 ILCS 5/10-5)**

**21-4-5 MISBRANDING.** Any person who shall knowingly possess, sell or in any way dispose of any alcoholic liquor under any other than the proper name or brand known to the trade as designating the kind and quality of the contents of the package or other containers of the alcoholic liquor, or who shall cause any such act to be done, shall forfeit the alcoholic liquor and the packages and containers to the State and shall be subject to the punishment and penalties provided for violation of this Code. **(235 ILCS 5/10-6)**

**21-4-6 ABATEMENT OF PLACE USED IN VIOLATION.** Every lot, parcel or tract of land, and every building, structure, tent, railroad car, boat, wagon, vehicle, establishment or place whatsoever, together with all furniture, fixtures, ornaments and machinery located thereon, wherein there shall be conducted any unlawful sale of any alcoholic liquor, or whereon or wherein there shall be kept, stored, concealed or allowed any alcoholic liquor intended for illegal sale or to be sold, disposed of or in any other manner used in violation of any of the provisions of this Code, is hereby declared to be a public nuisance and shall be abated as provided by the laws of this State for the abatement of public nuisances. **(235 ILCS 5/10-7)**

**21-4-7 USE OF PREMISES FOR ONE YEAR AFTER REVOCAION.** When any license has been revoked for any cause, no license shall be granted for the same premises for a period of **one (1) year** thereafter. **(235 ILCS 5/7-13)**

**21-4-8**      **REVOCATION OF LICENSES.** The Local Liquor Control Commissioner shall have the following powers, functions and duties with respect to licenses granted under this Code.

(A)            In addition to and not limited by the specific penalties set out for violations of specific articles of this Code, the Local Liquor Control Commissioner may suspend for **thirty (30) days** or revoke any liquor license issued under this Code for violation of any state law pertaining to the sale of alcoholic liquors by any licensee, his agent, servant or employee.

(B)            To suspend or revoke any liquor license if the licensee makes any false statement or misrepresentation in the application for a license.

(C)            To enter or to authorize any law enforcing officer to enter at any time upon any premises licensed hereunder to determine whether any of the provisions of this Code or any rules or regulations adopted by him or by the State Commission have been or are being violated, and at such time to examine said premises of said licensee in connection therewith;

(D)            To notify the Secretary of State where a club incorporated under the General Not for Profit Corporation Act or a foreign corporation functioning as a club in this State under a certificate of authority issued under that Act has violated this Code by selling or offering for sale at retail alcoholic liquors without a retailer's license;

(E)            To receive complaint from any citizen within his jurisdiction that any of the provisions of this Act, or any rules or regulations adopted pursuant hereto, have been or are being violated and to act upon such complaints in the manner hereinafter provided;

(F)            The Local Liquor Control Commissioner shall also have the power to levy fines in accordance with **Section 21-4-10** of this Code. **(235 ILCS 5/4-4)**

**21-4-9**      **COMPLAINT BY RESIDENTS.** Any **five (5) residents** of the municipality shall have the right to file a complaint with the Liquor Commissioner, stating that a licensee under this Code has been or is violating the provisions of this Code or any amendments hereto, or of any of the statutes of this State of Illinois, enacted with reference to the control of liquor. Such complaint shall be made in writing and shall be signed and sworn to by the parties complaining.

The complaint shall state the particular provision, rule or regulation believed to have been violated and the facts in detail upon which such belief is based. If the Liquor Commissioner is satisfied that the complaint substantially charges a violation, and that from the facts alleged, there is reasonable cause for such belief, he shall set the matter for hearing, and shall serve notice upon the licensee of the time and place of such hearing and of the particular charges in the complaint. **(235 ILCS 5/7-7)**

**21-4-10**     **REVOCATION OR SUSPENSION OF LOCAL LICENSE; - NOTICE AND HEARING.** The Liquor Commissioner may revoke or suspend any license issued by him if he determines that the licensee has violated any of the provisions of the **Illinois Liquor Act**, any valid ordinance adopted by the municipality, any applicable rule or regulation established by the Liquor Commissioner or the State Commission which is not inconsistent with law.

(A)            **Fine as Opposed to Suspension or Revocation.** In addition to the suspension, the Local Liquor Control Commissioner in any county or municipality may levy a fine on the licensee for such violations. The fine imposed shall not exceed One Thousand Dollars (\$1,000.00) for a first violation within a twelve (12) month period, One Thousand Five Hundred Dollars (\$1,500.00) for a second violation within a twelve (12) month period, and Two Thousand Five Hundred Dollars (\$2,500.00) for a third or subsequent violation within a twelve (12) month period. Each day on which a violation continues shall constitute a separate violation. Not more than Fifteen Thousand Dollars (\$15,000.00) in fines under this Section may be imposed against any licensee during the period of his license. Proceeds from such fines shall be paid into the general corporate fund of the municipal treasury. (See P.A. 89-0063)

(B)            **Revocation and Suspension: Notice.** However, no such license shall be so revoked or suspended and no licensee shall be fined except after a public hearing by the Local Liquor Control Commissioner with a **three (3) day** written notice to the licensee affording the licensee an

opportunity to appear and defend. All such hearings shall be open to the public and the Liquor



Commissioner shall reduce all evidence to writing and shall maintain an official record of the proceedings. If the Liquor Commissioner has reason to believe that any continued operation of a particular licensed premises will immediately threaten the welfare of the community he may, upon the issuance of a written order stating the reason for such conclusion and without notice or hearing order the licensed premises closed for not more than **seven (7) days**, giving the licensee an opportunity to be heard during that period, except that if such licensee shall also be engaged in the conduct of another business or businesses on the licensed premises such order shall not be applicable to such other business or businesses.

(C) **Hearing.** The Liquor Commissioner shall, within **five (5) days** after such hearing, if he determines after such hearing that the license should be revoked or suspended, state the reason or reasons for such determination in a written order of revocation or suspension and shall serve a copy of such order within the **five (5) days** upon the license. The findings of the Commissioner shall be predicted upon competent evidence. **(235 ILCS 5/7-5)**

**21-4-11 APPEALS FROM ORDER OF LIQUOR COMMISSIONER.** Except as provided in this section, any order or action of a Local Liquor Control Commissioner levying a fine or refusing to levy a fine on a licensee, granting or refusing to grant a license, revoking or suspending or refusing to revoke or suspend a license or refusing for more than **thirty (30) days** to grant a hearing upon a complaint to revoke or suspend a license may within **twenty (20) days** after notice of such order or action by appealed by any resident of the municipality under the jurisdiction of the Liquor Commissioner or any person interested, to the State Commission.

In any case where a licensee appeals to the State Commission from an order or action of the Liquor Commissioner having the effect of suspending or revoking a license, denying a renewal application, or refusing to grant a license, the licensee shall resume the operation of the licensed business pending the decision of the State Commission and the expiration of the time allowed for an application for rehearing. If an application for rehearing is filed, the licensee shall continue the operation of the licensed business until the denial of the application or, if the rehearing is granted, until the decision on rehearing. **(235 ILCS 5/7-9)**

**21-4-12 SUBSEQUENT VIOLATIONS IN A YEAR.** In any case in which a licensee appeals to the State Commission a suspension or revocation by a Local Liquor Control Commissioner that is the second or subsequent such suspension or revocation placed on that licensee within the preceding **twelve (12) month period**, the licensee shall consider the suspension or revocation to be in effect until a reversal of the Liquor Commissioner's action has been issued by the State Commission and shall cease all activity otherwise authorized by the license. The State Commission shall expedite, to the greatest extent possible, its consideration of any appeal that is an appeal of a second or subsequent suspension or revocation within the past **twelve (12) month period**. **(235 ILCS 5/7-9)**

**21-4-13 APPEAL LIMITATIONS FOR SUBSEQUENT VIOLATION.** Any appeal of the decision and findings of the Liquor Commissioner in **Section 21-4-12** shall be limited to a review of the official record of the proceedings of said Liquor Commissioner. The official record shall be a "certified official record" of the proceedings taken and prepared by a certified court reporter or certified shorthand reporter. A copy of this record shall be filed by the Liquor Commissioner within **five (5) days** after notice of the filing of such appeal is received by the municipality from State Commission. **(235 ILCS 5/7-9)**

VILLAGE OF EVANSVILLE

APPLICATION FOR LIQUOR RETAILER'S LICENSE

TO: Village of Evansville
PO Box 257
Evansville, IL 62242

The undersigned hereby make(s) application for the issuance of a retailer's license for the sale of alcoholic liquor for the term beginning \_\_\_\_\_, 20\_\_\_\_, and ending \_\_\_\_\_, 20\_\_\_\_, and hereby certify(ies) to the following facts:

- 1) Applicant's full name
(If a partnership or corporation give names of all owners of more than 5%)
Name under which business is to be conducted:
2) Location of place of business for which license is sought
A) Exact address by street and number/zip code
B) (Full description of location, place or premises, specifying floor, room, etc.)
3) State principal kind of business
4) Class of license applied for
5) Does applicant seek a license to sell alcoholic liquor upon the premises as a restaurant?
If so, are premises:
A) Maintained and held out to the public as a place where meals are actually and regularly served?
B) Provided with adequate and sanitary kitchen and dining room equipment and capacity with sufficient employees to prepare, cook and serve suitable food?
6) Does applicant own premises for which this license is sought?
7) Has applicant a lease on such premises covering the full period for which the license is sought?
If so, attach copy.
8) Is applicant licensed as a food dispenser?
9) Is the location of applicant's business for which license is sought within 100 feet property line to property line, of any school, hospital, home for aged or indigent persons, or for veterans, their wives or children, or any military or naval station, or 100 feet building to building from a church?
10) Is any law enforcing public official, mayor, alderman, member of the city council or commission, or any president or member of a county board directly interested in the business for which this license is sought?
11) Has any manufacturer, importing distributor or distributor directly or indirectly paid or agreed to pay for this license, advanced money or anything of value, or any credit (other than merchandising credit in the ordinary course of business for a period not to exceed 30 days), or is such person directly or indirectly interested in the ownership, conduct or operation of the place of business?
12) Is the applicant or any affiliate, associate, subsidiary, officer, director or other agent engaged in the manufacture of alcoholic liquors?
If so, at what location or locations?
13) Is the applicant engaged in the business of an importing distributor or distributor of alcoholic liquors?
If so, at what location or locations?
14) Will the business be conducted by a manager or agent?
If so, give name and residence address of such manager or agent:
Name
Address
15) Do you hold any other current business licenses issued by the Village?
If so, what type of license do you currently hold and what is the address of the licensed premises?
(Type)
(Address)

**Individual Applicant:**

- 16) A) Name \_\_\_\_\_  
Date of birth \_\_\_\_\_  
Month/Day/Year
- B) Residence address \_\_\_\_\_  
(give street and number)  
Telephone number \_\_\_\_\_
- C) Place of birth \_\_\_\_\_
- D) Are you a citizen of the United States? \_\_\_\_\_  
If a naturalized citizen, when naturalized? \_\_\_\_\_  
Month/Day/Year  
Where naturalized? \_\_\_\_\_  
(City and State)  
Court in which (or law under which) naturalized \_\_\_\_\_
- E) Have you ever been convicted of any felony under any Federal or State law?  
\_\_\_\_\_  
If so, give date and state offense \_\_\_\_\_
- F) Have you ever been convicted of being the keeper of a house of ill fame; or of pandering or other crime or misdemeanor opposed to decency and morality? \_\_\_\_\_  
\_\_\_\_\_  
If so, give dates and state offense \_\_\_\_\_
- G) Have you ever been convicted of a violation of a Federal or State liquor law since February 1, 1934? \_\_\_\_\_  
If so, give dates and state offense \_\_\_\_\_
- H) Have you ever permitted an appearance bond forfeiture for any of the violations mentioned in paragraph (G)? \_\_\_\_\_
- I) Have you made application for other similar license for premises other than described in this application? \_\_\_\_\_  
If so, give date, location of premises and disposition of application \_\_\_\_\_
- J) Has any license previously issued to you by State, Federal or local authorities been revoked, suspended or fined? \_\_\_\_\_  
If so, state reasons therefor and date(s) \_\_\_\_\_

**Co-partnership/Corporate Applicant:**

- 17) A) Name of partner, or corporate officers and directors and shareholders, if any: (attached separate sheet if necessary)  
Date of birth \_\_\_\_\_  
Month/Day/Year
- B) Residence address \_\_\_\_\_  
(City and State)  
Telephone number \_\_\_\_\_
- C) Place of birth \_\_\_\_\_  
Month/Day/Year
- D) Are you a citizen of the United States? \_\_\_\_\_  
If a naturalized citizen, when naturalized? \_\_\_\_\_  
Month/Day/Year  
Where naturalized? \_\_\_\_\_  
(City and State)  
Court in which (or law under which) naturalized \_\_\_\_\_
- E) Have you ever been convicted of any felony under any Federal or State law? \_\_\_\_\_  
\_\_\_\_\_  
If so, give date and state offense \_\_\_\_\_
- F) Have you ever been convicted of being the keeper of a house of ill fame; or of pandering or other crime or misdemeanor opposed to decency and morality? \_\_\_\_\_  
\_\_\_\_\_  
If so, give dates and state offense \_\_\_\_\_
- G) Have you ever been convicted of a violation of a Federal or State liquor law since February 1, 1934? \_\_\_\_\_  
If so, give dates and state offense \_\_\_\_\_

- H) Have you ever permitted an appearance bond forfeiture for any of the violations mentioned in paragraph (G)? \_\_\_\_\_
- I) Have you made application for other similar license for premises other than described in this application? \_\_\_\_\_  
If so, give date, location of premises and disposition of application \_\_\_\_\_
- J) Has any license previously issued to you by State, Federal or local authorities been revoked, suspended or fined? \_\_\_\_\_  
If so, state reasons therefor and date(s) \_\_\_\_\_

**APPENDIX IV**

**AFFIDAVIT**

**STATE OF ILLINOIS**            )  
  )  
**COUNTY OF RANDOLPH**        )        **SS**

I (or we) swear (or affirm) that I (or we) will not violate any of the ordinances of the Village of Evansville or the laws of the State of Illinois or the laws of the United States of America, in the conduct of the place of business described herein and that the statements contained in this application are true and correct to the best of my (our) knowledge and belief.

Subscribed and Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(Signature of Applicant)

## CHAPTER 22 – MANDATED POLICIES

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CHAPTER 22

MANDATED POLICIES

ARTICLE I – IDENTITY THEFT

**22-1-1 PROGRAM ADOPTION.** The Village developed this Identity Theft Prevention Program pursuant to the Federal Trade Commission’s Red Flags Rule, which implements Section 114 of the Fair and Accurate Credit Transactions of 2003. 16 C.F.R. § 681.2. This Program was developed with oversight and approval of the Village. After consideration of the size and complexity of the Utility’s operations and account systems, and the nature and scope of the Utility’s activities, the Village Board determined that this Program was appropriate for the Village, and therefore approved this Program on February 9, 2009.

**22-1-2 PROGRAM PURPOSE AND DEFINITIONS.**

(A) **Fulfilling Requirements of the Red Flags Rule.** Under the Red Flag Rule, every financial institution and creditor is required to establish an “Identity Theft Prevention Program” tailored to its size, complexity and the nature of its operation. Each program must contain reasonable policies and procedures to:

- (1) Identify relevant Red Flags for new and existing covered accounts and incorporate those Red Flags into the Program;
- (2) Detect Red Flags that have been incorporated into the Program;
- (3) Respond appropriately to any Red Flags that are detected to prevent and mitigate Identity Theft; and
- (4) Ensure the Program is updated periodically, to reflect changes in risks to customers or to the safety and soundness of the creditor from Identity Theft.

(B) **Red Flags Rule Definitions Used in this Program.** The Red Flags Rule defines “Identity Theft” as “fraud committed using the identifying information of another person” and a “Red Flag” as “a pattern, practice, or specific activity that indicates the possible existence of Identity Theft.”

According to the Rule, a municipal utility is a creditor subject to the Rule requirements. The Rule defines creditors “to include finance companies, automobile dealers, mortgage brokers, utility companies, and telecommunications companies. Where non-profit and government entities defer payment for goods or services, they, too, are to be considered creditors.”

All the Utility’s accounts that are individual utility service accounts held by customers of the utility whether residential, commercial or industrial are covered by the Rule. Under the Rule, a “covered account” is:

- (1) Any account the Utility offers or maintains primarily for personal, family or household purposes, that involves multiple payments or transactions; and
- (2) Any other account the Utility offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the Utility from Identity Theft.

“Identifying information” is defined under the Rules as “any name or number that may be used, alone or in conjunction with any other information, to identify a specific person,” including: name, address, telephone number, social security number, date of birth, government issued driver’s license or identification number, alien registration number, government passport number, employer or taxpayer identification number, unique electronic identification number, computer’s Internet Protocol address, or routing code.



**22-1-3 IDENTIFICATION OF RED FLAGS.** In order to identify relevant Red Flags, the Utility considers the types of accounts that it offers and maintains, the methods it provides to open its accounts, the methods it provides to access its accounts, and its previous experiences with Identity Theft. The Utility identifies the following red flags, in each of the listed categories:

- (A) **Notifications and Warnings From Credit Reporting Agencies; Red Flags.**
  - (1) Report of fraud accompanying a credit report;
  - (2) Notice or report from a credit agency of a credit freeze on a customer or applicant;
  - (3) Notice or report from a credit agency of an active duty alert for an applicant; and
  - (4) Indication from a credit report of activity that is inconsistent with a customer's usual pattern or activity.
- (B) **Suspicious Documents; Red Flags.**
  - (1) Identification document or card that appears to be forged, altered or inauthentic;
  - (2) Identification document or card on which a person's photograph or physical description is not consistent with the person presenting the document;
  - (3) Other document with information that is not consistent with existing customer information (such as if a person's signature on a check appears forged); and
  - (4) Application for service that appears to have been altered or forged.
- (C) **Suspicious Personal Identifying Information; Red Flags.**
  - (1) Identifying information presented that is inconsistent with other information the customer provides (example: inconsistent birth dates);
  - (2) Identifying information presented that is inconsistent with other sources of information (for instance, an address not matching an address on a credit report);
  - (3) Identifying information presented that is the same as information shown on other applications that were found to be fraudulent;
  - (4) Identifying information presented that is consistent with fraudulent activity (such as an invalid phone number or fictitious billing address);
  - (5) Social security number presented that is the same as one given by another customer;
  - (6) An address or phone number presented that is the same as that of another person;
  - (7) A person fails to provide complete personal identifying information on an application when reminded to do so (however, by law social security numbers must not be required); and
  - (8) A person's identifying information is not consistent with the information that is on file for the customer.
- (D) **Suspicious Account Activity or Unusual Use of Account; Red Flags.**
  - (1) Change of address for an account followed by a request to change the account holder's name;
  - (2) Payments stop on an otherwise consistently up-to-date account;
  - (3) Account used in a way that is not consistent with prior use (example: very high activity);
  - (4) Mail sent to the account holder is repeatedly returned as undeliverable;
  - (5) Notice to the Utility that a customer is not receiving mail sent by the Utility;
  - (6) Notice to the Utility that an account has unauthorized activity;
  - (7) Breach in the Utility's computer system security; and
  - (8) Unauthorized access to or use of customer account information.

(E) **Alerts From Others; Red Flag.**

- (1) Notice to the Utility from a customer, identity theft victim, law enforcement or other person that it has opened or is maintaining a fraudulent account for a person engaged in Identity Theft.

**22-1-4 DETECTING RED FLAGS.**

(A) **New Accounts.** In order to detect any of the Red Flags identified above associated with the opening of a **new account**, Utility personnel will take the following steps to obtain and verify the identity of the person opening the account:

- (1) Require certain identifying information such as name, date of birth, residential or business address, principal place of business for an entity, driver's license or other identification;
- (2) Verify the customer's identity (for instance, review a driver's license or other identification card);
- (3) Review documentation showing the existence of a business entity; and
- (4) Independently contact the customer.

(B) **Existing Accounts.** In order to detect any of the Red Flags identified above for an **existing account**, Utility personnel will take the following steps to monitor transactions with an account:

- (1) Verify the identification of customers if they request information (in person, via telephone, via facsimile, via email);
- (2) Verify the validity of requests to change billing addresses; and
- (3) Verify changes in banking information given for billing and payment purposes.

**22-1-5 PREVENTING AND MITIGATING IDENTITY THEFT.**

(A) **Prevent and Mitigate.** In the event Utility personnel detect any identified Red Flags, such personnel shall take one or more of the following steps, depending on the degree of risk posed by the Red Flag:

- (1) Continue to monitor an account for evidence of Identity Theft;
- (2) Contact the customer;
- (3) Change any passwords or other security devices that permit access to accounts;
- (4) Not open a new account;
- (5) Close an existing account;
- (6) Reopen an account with a new number;
- (7) Notify the Program Administrator for determination of the appropriate step(s) to take;
- (8) Notify law enforcement; or
- (9) Determine that no response is warranted under the particular circumstances.

(B) **Protect Customer Identifying Information.** In order to further prevent the likelihood of Identity Theft occurring with respect to Utility accounts, the Utility will take the following steps with respect to its internal operating procedures to protect customer identifying information:

- (1) Ensure that its website is secure or provide clear notice that the website is not secure;
- (2) Ensure complete and secure destruction of paper documents and computer files containing customer information;
- (3) Ensure that office computers are password protected and that computer screens lock after a set period of time;
- (4) Keep offices clear of papers containing customer information;
- (5) Request only the last 4 digits of social security numbers (if any);
- (6) Ensure computer virus protection is up to date; and

- (7) Require and keep only the kinds of customer information that are necessary for utility purposes.

**22-1-6**      **PROGRAM UPDATES.** The Program Administrator will periodically review and update this Program to reflect changes in risks to customers and the soundness of the Utility from Identity Theft. In doing so, the Program Administrator will consider the Utility's experiences with Identity Theft situations, changes in Identity Theft methods, changes in Identity Theft detection and prevention methods, and changes in the Utility's business arrangements with other entities. After considering these factors, the Program Administrator will determine whether changes to the Program, including the listing of Red Flags, are warranted. If warranted, the Program Administrator will update the Program or present the Village Board with his or her recommended changes and the Village Board will make a determination of whether to accept, modify or reject those changes to the Program.

**22-1-7**      **PROGRAM ADMINISTRATION.**

(A)      **Oversight.** Responsibility for developing, implementing and updating this Program lies with an Identity Theft Committee for the Utility. The Committee is headed by a Program Administrator who may be the head of the Utility or his or her appointee. Two or more other individuals appointed by the head of the Utility or the Program Administrator comprise the remainder of the committee membership. The Program Administrator will be responsible for the Program administration, for ensuring appropriate training of Utility staff on the Program, for reviewing any staff reports regarding the detection of Red Flags and the steps for preventing and mitigating Identity Theft, determining which steps of prevention and mitigation should be taken in particular circumstances and considering periodic changes to the Program.

(B)      **Staff Training and Reports.** Utility staff responsible for implementing the Program shall be trained either by or under the direction of the Program Administrator in the detection of Red Flags, and the responsive steps to be taken when a Red Flag is detected.

(C)      **Service Provider Arrangements.** In the event the Utility engages a service provider to perform an activity in connection with one or more accounts, the Utility will take the following steps to ensure the service provider performs its activity in accordance with reasonable policies and procedures designed to detect, prevent, and mitigate the risk of Identity Theft.

- (1) Require, by contract, that service providers have such policies and procedures in place; and
- (2) Require, by contract, that service providers review the Utility's Program and report any Red Flags to the Program Administrator.

(D)      **Non-Disclosure of Specific Practices.** For the effectiveness of this Identity Theft Prevention Program, knowledge about specific Red Flag identification, detection, mitigation and prevention practices must be limited to the Identity Theft Committee who developed this Program and to those employees with a need to know them. Any documents that may have been produced or are produced in order to develop or implement this program that list or describe such specific practices and the information those documents contain are considered "security information" as defined in Minnesota Statutes Section 13.37 and are unavailable to the public because disclosure of them would be likely to substantially jeopardized the security of information against improper use, that use being to circumvent the Utility's Identity Theft prevention efforts in order to facilitate the commission of Identity Theft.

**(In part; Ord. No. 2008-13; 10-12-06)**

**ARTICLE II - USE OF SOCIAL SECURITY NUMBERS**

**22-2-1 DEFINITIONS.**

**"Person"** means any individual in the employ of the Village.

**"Policy" or "Privacy Policy"** means this document, as now or hereafter amended.

**"Publicly post" or "publicly display"** means to intentionally communicate or otherwise intentionally make available to the general public.

**"Social Security Number"** means the nine (9) digit number assigned to an individual by the United States Social Security Administration for the purposes authorized or required under the United States Social Security Act of August 14, 1935, as amended (Public Law 74-271).

**22-2-2 PROHIBITED ACTIVITIES.**

(A) No officer or employee of the Village shall do any of the following:

- (1) Publicly post or publicly display in any manner an individual's Social Security Number.
- (2) Print an individual's Social Security Number on any card required for the individual to access products or services provided by the person or entity.
- (3) Require an individual to transmit his or her Social Security Number over the Internet, unless the connection is secure or the Social Security Number is encrypted.
- (4) Print an individual's Social Security Number on any materials that are mailed to the individual, through the United States Postal Service, any private mail service, electronic mail, or a similar method of delivery, unless Illinois or federal law requires the Social Security Number to be on the document to be mailed. Notwithstanding any provision in this Section to the contrary, Social Security Numbers may be included in applications and forms sent by mail, including, but not limited to, any material mailed in connection with the administration of the Illinois Unemployment Insurance Act, any material mailed in connection with any tax administered by the Illinois Department of Revenue, and documents sent as part of an application or enrollment process or to establish, amend, or terminate an account, contract, or policy or to confirm the accuracy of the Social Security Number. A Social Security Number that may permissibly be mailed under this Section may not be printed, in whole or in part, on a postcard or other mailer that does not require an envelope or be visible on an envelope without the envelope having been opened.

(B) Except as otherwise provided in this policy, beginning immediately on the effective date of the Village's authorizing Ordinance, no officer or employee of the Village shall do any of the following:

- (1) Collect, use, or disclose a Social Security number from an individual, unless (i) required to do so under State or Federal law, rules, or regulations, or the collection, use, or disclosure of the Social Security Number is otherwise necessary for the performance of that agency's duties and responsibilities; (ii) the need and purpose for the Social Security Number is documented before collection of the Social Security Number; and (iii) the Social Security Number collected is relevant to the documented need and purpose.
- (2) Require an individual to use his or her Social Security Number to access an Internet website.
- (3) Use the Social Security Number for any purpose other than the purpose for which it was collected.

- (C) The prohibitions in subsection (B) do not apply in the following circumstances:
- (1) The disclosure of Social Security Numbers to agents, employees, contractors, or subcontractors of the Village or disclosure to another governmental entity or its agents, employees, contractors, or subcontractors if disclosure is necessary in order for the entity to perform its duties and responsibilities; and, if disclosing to a contractor or subcontractor, prior to such disclosure, the officer or employee of the Village must first receive from the contractor or subcontractor a copy of the contractor's or subcontractor's policy that sets forth how the requirements imposed under this Policy on the Village to protect an individual's Social Security Number will be achieved.
  - (2) The disclosure of Social Security Numbers pursuant to a court order, warrant, or subpoena.
  - (3) The collection, use, or disclosure of Social Security Numbers in order to ensure the safety of: Village employees; persons committed to correctional facilities, local jails, and other law enforcement facilities or retention centers; wards of the State; and all persons working in or visiting a Village facility.
  - (4) The collection, use, or disclosure of Social Security Numbers for Internal verification or administrative purposes.
  - (5) The collection or use of Social Security Numbers to investigate or prevent fraud, to conduct background checks, to collect a debt, to obtain a credit report from a consumer reporting agency under the federal Fair Credit Reporting Act, to undertake any permissible purpose that is enumerated under the federal Gramm Leach Bliley Act, or to locate a missing person, a lost relative, or a person who is due a benefit such as a pension benefit or an unclaimed property benefit.
- (D) Any standards of the Village for the collection, use, or disclosure of Social Security Numbers that are stricter than the standards under this Policy with respect to the protection of those Social Security Numbers, then, in the event of any conflict with the provisions of this Policy, the stricter standards adopted by the Village shall control.

**22-2-3 PUBLIC INSPECTION AND COPYING OF DOCUMENTS.** Notwithstanding any other provision of this policy to the contrary, all officers and employees of the Village must comply with the provisions of any other State law with respect to allowing the public inspection and copying of information or documents containing all or any portion of an individual's Social Security Number. All officers and employees of the Village must redact Social Security Numbers from the information or documents before allowing the public inspection or copying of the information or documents.

**22-2-4 APPLICABILITY.**

(A) This policy does not apply to the collection, use, or disclosure of a Social Security Number as required by State or Federal law, rule, or regulation.

(B) This policy does not apply to documents that are required to be open to the public under any State or Federal law, rule, or regulation, applicable case law, Supreme Court Rule, or the Constitution of the State of Illinois.

**22-2-5 COMPLIANCE WITH FEDERAL LAW.** If a federal law takes effect requiring any federal agency to establish a national unique patient health identifier program, the Village shall follow that law.

**22-2-6**        **EMBEDDED SOCIAL SECURITY NUMBERS.** Beginning immediately on the effective date of the Village’s authorizing Ordinance, no officer or employee of the Village may encode or embed a Social Security Number in or on a card or document, including, but not limited to, using a bar code, chip, magnetic strip, RFID technology, or other technology, in place of removing the Social Security Number as required by this Policy.

**22-2-7**        **IDENTITY--PROTECTION REQUIREMENTS.**

(A)            All officers, employees and agents of the Village identified as having access to Social Security Numbers in the course of performing their duties to be trained to protect the confidentiality of all Social Security Numbers. Training shall include instructions on the proper handling of information that contains Social Security Numbers from the time of collection through the destruction of the information.

(B)            Only employees who are required to use or handle information or documents that contain Social Security Numbers have access to such information or documents.

(C)            Social Security Numbers requested from an individual shall be provided in a manner that makes the Social Security Number easily redacted if required to be released as part of a public records’ request.

(D)            When collecting a Social Security Number or upon request by the individual, a statement of the purpose or purposes for which the Village is collecting and using the Social Security Number be provided.

(E)            A written copy of this Privacy Policy, and any amendment thereto, shall be filed with the Village Board within **thirty (30) days** after approval of this Policy or any amendment thereto.

(F)            The Village shall advise its employees of the existence of the Policy and make a copy of this Policy available to each employee, and shall also make this Privacy Policy available to any member of the public, upon request and at no charge for a single copy of this Privacy Policy. If the Village amends this Privacy Policy, then the Village shall also advise its employees of the existence of the amended Policy and make a copy of the amended Policy available to each employee.

**22-2-8**        **PENALTY.** Any person who violates any portion of this Article, as now or hereafter amended, shall be subject to a fine of not less than **One Hundred Dollars (\$100.00)** for the first such violation and a fine of not less than **Seven Hundred Fifty Dollars (\$750.00)** for each violation thereafter.

**22-2-9**        **AMENDMENT OF PRIVACY POLICY.** The Privacy Policy adopted in this Division and Chapter shall be subject to amendment from time to time by the Village Board as the Village Board shall deem necessary in its sole discretion in order to maintain the Village’s compliance with the Illinois Identity Protection Act as now or hereafter amended.

**22-2-10**      **CONFLICT WITH STRICTER LAWS.** This Policy does not supersede any more restrictive law, rule, or regulation regarding the collection, use, or disclosure of Social Security Numbers.

**[NOTE: This Policy is to comply with Public Act 096-9874 of the State of Illinois, cited as the Identity Protection Act, and codified as Title 30, Act 5, Section 1, et seq., as now or hereafter amended.]**

**ARTICLE III - FREEDOM OF INFORMATION POLICY**

**22-3-1 PUBLIC RECORDS AVAILABLE.** To the extent required by the Freedom of Information Act, **5 ILCS 140-1 et seq.** the Village shall make available to any person for inspection or copying all public records, except as otherwise provided in Section 7 of the Freedom of Information Act, **5 ILCSA 140/7.**

**22-3-2 DESIGNATION, DUTIES AND TRAINING OF FREEDOM OF INFORMATION ACT OFFICERS.**

(A) The Village Administrative Assistant is hereby designated to act as Freedom of Information Officer. The Officer shall receive requests submitted to the Village under the Freedom of Information Act, insure that the Village responds to requests in a timely fashion, and issue responses under the Freedom of Information Act. The Freedom of Information officer shall develop a list of documents or categories of records that the Village shall immediately disclose upon request.

(B) Upon receiving a request for a public record, the Freedom of Information Officer shall:

- (1) Note the date the Village receives the written request;
- (2) Compute the date on which the period for response will expire and make a notation of that date on the written request;
- (3) Maintain an electronic or paper copy of the written request including all documents submitted with the request until the request has been complied with or denied; and
- (4) Create a file for the retention of the original request, a copy of the response, a record of written communications with the person making the request, and a copy of other communications regarding the request.

(C) The Freedom of Information Act officers shall successfully complete an electronic training curriculum to be developed by the Public Access Counselor in the office of the Attorney General of the State of Illinois and thereafter successfully complete an annual training program. Thereafter when a new Freedom of Information officer is designated by the Village, that person shall successfully complete the electronic training curriculum within **thirty (30) days** after assuming the position. Successful completion of the required training curriculum within the periods provided shall be a prerequisite to continue serving as a Freedom of Information officer.

**22-3-3 PROCEDURES.** The Village shall prominently display at the Village Clerk's office, display on its website, make available for inspection and copying, and send through the mail as requested, each of the following:

(A) A brief description of the Village, which will include, but not be limited to a block diagram giving its functional departments, the total amount of its operating budget, the number and location of all of its separate offices, the approximate number of full and part-time employees and the identification and membership of any board, commission, committee or council which operates in an advisory capacity relative to the operation of the Village, or which exercises control over its policies or procedures; and

(B) A brief description of the methods whereby the public may request information and public records, a directory designating the Freedom of Information officers, the address where request for public records should be directed, and the fees relating thereto.

**22-3-4 REQUESTS TO INSPECT OR COPY.** All requests to inspect or copy records or documents prepared, maintained or under the control of the Village shall be made in the following manner:

(A) All requests shall be in writing, shall state with reasonable particularity what records are to be inspected or copied, shall state whether the records are requested for a commercial

purpose, and shall be signed by the person making the request. The request may be, but is not required to be, submitted on a form provided by the Village.

(B) The written request shall be submitted to the Village Clerk or to the Mayor. If neither the Village Clerk nor the Mayor is available, the request shall be submitted to any employee of the Village acting under the direction of the Village Clerk.

(C) The Officer receiving the request shall date stamp the request and indicate the date by which a response to the request must be made.

(D) Each request for other than commercial purposes shall be granted or denied in writing within **five (5) business days** after its receipt by the Village, except as hereafter stated. The failure to grant or deny a request within **five (5) business days** shall operate as a denial, except as provided hereinbelow.

(E) The time limit set forth hereinabove may be extended for an additional **five (5) business days** by notice in writing to the person making the request of the **five (5) business days** extension. The notification shall state the reason(s) for the **five (5) business day's** extension and contain a date certain on which the requested record(s) will be available. The failure to grant or deny a request within the additional **five (5) business days** shall operate as a denial. The person making the request and the Village may agree in writing to extend the time for compliance for a period to be determined by the parties. If the person making the request and the Village agree to extend the period for compliance, a failure by the Village to comply with any previous deadlines shall not be treated as a denial of the request for the records.

(F) Charges for copies of records and/or documents shall be imposed in accordance with the following:

- (1) No fees shall be charged for the first **fifty (50) pages** of black and white, letter or legal sized copies requested.
- (2) **Fifteen Cents (\$0.15)** for one-sided page for each black and white, letter, legal sized or 11" x 17" copy requested.
- (3) **One Dollar (\$1.00)** for each certified copy requested.
- (4) **Ten Cents (\$0.10)** for each audio recording.

(G) It shall be the responsibility of the person making the request to pick up the requested documents at Village Hall. If the person making the request asks the Village to mail the documents, he or she shall provide the Village with his/her correct mailing address so as to efficiently process all requests. Copies of records requested to be mailed will be forwarded United States Certified Mail to the address provided. Pre-payment of **Two Dollars Fifty Cents (\$2.50)** per ounce shall be required.

(H) When a person requests a copy of a record maintained in an electronic format, the Village shall furnish it in the electronic format specified by the person making the request, if feasible. If it is not feasible to furnish the public records in the specified electronic format, then the Village shall furnish it in the format in which it is maintained by the Village, or in paper format at the option of the person making the request.

**22-3-5 REQUEST FOR COMMERCIAL PURPOSES.** The Village shall respond to a request for records to be used for a commercial purpose within **twenty-one (21) working days** after receipt. The response shall (1) provide to the person making the request an estimate of the time required by the Village to provide the records requested and an estimate of the fees to be charged, which the Village may require the person to pay in full before copying the requested documents, (2) deny the request pursuant to **one (1)** or more of the exemptions set out in the Freedom of Information Act, **5 ILCS 140/1 et seq.**, (3) notify the person making the request that the request is unduly burdensome and extend an opportunity to the person making the request to attempt to reduce the request to manageable portions, or (4) provide the records requested.

Unless the records are exempt from disclosure, the Village shall comply with a commercial request within a reasonable period considering the size and complexity of the request, and giving priority to records requested for non-commercial purposes.



It is unlawful for a person to knowingly obtain a public record for a commercial purpose within disclosing that it is for a commercial purpose, and any person obtaining a public record for commercial purpose without disclosing that it is for a commercial purpose shall be fined in accordance with the Village Code.

**22-3-6 FEES.** The Village Clerk shall determine when the established fees are subject to waiver or reduction because the release of the requested information is in the public interest.

**22-3-7 PUBLIC FILE.** The Village Clerk shall establish and maintain a central file, open to the public, of all denials of requests for records which shall be indexed according to the exemption utilized to deny a request for records, and to the extent possible, according to the types of records requested.

**22-3-8 GRANTING OR DENIAL OF REQUESTS.** A request for all records within a category shall be granted unless the request constitutes an undue burden upon the Village. Prior to denying a request based upon the burdensome nature of the request, an opportunity to narrow the request to manageable proportions shall be provided. If the attempt to narrow the request fails, the request may be denied because compliance will unduly burden the operations of the Village and the burden outweighs the public interest in the information. The denial shall be in writing, specifying the reasons why compliance will be unduly burdensome and the extent to which compliance will so burden the operations of the Village. Repeated requests from the same person for the same records that are unchanged or identical to records previously provided are properly denied under the Freedom of Information Act shall be deemed unduly burdensome under this Section.

**22-3-9 CERTAIN INFORMATION EXEMPT FROM INSPECTION AND COPYING.** If any record exempt from disclosure contains material which is not exempt, the information which is exempt shall be deleted and the remaining information shall be available for inspection and copying.

**22-3-10 NOTICE OF DENIAL OF REQUEST; APPEALS.**  
(A) If the Village denies the request, the Village shall notify the person making the request in writing of:

- (1) the decision to deny the request;
- (2) the reasons for the denial, including a detailed factual basis for the application of any exemption claim;
- (3) the names and titles or positions of each person responsible for the denial;
- (4) the right to review by the Public Access Counselor and the address and phone number for the Public Access Counselor; and
- (5) the right to judicial review.

If an exemption is claimed, then the denial must include the specific reasons for the denial, including a detailed factual basis and a citation to support a legal authority.

(B) If the Village asserts an exemption under Subsection (1)(c) or (1)(f) of Section 7 of the Freedom of Information Act, it shall, within the time periods provided for Respondent to request, provide written notice to the person making the request and the Public Access Counselor of its intent to deny the request in whole or in part. The notice shall include:

- (1) a copy of the request for access to records;
- (2) the proposed response from the Village;
- (3) a detailed summary of the Village's basis for asserting its exemption.

If the Public Access Counselor determines that further inquiry is warranted, the procedures set forth in the Freedom of Information Act, as amended from time to time, regarding the review of denials shall be applicable. Times for response compliance by the Village to the request shall be tolled until the Public Access Counselor concludes his or her inquiry.

ARTICLE IV - FAIR HOUSING CODE

**22-4-1**            **DECLARATION OF POLICY.**

(A)            In furthering the policy of the State of Illinois as expressed in its Constitution and other laws; in order that the safety and general welfare, peace and health of all the inhabitants of the Village may be ensured, it is hereby declared the policy of the Village to assure equal opportunity to all residents, regardless of race, color, religion, national origin or ancestry, sex, creed, or physical disability to live in decent, sanitary, healthful, standard living quarters.

(B)            It is the policy of the Village that no owner, lessee, sub-lessee, assignee, managing agent, or other person, firm or corporation having the right to sell, rent, lease (or otherwise control) any housing accommodation and/or real property within the Village, or any agent of these shall refuse to sell, rent, lease, or otherwise deny to or withhold from any person or group of persons such housing accommodations and/or real property because of race, color, religion, national origin or ancestry, sex, creed, or disability of such person or persons or discriminate against any person or persons because of race, color, religion, national origin or ancestry, sex, creed, or disability in the conditions, terms, privileges of the sale, rental or lease of any housing accommodation and/or real property or in the furnishing of facilities and/or services in connection therewith.

(C)            Relocation shall be carried out in a manner that will promote maximum choice within the community's total housing supply; lessen racial, ethnic, and economic concentrations; and facilitate desegregation and racially inclusive patterns of occupancy and use of public and private facilities.

**22-4-2**            **DEFINITIONS.** Unless a different meaning clearly appears from the context, the following terms shall have the meaning as described in this Section and as used in this Code:

(A)            **"Decent, Sanitary, Healthful Standard Living Quarters".** "Decent, sanitary, healthful standard living quarters" is housing which is in sound, clean, and weather tight condition in conformance with applicable local, state, and national codes.

(B)            **"Discriminate".** The terms "discriminate" or "discrimination" mean any difference expressed in any way toward a person or persons in the terms of the sale, exchange, lease, rental or financing for housing accommodation and/or real property in regard to such sale, exchange, rental, lease or finance because of race, color, religion, national origin or ancestry, sex, creed, or disability of such person.

(C)            **"Financial Institution".** The term "financial institution" means any person, institution or business entity of any kind which loans money to persons and receives as security for said loans a secured interest of any kind in the real property of the borrower.

(D)            **"Housing Accommodation".** The term "housing accommodation" includes any building, structure, or portion thereof which is used or occupied, maintained, arranged or designed to be used or occupied as a home, residence or sleeping place of **one (1)** or more human beings, or any real estate so used, designed or intended for such use.

(E)            **"Owner".** An "owner" means any person/persons who hold legal or equitable title to, or own any beneficial interest in any real property or who hold legal or equitable title to shares of, or hold any beneficial interest in any real estate cooperative which owns any real property and/or housing accommodations.

(F)            **"Real Estate Broker".** The term "real estate broker" means any person, partnership, association, corporation and/or agent thereof, who for a fee or other valuable consideration offers, sells, purchases, exchanges or rents, or negotiates for the sale, purchase, exchange or rental of a housing accommodation and/or real property of another, or collects rental for the use of housing accommodation and/or real property of another.

(G)            **"Real Property".** The term "real property" means any real estate, vacant land, building, structure or housing accommodations within the corporate limits of the Village.

**22-4-3**      **PROHIBITED ACTS.** It shall be an unlawful for any owner of real estate, lessee, sub-lessee, real estate broker or salesman, financial institution or employee of the financial institution, advertiser, or agent of any or all of the foregoing, to discriminate against any person or persons because of their race, color, religion, national origin or ancestry, sex, creed, or disability with regard to the sale, exchange or rental, or any dealing concerning any housing accommodation and/or real property.

In addition to the foregoing, it shall also be unlawful for any real estate broker or employee thereof, owner or other person, or financial institution dealing with housing or real property of the Village:

(A)            To discriminate against any person in the availability of or the price, terms, conditions, or privileges of any kind relating to the sale, rental, lease, or occupancy of any housing accommodation or real property in the Village or in furnishing of any facilities or services in connection therewith.

(B)            To publish or circulate, or cause to be published or circulated, any notice, statement or advertisement, or to announce a policy, or to use any form of application, for the purchase, lease, rental or financing of real property, or to make any record of inquiry in connection with the prospective purchase, rental or lease of such real estate, which expresses directly or indirectly any discrimination as to race, color, religion, national origin or ancestry, sex, creed or disability of any person.

(C)            To discriminate in connection with lending money, guaranteeing loans, accepting mortgages or otherwise obtaining or making available funds for the purchase, acquisition, construction, rehabilitation, repair or maintenance of any housing accommodation and/or real property.

(D)            To solicit for sale, lease, or listing for the sale or lease, of any housing accommodation and/or real property on the grounds of loss of value because of the present or prospective entry into any neighborhood of any person or persons of any particular race, color, religion, national origin or ancestry, sex, creed, or disability.

(E)            To distribute or cause to be distributed, written material or statements designed to induce any owner of any housing accommodation and/or real property to sell or lease his or her property because of any present or prospective change in the race, color, religion, national origin or ancestry, sex, creed, or disability of persons in the neighborhood.

(F)            To make any misrepresentations concerning the listing for sale or the anticipated listing for sale or the sale of any housing accommodation and/or real property for the purpose of inducing or attempting to induce the sale or listing for sale of any housing accommodation and/or real property by representing that the presence or anticipated presence of persons of any particular race, color, religion, national origin or ancestry, sex, creed, or disability in the area will or may result in the lowering of property values in the block, neighborhood or area in which the property is located.

(G)            For an owner to solicit any real estate broker to sell, rent or otherwise deal with such owner's housing accommodations and/or real property with any limitation on its sale based on race, color, religion, national origin or ancestry, sex, creed or disability.

(H)            For an owner to refuse to sell, rent, or otherwise deal with any housing accommodation and/or real property because of race, color, religion, national origin or ancestry, sex, creed, or disability of the proposed buyer or tenant.

**22-4-4**      **PENALTY.** Any person convicted of violating any of the provisions of this Code shall be punished by a fine of not less than **One Hundred Dollars (\$100.00)** nor more than **Seven Hundred Fifty Dollars (\$750.00)**. Each day a violation continues shall constitute a separate violation. This Section shall in no way abrogate or impair the right of the Village to specifically enforce, by any legal means, any of the provisions of this Code.

**(65 ILCS 5/11-11.1-1)**

**ARTICLE V – INVESTMENT POLICY**

**22-5-1**            **INVESTMENT POLICY.** It is the policy of the Village to invest public funds in a manner which will provide the highest investment return with the maximum security while meeting the daily cash flow demands of the Village and conforming to all State and local statutes governing the investment of public funds.

**22-5-2**            **SCOPE.** This policy includes all public funds of the Village.

**22-5-3**            **PRUDENCE.** Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital, as well as the probable income to be derived.

The standard of prudence to be used by investment officials shall be the “prudent person” standard and shall be applied in the context of managing an overall portfolio.

**22-5-4**            **OBJECTIVE.** The primary objective, in order of priority, shall be:

- (A)            **Legality.** Conformance with federal, state and other legal requirements.
- (B)            **Safety.** Preservation of capital and protection of investment principal.
- (C)            **Liquidity.** Maintenance of sufficient liquidity to meet operating requirements.
- (D)            **Yield.** Attainment of market rates of return.

The portfolio should be reviewed periodically as to its effectiveness in meeting the Village’s needs for safety, liquidity, rate of return, diversification and its general performance.

**22-5-5**            **DELEGATION OF AUTHORITY.** Management and administrative responsibility for the investment program is hereby delegated to the Treasurer who may establish written procedures for the operation of the investment program.

**22-5-6**            **ETHICS AND CONFLICTS OF INTEREST.** Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions.

**22-5-7**            **AUTHORIZED FINANCIAL DEALERS AND INSTITUTIONS.** The Treasurer will maintain a list of financial institutions authorized to provide investment services. In addition, a list will also be maintained of approved security brokers/dealers selected by creditworthiness.

**22-5-8**            **AUTHORIZED AND SUITABLE INVESTMENTS.** Investments may be made in any type of security allowed for in Illinois statutes regarding the investment of public funds. Investments shall be made that reflect the cash flow needs of the fund type being invested.

**22-5-9**            **COLLATERALIZATION.** Collateralization may be required, at the discretion of the Village, on all funds held in banks or savings and loans above the insured limits provided by the FDIC or FSLIC. In order to anticipate market changes and provide a level of security for all funds, the collateralization level will be a minimum of **one hundred two percent (102%)** of market value of principal and accrued interest.

**22-5-10**      **SAFEKEEPING AND CUSTODY.** All security transactions, including collateral for repurchase agreements, entered into by the Village, shall be conducted on a delivery-versus-payment (DVP) basis. Securities will be held by an independent third party custodian designated by the Treasurer and evidenced by safekeeping receipts and a written custodial agreement.

**22-5-11**      **DIVERSIFICATION.** The Village shall diversify its investments to the best of its ability based on the type of funds invested and the cash flow needs of those funds. Diversification can be by type of investment, number of institutions invested in, and length of maturity.

**22-5-12**      **MAXIMUM MATURITIES.** To the extent possible, the Village shall attempt to match its investments with anticipated cash flow requirements. Unless matched to a specific cash flow, the Village will not directly invest in securities maturing more than **two (2) years** from the date of purchase.

Reserve funds may be invested in securities exceeding **two (2) years** if the maturity of such investments are made to coincide as nearly as practicable with the expected use of the funds.

**22-5-13**      **INTERNAL CONTROL.** The Treasurer is responsible for establishing and maintaining an internal control structure designed to insure that the assets of the Village are protected from loss, theft or misuse. The internal control structure shall be designed to provide reasonable assurance that these objectives are met. The internal controls shall address the following points:

- (A) Control of collusion.
- (B) Separation of transaction authority from accounting.
- (C) Custodial safekeeping.
- (D) Written confirmation of telephone transactions for investments and wire transfers.

**22-5-14**      **PERFORMANCE STANDARDS.** The investment portfolio will be managed in accordance with the parameters specified within this policy. The portfolio should obtain a comparable rate of return during a market/economic environment of stable interest rates. Portfolio performance should be compared to benchmarks with similar maturity, liquidity and credit quality as the portfolio maintained by the Illinois Public Treasurer's Investment Pool (IPTIP).

**22-5-15**      **REPORTING.** The Treasurer shall prepare an investment report at least monthly. The report should be provided to the Village Board and available upon request. The report should be in a format suitable for review by the general public. An annual report should also be provided to the Village Board. A statement of the market value of the portfolio shall be issued to the Village Board quarterly.

**22-5-16**      **INVESTMENT POLICY ADOPTION AND MODIFICATION.** The investment policy has been adopted by ordinance. The policy shall be reviewed on an annual basis by the Treasurer, and any modifications made thereto shall be made by ordinance.

**(Ord. No. 505; 06-14-99)**

ARTICLE VI – ETHICS CODE

**22-6-1 STATE OFFICIALS AND EMPLOYEES ETHICS ACT.**

(A) The regulations of Sections 5-15 (**5 ILCS 430/5-15**) and Article 10 (**5 ILCS 430/10-10 through 10-40**) of the State Officials and Employees Ethics Act, **5 ILCS 430/1-1 et seq.**, (hereinafter referred to as the “Act” in this Section) are hereby adopted by reference and made applicable to the officers and employees of the Village to the extent required by **5 ILCS 430/70-5**.

(B) The solicitation or acceptance of gifts prohibited to be solicited or accepted under the Act, by any officer or any employee of the Village, is hereby prohibited.

(C) The offering or making of gifts prohibited to be offered or made to an officer or employee of the Village, is hereby prohibited.

(D) The participation in political activities prohibited under the Act, by any officer or employee of the Village, is hereby prohibited.

(E) For the purposes of this Section, the terms “officer” and “employee” shall be defined as set forth in **5 ILCS 430/70-5(c)**.

(F) The penalties for violations of this Section shall be the same as those penalties set forth in **5 ILCS 430/50-5** for similar violations of the Act.

(G) This Section does not repeal or otherwise amend or modify any existing ordinances or policies which regulate the conduct of Village officers and employees. To the extent that any such existing ordinances or policies are less restrictive than this Section, however, the provisions of this Section shall prevail in accordance with the provisions of **5 ILCS 430/70-5(a)**.

(H) Any amendment to the Act that becomes effective after the effective date of this Section shall be incorporated into this Section by reference and shall be applicable to the solicitation, acceptance, offering and making of gifts and to prohibited political activities. However, any amendment that makes its provisions optional for adoption by municipalities shall not be incorporated into this Section by reference without formal action by the corporate authorities of the Village.

(I) If the Illinois Supreme Court declares the Act unconstitutional in its entirety, then this Section shall be repealed as of the date that the Illinois Supreme Court’s decision becomes final and not subject to any further appeals or rehearings. This Section shall be deemed repealed without further action by the Corporate Authorities of the Village if the Act is found unconstitutional by the Illinois Supreme Court.

(J) If the Illinois Supreme Court declares part of the Act unconstitutional but upholds the constitutionality of the remainder of the Act, or does not address the remainder of the Act, then the remainder of the Act as adopted by this Section shall remain in full force and effect; however, that part of this Section relating to the part of the Act found unconstitutional shall be deemed repealed without further action by the Corporate Authorities of the Village.

**(Ord. No. 534; 04-26-04)**

**ARTICLE VII - EQUAL EMPLOYMENT POLICY**

**22-7-1**        **ADOPTION OF CODES.**    The Village hereby declares to uphold, defend, enforce, and advocate for all laws related to Equal Employment Opportunity including, but not limited to, the following:

(A)            **Title VI of the Civil Rights Act of 1964** which prohibits discrimination in the participation in or benefits of programs or activities receiving federal financial assistance on the basis of race, color, or national origin.

(B)            **Title VII of the Civil Rights Act of 1964** which prohibits discrimination because of race, color, religion, sex or national origin in all employment practices including hiring, firing, promotions, compensation, and other terms, privileges and conditions of employment.

(C)            **Title IX of the Education Amendments of 1972** which prohibits discrimination in federally assisted education programs.

(D)            **The Equal Pay Act of 1963** which covers all employees who are covered by the Fair Labor Standards Act. The Act forbids pay differentials on the basis of sex.

(E)            **The Age Discrimination Act of 1967** which prohibits discrimination because of age against anyone between the ages of **forty (40)** and **sixty-five (65)**.

(F)            **Federal Executive Order 11246** which requires every contract with federal financial assistance to contain a clause against discrimination because of race, color, religion, sex, or national origin.

(G)            **Section 504 of the Rehabilitation Act of 1973 and DOL Implementing Regulations at 29 CFR 32** which prohibits any discrimination based on disability.

(H)            **Section 188 of WIA and the U.S. DOL Regulations at 29 CFR Parts 31 and 32** which provides that no person in the United States shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination on the basis of race, color, or national origin, under any program or activity receiving Federal financial assistance from the Department of Labor.

(I)            **Chapter 68, Article I, Section 17-19 of the Illinois Constitution** which prohibits discrimination based on race, color, creed, national ancestry, disability, and sex in the hiring and promotion practices of any employer.

(J)            **The Americans with Disabilities Act of 1990** which prohibits any discrimination against qualified individuals with disabilities on the basis of their disability.

(K)            **Illinois Human Rights Act (775 ILCS 5)** which prohibits discrimination based on race, color, religion, sex, national origin, ancestry, age, order of protection status, marital status, physical or mental disability, military status, sexual orientation, or unfavorable discharge from military service in connection with employment, real estate transactions, access to financial credit, and the availability of public accommodations.

**22-7-2**        **NON-DISCRIMINATORY PRACTICES.**    The Village will assure non-discriminatory employment practices in recruitment, recruitment advertising, employment, placement, layoff or termination, promotion, demotion or transfer, rate of pay or other forms of compensation and use of facilities.

**22-7-3**        **CONTRACTING WITH NON-COMPLAINTS.**    The Village will not contract with other agencies, banks, businesses, vendors, etc., who practice or establish a pattern of discrimination based on race, color, religion, sex, national origin, ancestry, age, order of protection status, marital status, physical or mental disability, military status, sexual orientation, or unfavorable discharge from military.

(A)            The Village will incorporate into any contract for construction work, or modification thereof, subject to the relevant rules, regulations, and orders of the Secretary of Labor or of any prior authority that remain in effect, which is paid for in whole or in part with the aid of such financial assistance, the following "Equal Opportunity Clause":

- (1) In the event of the contractor's noncompliance with the provisions of this Equal Employment Opportunity Clause, the Act or the Rules and Regulations of the Department, the contractor may be declared ineligible for future contracts or subcontracts with the State of Illinois or any of its political subdivisions or municipal corporations, and the contract may be cancelled or voided in whole or in part, and other sanctions or penalties may be imposed or remedies invoked as provided by statute or regulation. During the performance of this contract, the contractor agrees as follows:
  - (a) That he or she will not discriminate against any employee or applicant for employment because of race, color, religion, sex, sexual orientation, marital status, national origin or ancestry, citizenship status, age, physical or mental disability unrelated to ability, sexual orientation, military status or an unfavorable discharge from military service; and, further, that he or she will examine all job classifications to determine if minority persons or women are underutilized and will take appropriate affirmative action to rectify any underutilization.
  - (b) That, if he or she hires additional employees in order to perform this contract or any portion of this contract, he or she will determine the availability (in accordance with the Department's Rules and Regulations) of minorities and women in the areas from which he or she may reasonably recruit and he or she will hire for each job classification for which employees are hired in a way that minorities and women are not underutilized.
  - (c) That, in all solicitations or advertisements for employees placed by him or her or on his or her behalf, he or she will state that all applicants will be afforded equal opportunity without discrimination because of race, color, religion, sex, sexual orientation, marital status, national origin or ancestry, citizenship status, age, physical or mental disability unrelated to ability, sexual orientation, military status or an unfavorable discharge from military service.
  - (d) That he or she will send to each labor organization or representative of workers with which he or she has or is bound by a collective bargaining or other agreement or understanding, a notice advising the labor organization or representative of the contractor's obligations under the Act and the Department's Rules and Regulations. If any labor organization or representative fails or refuses to cooperate with the contractor in his or her efforts to comply with the Act and Rules and Regulations, the contractor will promptly notify the Department and the contracting agency and will recruit employees from other sources when necessary to fulfill its obligations under the contract.
  - (e) That he or she will submit reports as required by the Department's Rules and Regulations, furnish all relevant information as may from time to time be requested by the Department or the contracting agency, and in all respects comply with the Act and the Department's Rules and Regulations.
  - (f) That he or she will permit access to all relevant books, records, accounts and work sites by personnel of the contracting agency and the Department for purposes of investigation to ascertain



compliance with the Act and the Department's Rules and Regulations.

- (g) That he or she will include verbatim or by reference the provisions of this clause in every subcontract awarded under which any portion of the contract obligations are undertaken or assumed, so that the provisions will be binding upon the subcontractor. In the same manner as with other provisions of this contract, the contractor will be liable for compliance with applicable provisions of this clause by subcontractors; and further it will promptly notify the contracting agency and the Department in the event any subcontractor fails or refuses to comply with the provisions. In addition, the contractor will not utilize any subcontractor declared by the Illinois Human Rights Commission to be ineligible for contracts or subcontracts with the State of Illinois or any of its political subdivisions or municipal corporations.

**22-7-4**      **OUTREACH TO ALL.** The Village assures that it will actively provide nondiscriminatory outreach, selection, and service to all individuals.

**22-7-5**      **MINORITY HIRING.** Efforts will be made to hire minority individuals for all job categories so that minority employment in all categories of the work force will represent a proportionate share of minority populations in the Village as well as surrounding areas.

**22-7-6**      **ACCOMMODATIONS FOR DISABLED.** The Village will provide accommodations to the best of its ability for employees with disabilities, contingent on budget and structural limitations.

**22-7-7**      **COMPLIANCE BY EMPLOYEES.** All Village employees are expected to adhere to the above policy and to work actively for its implementation both internally and in carrying out Village program activities.

**22-7-8**      **DESIGNATED ENFORCERS.** The Village designates the Mayor and the Village Board to carry out the EEO/AA plan.

**(In part; Ord. No. 609; 06-12-00)**

**ARTICLE VIII - DRUG FREE WORKPLACE**

**22-8-1**            **DEFINITIONS.**

- (A)            **"Drug Free Workplace"** means any place for the performance of work for or on behalf of the Village, done by an employee of the Village, or an employee of a contractor or subcontractor performing work for the Village.
- (B)            **"Employee"** as used within the meaning of this Article, means an employee of the Village as well as an employee of a contractor or subcontractor performing work for the Village.
- (C)            **"Controlled Substance"** means a controlled substance as defined in the Illinois Controlled Substance Act, **720 ILCS 570/100 et seq.** (1992 State Bar Edition) or Cannabis as defined in the Cannabis Control Act, **720 ILCS 550/1 et seq.** (1992 State Bar Edition).
- (D)            **"Conviction"** means a finding of guilt, including a plea of nolo contendere, or imposition of sentence, or both, by any judicial body charged with determining violations of the Federal or State criminal drug statutes.
- (E)            **"Criminal Drug Statute"** means a criminal statute involving manufacture, distribution, dispensation, use, or possession of any controlled substance.
- (F)            **"State"** means all officers, boards, commissions, and agencies created by the Constitution, whether in the executive, legislative, or judicial branch; all officers, departments, boards, commissions, agencies, institutions, authorities, universities, bodies politic and corporate of the State; or administrative units or corporate outgrowths, of the State government which are created by or pursuant to statute.

**22-8-2**            **REQUIREMENTS FOR VILLAGE.**    The Village shall provide a drug free workplace by:

(A)            **Publishing a Statement.**

- (1)            Notifying employees that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance, including cannabis, is prohibited in the workplace.
- (2)            Specifying the actions that will be taken against employees for violations of such prohibition.
- (3)            Notifying employee that, as a condition of employment, the employee will:
  - (a)            abide by the terms of the statement; and
  - (b)            notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than **five (5) days** after such conviction.
- (B)            Establishing a drug free awareness program to be administered by a person appointed by the Mayor to inform employees about:
  - (1)            the dangers of drug abuse in the workplace;
  - (2)            the Village's policy of maintaining a drug free workplace;
  - (3)            any available drug counseling, rehabilitation, and employee assistance programs; and
  - (4)            the penalties that may be imposed upon employees for drug violations.
- (C)            A copy of the statement required by Subsection (A) above shall be given to each employee and posted in a prominent place in the workplace.
- (D)            If the Village receives a grant from the State or Contract for the procurement of any property or services from the State, then the Village shall notify the contracting or granting agency within **ten (10) days** after receiving notice under part (b) of paragraph (3) of Subsection (A) from an employee or otherwise receiving actual notice of such conviction.
- (E)            Within **thirty (30) days** from receiving notice from an employee of a conviction of a violation of a criminal drug statute occurring in the workplace, the Mayor shall take action against such employee as may be appropriate as determined by the Mayor and which may include but is not limited to reprimand; suspension for any length of time with or without pay; termination from

employment; and/or a requirement to satisfactorily participate in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency.

(F) Assisting employees in selecting a course of action in the event drug counseling, treatment, and rehabilitation is required and indicating that a trained referral team is in place.

(G) Making a good faith effort to continue to maintain a drug free workplace through implementation of this Section.

**ARTICLE IX – DRUG/ALCOHOL TESTING POLICY AND PROCEDURE**

**22-9-1**        **DRUG AND ALCOHOL FREE WORKPLACE POLICY.** The Village is committed to maintaining a drug free workplace pursuant to the federal and state Drug Free Workplace Acts, 41 U.S.C.A. § 701 *et seq.*, **30 ILCS 580/1 *et seq.*** It is the policy of the Village that the public has the reasonable right to expect persons employed by the Village to be free from the effects of alcohol and drugs. The Village, as the employer, has the right to expect its employees to report for work fit and able for duty. This policy is intended to ensure that Village employees are not impaired in their ability to perform assigned duties in a safe, healthy and productive manner and to protect any such employee and the public from the risks associated with the adverse effects of drugs and alcohol. Accordingly, the unlawful manufacture, distribution, possession, or use of a controlled substance, including cannabis and alcohol, is prohibited in the workplace or while acting on behalf of the Village. Employees are required to sign a release and consent/authorization form, a copy of which is included with this policy, at the time the policy is distributed to the employee.

**22-9-2**        **DEFINITIONS.** For purposes of this policy, the following definitions apply:

(A)            **"Abuse of alcohol"** or **"being under the influence of alcohol"** means the consumption of any beverage, mixture or preparation, including any medication containing alcohol, which results in an employee being intoxicated. Intoxicated or a positive test for alcohol shall mean a test result which shows an alcohol concentration of .02 or more for all persons covered by Federal DOT regulations and .08 or more for all persons not covered by Federal DOT regulations.

(B)            **"Abuse of any drug"** means the use of any illegal drug, the use of any prescription drug which has not been legally prescribed and dispensed, or the misuse of any legally prescribed drug.

(C)            **"Drug"** means any controlled substances listed in the Federal Controlled Substances Act, 21 U.S.C. § 801 *et seq.*, or the Illinois Controlled Substances Act, **720 ILCS 570/100 *et seq.***, and cannabis as defined in the state Cannabis Controlled Act, **720 ILCS 550 *et seq.***

**22-9-3**        **PROHIBITED ACTIONS.** Employees shall be prohibited from:

(A)            Manufacture, distribution, dispensation, possession, use, sale, purchase, abuse of alcohol or being under the influence of alcohol at any time during the course of the employee's workday or anywhere on or in any Village-owned property, including Village buildings and Village-owned vehicles.

(B)            Manufacture, distribution, dispensation, possession, use, sale, purchase, being under the influence of or abuse of any drug at any time and at any place.

(C)            Failure to immediately disclose to his or her Department Head or immediate supervisor any drug or other medication-related work restrictions, or failure to disclose the taking of any drug or medication whose container has warnings that such drug or medication may affect any such employee's ability to perform his or her job, or to drive or operate machinery.

(D)            Testing positive for any drug or for the abuse of alcohol or being under the influence of any drug and/or alcohol during working hours.

(E)            Failure to comply with this policy.

(F)            Refusal to submit to any drug or alcohol test under this policy, which shall also include, but not be limited to, any attempt to tamper with or substitute any sample to be used in connection with any such test.

**22-9-4**        **APPLICABILITY.** This Drug/Alcohol Testing Policy and Procedure is not intended to replace the Drug Free Workplace Programs but to define and clarify, who will be tested, when the employees will be tested and where employees will be tested. The following four employee categories define under which category each full time, part time/temporary and volunteer employee will be tested:

(A) Any employee who drives a Village vehicle, tractor, tractor mower or similar motor powered equipment that moves under its own power will be tested under the Federal DOT testing standards.

(B) Testing for employees of the Police Department shall be controlled by the provisions set forth in their union contract.

(C) All other Village employees who are not included within the two categories listed above in (A) or (B) will be subject to testing to comply with the requirements necessary to establish a Drug Free Workplace within the Village.

(E) Part time/temporary employees and volunteer employees of the Village will remain exempt from pre-employment and random testing as defined in this testing program, but they can be included for testing if reasonable suspicion should arise, or an accident should occur during the tenure of their part time/temporary or volunteer employment. After reasonable suspicion of abuse of drugs or alcohol has been established or an accident should occur, the decision to request a drug and alcohol test for the employee must be deemed necessary and reasonable by the Mayor and/or the supervisor of the employee.

**22-9-5**            **TESTING PROCEDURE.** In conducting any drug testing under this policy, the Village shall:

(A) Use only a clinical laboratory or hospital facility that is licensed pursuant to the Illinois Clinical Laboratory and Blood Bank Act, **210 ILCS 25/101 et seq.**, that has been or is capable of being accredited by the National Institute of Drug Abuse ("NIDA").

(B) Insure that the laboratory or facility selected conforms to all NIDA standards.

(C) Follow all Federal DOT guidelines for the collection, testing and reporting procedures.

(D) In conducting any alcohol testing under this policy, the Village shall use a facility that:

- (1) Ensures that all technicians are trained and equipment is calibrated.
- (2) Conducts breath test to detect the presence of alcohol or blood tests if circumstances require.

(E) The fees for drug/alcohol testing shall be paid as follows:

- (1) Pre-employment testing will be paid by the Village.
- (2) Post accident tests shall be paid by the Village.
- (3) Reasonable suspicion testing will be paid by the Village.
- (4) Random testing will be paid by the Village.
- (5) Retesting at the request of the employee after a positive drug or alcohol test shall be at the employee's sole expense.
- (6) Drug/Alcohol test for renewal of CDL Driver's License shall be paid by the Village.

**22-9-6**            **SCREENING AND TESTING.**

(A) **Pre-Employment Testing.**

- (1) All employee applicants shall be advised of the Village Drug/Alcohol testing requirements at the time of interview. After having successfully completed the interview process, the selected prospective full time employee shall then be required to successfully complete the Village's drug screening test, as part of his/her background investigation.
- (2) All applicants for full time employment shall sign a release and consent/authorization form for Drug/Alcohol testing.
- (3) An applicant will not be employed or considered for employment if:  
the test results confirm POSITIVE;  
he/she refuses to complete the test;  
he/she tampers with, or adulterates the specimen;

he/she fails to cooperate in the testing process (including executing all required documentation).

(B) **Testing Based on Reasonable Suspicion.** If there is a reasonable suspicion that any Village employee, paid or volunteer, has violated any of the prohibited actions covered by this policy, such employee may be required to undergo drug and/or alcohol testing. Reasonable suspicion exists if the facts and circumstances warrant a rational inference that an employee has violated any of the acts prohibited by this policy. Reasonable suspicion shall be based upon the following:

- (1) Observable phenomena, such as direct observation of use or the verifiable physical symptoms resulting from the abuse of drugs or being under the influence of alcohol which may include by way of example but is not limited to a pattern of abnormal conduct or erratic behavior, a dramatic decline in work performance, excessive sick leave usage, difficulty in walking, slurred speech, needle marks, glazed stare, and possession of alcohol, or unauthorized banned substance or drug paraphernalia at work.
- (2) Information provided by an identifiable, reliable and credible third party that an employee has committed any of the acts prohibited by this policy.

In the event reasonable suspicion exists, the Village shall arrange for a drug and/or alcohol test. When testing is ordered, the employee may be temporarily reassigned or relieved from duty and placed on leave with pay pending the receipt of the test results by the Village. The Village shall also provide the employee with written notice setting forth the objective facts and reasonable inferences to be drawn from those facts which form the basis of the reasonable suspicion.

The employee will then be escorted to the testing facility or collection facility by a designated supervisor immediately.

After completing the test, the employee will be escorted to his/her residence or at the option of his/her supervisor to another location to await the test results, and the employee shall be off work with pay pending the results of the tests. Under no circumstances shall the employee be allowed to leave the work site or the test site driving his/her own vehicle or a Village vehicle.

Employees who test positive for either drugs or alcohol will be subject to disciplinary action, up to and including termination.

(C) **Random Testing.** Random drug testing shall be conducted during working hours. Employees will be selected at random for a drug test by a random drawing/lottery. The testing times and dates are unannounced and are with unpredictable frequency throughout the year.

When testing is ordered, the employee will be directed to the testing facility or collection facility within a reasonable period of time.

After completing the test, the employee will return to work pending the results of the test.

Employees who test positive for drugs will be subject to disciplinary action, up to and including termination.

(D) **Post Accident Testing.** Post accident drug/alcohol testing is required immediately following any accident involving a Village employee, paid or volunteer, who operates Village equipment or operates a Village vehicle where an injury to a person has occurred or where damage to equipment, or property has occurred and that damage exceeds **One Hundred Dollars (\$100.00)**, based on actual cost or reliable estimates of damage.

When testing is ordered, the employee will be escorted to the testing facility or collection facility by a designated supervisor within a reasonable period of time following the accident.

Employees who test positive for either drugs or alcohol will be subject to disciplinary action, up to and including termination.

(E) **Testing Required for Position Required to Have a CDL.** In addition to the provisions of this policy, any employee who is appointed to a position required to have a commercial driver's license ("CDL") shall be subject to drug and/or alcohol screening following any work related accident. Mandatory drug screening shall also be required of all applicants chosen to be hired for positions requiring a CDL. Those who fail the pre-employment drug screening shall not be hired for those positions.

**22-9-7**      **CONFIDENTIALITY OF TEST RESULTS.** Any employee subject to a drug and/or alcohol test under this policy will be provided a copy of all information and reports received by the Village in connection with any drug and/or alcohol test and any results thereof under this policy. Any results of drug and alcohol test will be disclosed to any employee tested, the applicable supervisor, Village Attorney and those permitted by law.

**22-9-8**      **CONSEQUENCES OF POSITIVE TEST RESULT OR REFUSAL TO COOPERATE.** Any employee who refuses to cooperate in testing or who fails a test or violates the Drug and Alcohol Policy shall be subject to disciplinary action, up to and including termination.

**ARTICLE X – STANDARDS OF ETHICAL CONDUCT TO ADDRESS  
FRAUD, WASTE AND ABUSE**

**22-10-1 POLICY.** In the spirit of sound and ethical governance and other applicable laws and regulations, the Village believes that the ethical conduct of those in public service is of utmost importance. This policy is set forth in order to address fraud, waste and abuse in Village government and establishes reasonable standards of ethical conduct for all Village employees and officers. It is the intent of this policy to establish minimum expectations relative to employee and officer behavior and conduct in the execution of their duties as representatives of the Village.

**22-10-2 SCOPE.** This policy applies to all Village employees and officers (hereinafter “employees”). This policy is not intended to be all-inclusive or address every possible eventuality or circumstance. Instead, it is intended to establish reasonable standards and provide guidance relative to the ethical conduct of Village employees while fulfilling the expectations of Village residents.

**22-10-3 INTERPRETATION.** This policy does not supplant any of the Village’s labor contracts or Memoranda of Understanding (MOUs). Should this policy conflict with any law, regulation, or labor contract of which the Village or its employees may be subject, that law, regulation, or contract shall take precedence. In the event this policy conflicts with any precedent or past practice of the Village, management will resolve that conflict by means consistent with established procedures or practices.

**22-10-4 DEFINITIONS.**

(A) **Fraud, Waste and Abuse.** Any illegal, wasteful, or improper activity involving Village assets or resources. It includes theft by means of deception, deceit or trickery; willful misrepresentation to obtain something of value; and the extravagant, careless or needless expenditure or consumption of Village resources, whether intentional or not.

(B) **Fraud.** Theft by means of deception, deceit or trickery. Examples include, but are not limited to: forging or altering a Village warrant or check; charging personal expenses to the Village; or claiming overtime when not worked.

(C) **Waste.** The unnecessary or pointless consumption of resources, time or labor. Examples include, but are not limited to: using more of something when less will do; performing tasks that do not need to be performed; or maintaining excessive inventories.

(D) **Abuse.** Misuse of power, authority or control. Examples include, but are not limited to: using one’s authority to direct employees to perform non-Village related work; causing employees to work overtime without compensation; or using Village assets for non-Village business without proper permission.

Additional definitions of terms to fraud, waste and abuse include:

(E) **Asset.** Anything of value, whether tangible or intangible. Examples include, but are not limited to: cash, tools, equipment, fuel, office supplies and time.

(F) **Conflict of Interest.** Any circumstance in which the interests, duties, obligations or activities of an employee or an employee’s immediate family member are in conflict or incompatible with the interests of the Village, the duties and obligations of the employee; or his or her capacity as an employee. Examples include, but are not limited to: Village employees bidding on Village contracts; influencing Village policy or activities for personal gain; or disclosing confidential Village information to a friend or relative in order to assist them or benefit themselves.

(G) **Employee.** Any individual classified by the Village as a full-time, part-time, seasonal, temporary full-time, temporary part-time, or per diem employee or officer of the Village.

(H) **Gifts.** Any payment or item that gives a personal benefit to the recipient to the extent that something of equal or greater value is not received and includes a discount or rebate, unless the discount or rebate is available to all members of the public.

(I) **Immediate Family.** A spouse or dependent child of the employee.



- (J) **Reasonable Person.** Any person of average competence and ability to reason.
- (K) **Third Party.** Any person or entity other than an employee of the Village or the Village itself.

**22-10-5 EXPECTATIONS.** Village employees shall adhere to and uphold this policy both in practice and in spirit. It is expected that employees act in the public’s interest first and not their own. It is further expected that their behavior, both on the job and off, reflects positively on the Village, its reputation, and its employees. Pursuant to this policy, an employee’s duties and responsibilities include, but are not limited to:

(A) **Duty to Protect the Reputation of the Village.** It is the duty of every employee to uphold and protect the good reputation of the Village and his or her fellow workers.

(B) **Duty to Obey the Law.** It is the responsibility of every employee to obey the law in the execution of his or her duties. Ignorance of the law or a particular regulation may not be considered an excuse for committing a violation or oversight.

(C) **Duty to Comply with Village Policies.** It is the responsibility of every employee to comply with all Village policies.

(D) **Conflicts of Interest Must be Avoided.** In the broadest sense of the meaning, no employee shall engage in a behavior that may appear to be or give rise to a conflict of interest between him or herself and that employee’s official capacity or duties. Should a conflict of interest arise, the employee involved shall report it in the manner described below.

(E) **Disqualification from Acting on Village Business.** An employee shall disqualify him or herself and shall not act on any matter in which he or she, a member of his or her immediate family, or another employer of the employee has a financial interest.

(F) **Prohibition of Certain Financial Interest or Activity.** No employee, regardless of any prior disclosure, who has a material interest, personally or through a member of his or her immediate family, in any business entity doing or seeking to do business within the Village shall influence or attempt to influence the selection of the business entity or the making of a contract between such business entity and the Village. Employees may not have financial interests in contracts.

(G) **Solicitation of Gifts or Loans is Prohibited.** No employee shall solicit anything of monetary value (even such things which might be returned or repaid) if it would appear to have been solicited with intent of obtaining something in return. Nothing shall prohibit contributions of gifts including political contributions, which are reported in accordance with applicable law or which are accepted on behalf of the Village.

(H) **Gifts in Excess of the \$300 Annual Gift Limitation Amount are Prohibited.** No employee or family member of an employee shall accept gifts that exceed an aggregate value of the adjusted annual gift limitation amount in accordance with Government Code in any **twelve (12) consecutive months** from an individual or entity that is doing business with the Village.

(I) **Improper Disclosure of Privileged, Personal or Confidential Information.** Unless expressly authorized, no employee shall intentionally disclose privileged, personal or confidential information obtained as a result of, or in connection with, his or her employment with the Village for any purpose. Privileged, personal or confidential information does not include information that is a matter of public knowledge or that is available to the public on request. Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. This includes speech and expression protected under state and federal constitutions as well as labor or other applicable laws.

(J) **Improper Using One’s Village Employment.** No employee shall use or permit the use of any Village assets for a non-Village purpose that is for the private benefit of the employee or any other person unless available on equal terms to the general public.

(K) **Improper Influence.** No employee, except in the course of his or her official duties, shall assist any person in any transaction with the Village when such employee’s assistance would appear to a reasonable person to be enhanced by that employee’s position with the Village for their own personal benefit. This subsection shall not apply to any employee appearing on his own behalf or representing himself as to any matter in which he has a proprietary interest, if not otherwise prohibited by law.

(L) **Duty to Identify, Report and Work to Eliminate Fraud, Waste and Abuse.** It is the responsibility and duty of every employee to identify, report and work to eliminate fraud, waste and abuse at all levels of the Village administration and operations. Employees are encouraged to bring to the attention of management any opportunity to reduce or eliminate fraud, waste and abuse.

(M) **Duty to Cooperate.** It is the duty of every employee to cooperate in an investigation involving a violation or an alleged violation of this policy. Upon the Village's request, an employee will participate and fully cooperate in any investigation. This policy does not preclude an employee from exercising his or her Constitutional rights or those afforded to him or her by a Village recognized labor contract. However, the exercising of one's rights does not preclude Village from disciplining an employee for his or her failure to participate or cooperate in an investigation if the Village may lawfully do so.

(N) **Handling of Anonymous Complaints or Allegations of Violations of this Policy.** Employees are prohibited from attempting to identify or intentionally exposing the identity of any party making an anonymous report or complaint pursuant to this policy.

**22-10-6 REPORTING.** Employees are expected to report all violations or suspected violations of this policy to management in a timely and professional manner. The Village recognizes that the reporting party may desire or require anonymity. Thus, anonymous reports or concerns may be reported by any party to the Village President or the Village Trustees. It is the duty of every employee to report any known violation of this policy or what would appear to a reasonable person to be a violation of this policy. Employees are reminded that they may report anonymously any actions that detract from the efficiency and effectiveness of Village operations include, but not limited to, fraud, waste, abuse, ethics violations, retaliation, discrimination and safety violations. It is a violation of this policy to retaliate against an employee who makes a report anonymously under Illinois Labor Code. The Illinois State Attorney General's Whistleblower Hotline number is (888) 814-4646.

**22-10-7 INVESTIGATION AND ENFORCEMENT.** All violations or alleged violations of this policy will be investigated. As stated above, it is the duty of every employee to cooperate in an investigation involving a violation or an alleged violation of this policy. Upon the request of the Village, an employee will participate and fully cooperate in any investigation, whether conducted by the Village or its agent(s). If as a result of good faith investigation and a resultant reasonable conclusion that a violation of this policy has occurred, the offending employee may be subject to disciplinary action up to and including termination.

**ARTICLE XI – POLICY PROHIBITING SEXUAL HARASSMENT**

**22-11-1 PROHIBITION ON SEXUAL HARASSMENT.** It is unlawful to harass a person because of that person’s sex. The courts have determined that sexual harassment is a form of discrimination under Title VII of the U.S. Civil Rights Act of 1964, as amended in 1991. All persons have a right to work in an environment free from sexual harassment. Sexual harassment is unacceptable misconduct which affects individuals of all genders and sexual orientations. It is a policy of this Village to prohibit harassment of any person by any municipal official, municipal agent, municipal employee or municipal agency or office on the basis of sex or gender. All municipal officials, municipal agents, municipal employees and municipal agencies or offices are prohibited from sexually harassing any person, regardless of any employment relationship or lack thereof.

**22-11-2 DEFINITION OF SEXUAL HARASSMENT.** This policy adopts the definition of sexual harassment as stated in the Illinois Human Rights Act, which currently defines sexual harassment as:

(A) Any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when:

- (1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment,
- (2) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- (3) Such conduct has the purpose or effect of substantially interfering with an individual’s work performance or creating an intimidating, hostile or offensive working environment.

(B) Conduct which may constitute sexual harassment includes:

- (1) **Verbal.** Sexual innuendoes, suggestive comments, insults, humor, and jokes about sex, anatomy or gender-specific traits, sexual propositions, threats, repeated requests for dates, or statements about other employees, even outside their presence, of a sexual nature.
- (2) **Non-verbal.** Suggestive or insulting sounds (whistling), leering, obscene gestures, sexually suggestive bodily gestures, “catcalls”, “smacking” or “kissing” noises.
- (3) **Visual.** Posters, signs, pin-ups or slogans of a sexual nature, viewing pornographic material or websites.
- (4) **Physical.** Touching, unwelcome hugging or kissing, pinching, brushing the body, any coerced sexual act or actual assault.
- (5) **Textual/Electronic.** “Sexting” (electronically sending messages with sexual content, including pictures and video), the use of sexually explicit language, harassment, cyber stalking or threats via all forms of electronic communication (e-mail, text/picture/ video messages, intranet/on-line postings, blogs, instant messages and social network websites like Facebook and Twitter).

(C) The most severe and overt forms of sexual harassment are easier to determine. On the other end of the spectrum, some sexual harassment is more subtle and depends, to some extent, on individual perception and interpretation. The courts will assess sexual harassment by a standard of what would offend a “reasonable person.”

**22-11-3 PROCEDURE FOR REPORTING AN ALLEGATION OF SEXUAL HARASSMENT.**

(A) An employee who either observes sexual harassment or believes herself/himself to be the object of sexual harassment should deal with the incident(s) as directly and firmly as possible

by clearly communicating his/her position to the offending employee, and his/her immediate supervisor. It is not necessary for sexual harassment to be directed at the person making the report.

(B) Any employee may report conduct which is believed to be sexual harassment, including the following:

- (1) **Electronic/Direct Communication.** If there is sexual harassing behavior in the workplace, the harassed employee should directly and clearly express his/her objection that the conduct is unwelcome and request that the offending behavior stop. The initial message may be verbal. If subsequent messages are needed, they should be put in writing in a note or a memo.
- (2) **Contact with Supervisory Personnel.** At the same time direct communication is undertaken, or in the event the employee feels threatened or intimidated by the situation, the problem must be promptly reported to the immediate supervisor of the person making the report, a department head, a director of human resources, an ethics officer, the village manager or administrator, or the chief executive officer of the Municipality.  
The employee experiencing what he or she believes to be sexual harassment must not assume that the employer is aware of the conduct. If there are no witnesses and the victim fails to notify a supervisor or other responsible officer, the Municipality will not be presumed to have knowledge of the harassment.
- (3) **Resolution Outside Municipality.** The purpose of this policy is to establish prompt, thorough and effective procedures for responding to every report and incident so that problems can be identified and remedied by the Municipality. However, all municipal employees have the right to contact the Illinois Department of Human Rights (IDHR) or the Equal Employment Opportunity Commission (EEOC) for information regarding filing a formal complaint with those entities. An IDHR complaint must be filed within **three hundred (300) days** of the alleged incident(s) unless it is a continuing offense. A complaint with the EEOC must also be filed within **three hundred (300) days**.
- (4) **Allegations Made Against an Elected Official by Another Elected Official.** In addition to the methods of reporting included above, an elected official may request an independent review of a complaint of sexual harassment by another elected official. The request shall be made to the human resources director, the village manager or administrator or the chief elected official of the Village. The official receiving the request shall take immediate action in keeping with the procurement process of the Village to retain a qualified individual or entity for the independent review of the allegations of sexual harassment in violation of this policy. The outcome of the independent review shall be reported to the corporate authorities.

(C) Documentation of any incident may be submitted with any report (what was said or done, the date, the time and the place), including, but not limited to, written records such as letters, notes, memos and telephone messages.

(D) All allegations, including anonymous reports, will be accepted and investigated regardless of how the matter comes to the attention of the Municipality. However, because of the serious implications of sexual harassment charges and the difficulties associated with their investigation and the questions of credibility involved, the claimant's willing cooperation is a vital component of an effective inquiry and an appropriate outcome.

**22-11-4 PROHIBITION ON RETALIATION FOR REPORTING SEXUAL HARASSMENT ALLEGATIONS.**

(A) No municipal official, municipal agency, municipal employee or municipal agency or office shall take any retaliatory action against any municipal employee due to a municipal employee's:

- (1) Disclosure or threatened disclosure of any violation of this policy,
- (2) The provision of information related to or testimony before any public body conducting an investigation, hearing or inquiry into any violation of this policy, or
- (3) Assistance or participation in a proceeding to enforce the provisions of this policy.

(B) For the purposes of this policy, retaliatory action means the reprimand, discharge, suspension, demotion, denial of promotion or transfer, or change in the terms or conditions of employment of any municipal employee that is taken in retaliation for a municipal employee's involvement in protected activity pursuant to this policy.

(C) No individual making a report will be retaliated against even if a report made in good faith is not substantiated. In addition, any witness will be protected from retaliation.

(D) Similar to the prohibition against retaliation contained herein, the State Officials and Employees Ethics Act (**5 ILCS 430/15-10**) provides whistleblower protection from retaliatory action such as reprimand, discharge, suspension, demotion, or denial of promotion or transfer that occurs in retaliation for an employee who does any of the following:

- (1) Discloses or threatens to disclose to a supervisor or to a public body an activity, policy, or practice of any officer, member, State agency, or other State employee that the State employee reasonably believes is in violation of a law, rule, or regulation;
- (2) Provides information to or testifies before any public body conducting an investigation, hearing, or inquiry into any violation of a law, rule, or regulation by any officer, member, State agency or other State employee; or
- (3) Assists or participates in a proceeding to enforce the provisions of the State Officials and Employees Ethics Act.

(E) Pursuant to the Whistleblower Act (**740 ILCS 174/15(a)**), an employer may not retaliate against an employee who discloses information in a court, an administrative hearing, or before a legislative commission or committee, or in any other proceeding, where the employee has reasonable cause to believe that the information discloses a violation of a State or federal law, rule, or regulation. In addition, an employer may not retaliate against an employee for disclosing information to a government or law enforcement agency, where the employee has reasonable cause to believe that the information discloses a violation of a State or federal law, rule, or regulation. (**740 ILCS 174/15(b)**).

(F) According to the Illinois Human Rights Act (**775 ILCS 5/6-101**), it is a civil rights violation for a person, or for two or more people to conspire, to retaliate against a person because he/she has opposed that which he/she reasonably and in good faith believes to be sexual harassment in employment, because he/she has made a charge, filed a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing under the Illinois Human Rights Act.

(G) An employee who is suddenly transferred to a lower paying job or passed over for a promotion after filing a complaint with IDHR or EEOC, may file a retaliation charge – either due within **three hundred (300) days** of the alleged retaliation.

**22-11-5 CONSEQUENCES OF A VIOLATION OF THE PROHIBITION ON SEXUAL HARASSMENT.**

In addition to any and all other discipline that may be applicable pursuant to municipal policies, employment agreements, procedures, employee handbooks and/or collective bargaining agreement, any person who violates this policy or the Prohibition on Sexual Harassment contained in **5 ILCS 430/5-65**, may be subject to a fine of up to **Five Thousand Dollars (\$5,000.00)** per offense, applicable discipline or discharge by the Municipality and any applicable fines and penalties established

pursuant to local ordinance, State law or Federal law. Each violation may constitute a separate offense. Any discipline imposed by the Municipality shall be separate and distinct from any penalty imposed by an ethics commission and any fines or penalties imposed by a court of law or a State or Federal agency.

**22-11-6 CONSEQUENCES FOR KNOWINGLY MAKING A FALSE REPORT.** A false report is a report of sexual harassment made by an accuser using the sexual harassment report to accomplish some end other than stopping sexual harassment or retaliation for reporting sexual harassment. A false report is not a report made in good faith which cannot be proven. Given the seriousness of the consequences for the accused, a false or frivolous report is a severe offense that can itself result in disciplinary action. Any person who intentionally makes a false report alleging a violation of any provision of this policy shall be subject to discipline or discharge pursuant to applicable municipal policies, employment agreements, procedures, employee handbooks and/or collective bargaining agreements.

In addition, any person who intentionally makes a false report alleging a violation of any provision of the State Officials and Employees Ethics Act to an ethics commission, an inspector general, the State Police, a State's Attorney, the Attorney General, or any other law enforcement official is guilty of a Class A misdemeanor. An ethics commission may levy an administrative fine of up to **Five Thousand Dollars (\$5,000.00)** against any person who intentionally makes a false, frivolous or bad faith allegation.

**22-11-7 EMPLOYEE RECEIPT AND ACCEPTANCE.** Each employee of the Village shall sign an "Employee Receipt and Acceptance" acknowledging receipt of the Policy Prohibiting Sexual Harassment, accepting responsibility to read and know the contents of said policy, agreeing to follow the terms of said policy and acknowledging that failure to follow the terms of the policy may result in disciplinary action including termination. A copy of said "employee receipt and acceptance shall be maintained in the employee's personnel file.

**ARTICLE XII – WHISTLEBLOWER PROTECTION POLICY**

**22-12-1 PURPOSE.** The Village provides whistleblower protections in two important areas: confidentiality and against retaliation. The confidentiality of a whistleblower will be maintained to the extent allowable by law, however, an identity may have to be disclosed to conduct a thorough investigation, to comply with the law and to provide accused individuals their legal rights of defense. A whistleblower may also waive confidentiality in writing. The Village will not retaliate against a whistleblower. This includes, but is not limited to, protection from retaliation in the form of an adverse employment action such as termination, compensation decreases, or poor work assignments and threats of physical harm. Any whistleblower who believes they are being retaliated against must submit a written report to the Auditing Official within **sixty (60) days** of gaining knowledge of the retaliatory action. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated.

**22-12-2 DEFINITIONS.**  
 (A) **Whistleblower** means an employee, as defined in this Section, of the Village who:

- (1) reports an improper governmental action as defined under **50 ILCS 105/4.1** (hereinafter Section 4.1);
- (2) cooperates with an investigation by an Auditing Official related to a report of improper governmental action; or,
- (3) testifies in a proceeding or prosecution arising out of an improper governmental action.

(B) **Auditing Official** means any elected, appointed or employed individual, by whatever name, in the Village whose duties may include receiving, registering, and investigating complaints and information concerning misconduct, inefficiency and waste within the Village; investigating the performance of officers, employees, functions and programs; and promoting economy, efficiency, effectiveness and integrity in the administration of the programs and operations of the Village.

The Auditing Official shall be the Mayor until replaced by the Village.

(C) **Employee** means anyone employed by the Village, whether in a permanent or temporary position, including full-time, part-time, and intermittent workers. Employee also includes members of appointed boards or commissions, whether paid or unpaid. Employee also includes persons who have been terminated because of any report or complaint submitted under Section 4.1.

(D) **Improper governmental action** means any action by an employee of the Village; an appointed member of a board, commission, or committee; or an elected official of the Village that is undertaken in violation of a federal or state law or local ordinance; is an abuse of authority; violates the public’s trust or expectation of their conduct; is of substantial and specific danger to the public’s health or safety; or is a gross waste of public funds. The action need not be within the scope of the employee’s, elected official’s, board member’s, commission member’s or committee member’s official duties to be subject to claim of “improper governmental action.”

- (1) Improper governmental action does not include the Village’s personnel actions, including, but not limited to employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployment, performance evaluations, reductions in pay, dismissals, suspensions, demotions, reprimands, or violations of collective bargaining agreements, except to the extent that the action amounts to retaliation.

(E) **Retaliate, retaliation or retaliatory action** means any adverse change in an employee’s employment status or the terms and conditions of employment that results from an employee’s protected activity under Section 4.1. Retaliatory action includes, but is not limited to, denial of adequate staff to perform duties; frequent staff changes; frequent and undesirable office changes; refusal to assign meaningful work; unsubstantial letters of reprimand or unsatisfactory performance

evaluations; demotion; reduction in pay; denial of promotion; transfer or reassignment; suspension or dismissal; or other disciplinary action made because of an employee's protected activity under Section 4.1.

**22-12-3 DUTIES OF AN AUDITING OFFICIAL.** Each Auditing Official shall establish written processes and procedures consistent with the terms of this policy and best practices for investigations for managing complaints filed under Section 4.1. Each Auditing Official shall investigate and dispose of reports of improper governmental action in accordance with these processes and procedures, and all other provisions of Section 4.1.

The Auditing Official must provide each employee a written summary or a complete copy of Section 4.1 upon commencement of employment and at least once each year of employment. At the same time, the employee shall also receive a copy of the written processes and procedures for reporting improper governmental actions from the applicable Auditing Official.

Auditing Officials may reinstate, reimburse for lost wages or expenses incurred, promote, or provide some other form of restitution.

In instances where an Auditing Official determines that restitution will not suffice, the Auditing Official may make their investigation findings available for the purposes of aiding in that employee's, or the employee's attorney's, effort to make the employee whole.

Auditing Officials are responsible for reading the full context of Section 4.1 and complying with all requirements.

**22-12-4 DUTIES OF AN EMPLOYEE.** All reports of illegal and dishonest activities will be promptly submitted to the Auditing Official who is responsible for investigating and coordinating corrective action.

If an employee has knowledge of, or a concern of, improper governmental action, the employee shall make a written report of the activity to the Auditing Official. The employee must exercise sound judgment to avoid baseless allegations. An employee who intentionally files a false report of wrongdoing will be subject to discipline up to and including termination.

The whistleblower is not responsible for investigating the activity or for determining fault or corrective measures; a designated Auditing Official is charged with these responsibilities.

**22-12-5 DEFEND TRADE SECRETS ACT (18 U.S.C. § 1836) COMPLIANCE.** Section 7(b): "Immunity from Liability for Confidential Disclosure of a Trade Secret to the Government or in a Court Filing:

(A) **Immunity.** An individual shall not be held criminally or civilly liable under any federal or state trade secret law for the disclosure of a trade secret that (1) is made (a) in confidence to a federal, state or local government official, either directly or indirectly, or to an attorney; and, (b) solely for the purpose of reporting or investigating a suspected violation of law; or, (2) is made in a complaint or other document filed in a lawsuit or other proceeding, if such filing is made under seal.

(B) **Use of Trade Secret Information in Anti-Retaliation Lawsuit.** An individual who files a lawsuit for retaliation by an employer for reporting a suspected violation of law may disclose the trade secret to the attorney of the individual and use the trade secret information in the court proceeding, if the individual (1) files any document containing the trade secret under seal; and (2) does not disclose the trade secret, except pursuant to court order."

**22-12-6 EMPLOYEE ACKNOWLEDGEMENT.** Employees are required to sign a written acknowledgement that they have received, read, and understand this Policy, and to submit that acknowledgement to the Auditing Official or other designated official of the Village. The form that follows on **Addendum "A"** will satisfy this requirement upon receipt.



**ADDENDUM "A"**

**EMPLOYEE ACKNOWLEDGEMENT OF WHISTLEBLOWER PROTECTION POLICY**

*I confirm that I have received, read, and understand the "Whistleblower Protection Policy" for employees of the Village.*

*I understand that as an employee, it is my responsibility to abide by this Policy. If I have questions about this Policy, I understand it is my responsibility to seek clarification from the proper supervisory department, the Auditing Official.*

Print Name: \_\_\_\_\_

Employee Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**Policy**

As a Federal Grantee, I hereby notify employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in this workplace. As a condition of employment, employees must abide by this policy.

**Drug-Free Awareness**

Drug abuse in the workplace has major adverse effects on the welfare of all citizens of the United States, and it results in lost productivity each year. Employees who use illegal drugs have three to four times more accidents while at work.

Employees with drug abuse problems should seek help. Employees desiring more information on the dangers of drug abuse in the workplace and those employees needing drug counseling, rehabilitation, or other employee assistance should contact the local municipal drug administrator.

Employees will be referred to the appropriate resource for available counseling, rehabilitation or other assistance.

**Notice of Potential Personnel Actions for Illegal Drug Use On-the-Job**

Penalties may be imposed upon employees for drug abuse violations occurring in our workplaces:

1. Employees must notify this employer of any criminal drug statute conviction or a violation occurring in the workplace no later than five days after such conviction.
2. Within 30 days of receiving notice of any criminal drug statute conviction or a violation occurring in the workplace, this employer will take appropriate personnel action against such employee, up to and including termination; or
3. Within 30 days of receiving notice of any criminal drug statute conviction or a violation occurring in the workplace, this employer may require such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State or local health, law enforcement, or other appropriate agency.

**Employee Certification**

- ✓ I understand the drug-free workplace policy.
- ✓ I agree, as a condition of my employment, to abide by the terms of this program.
- ✓ I agree to notify this employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction.

\_\_\_\_\_  
**Employee Signature**

\_\_\_\_\_  
**Date**

**Employer Statement**

- ✓ I have explained the policy, drug-free awareness, and potential personnel action statements and have provided the employee's part of this pamphlet to the employee.

\_\_\_\_\_  
**Authorized Employer Signature**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Village of Evansville, Illinois  
Name of Organization**

## CHAPTER 23 – MANUFACTURED HOUSING CODE

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CHAPTER 23

MANUFACTURED HOUSING CODE

ARTICLE I – GENERAL PROVISIONS

**23-1-1**        **DEFINITIONS.** The terms used in this Code shall have the following meanings:

**"AFFIDAVIT"** means an oath in writing, sworn before and attested by an individual who has authority to administer an oath.

**"APPLICANT"** means any person making application for a license or permit.

**"CORPORATE AUTHORITIES"** shall mean the Mayor and the Village Board of Trustees.

**"IMMOBILIZED MANUFACTURED HOME"**: See Section 40-2-2 of the Zoning Code.

**"LICENSE"** means a license certificate issued by the Village allowing a person to operate and maintain a manufactured home park under the provisions of this Code and the rules and regulations issued hereunder.

**"LICENSEE"** means any person having a license or permit under this Chapter.

**"MANUFACTURED HOME"**: See Section 40-2-2.

**"MANUFACTURED HOME, DEPENDENT"**: See Section 40-2-2.

**"MANUFACTURED HOME, DOUBLE-WIDE"**: See Section 40-2-2.

**"MANUFACTURED HOME, INDEPENDENT"**: See Section 40-2-2.

**"MANUFACTURED HOME LOT"**: See Section 40-2-2.

**"MANUFACTURED HOME PAD"**: See Section 40-2-2.

**"MANUFACTURED HOME PARK"**: See Section 40-2-2.

**"MANUFACTURED HOME PARK LICENSE"**: See Section 40-2-2.

**"MANUFACTURED HOME SALES AREA"**: See Section 40-2-2.

**"MANUFACTURED HOME SPACE"**: See Section 40-2-2.

**"MANUFACTURED HOUSING UNIT"**: See Section 40-2-2.

**"MOBILE HOME"**: See Section 40-2-2.

**"MODULAR HOME"**: See Section 40-2-2.

**"OWNER" or "OPERATOR"** means the licensee.

**"PERMANENT FOUNDATION"**: See Section 40-2-2.

**"PERMANENT HABITATION"**: See Section 40-2-2.

**"PERMIT"** means a certificate issued by the Village Clerk, permitting the construction, alteration, or reduction in number of spaces of a manufactured home park under the provisions in this Code.

**"PERSON"** means any individual, group of individuals, association, trust, partnership, corporation, person doing business under an assumed name, county, municipality, the State of Illinois, or any political subdivision or department thereof or any other entity.

**"REVOCATION"** means to declare invalid a permit or license issued to the applicant or licensee by this Village for an indefinite period of time.

**"SITE"** means the lot on which the manufactured home is located for permanent habitation. **(210 ILCS 115/2.7)**

**"SPACE"** shall be synonymous with **"Manufactured Home Space"**.

**"SUSPENSION"** means to declare invalid a permit or license issued to the applicant or licensee by this Village for a temporary period of time with an expectation of resumption. **(Ord. No. 17-464; 01-09-17)**

**23-1-2 STATE REQUIREMENTS ADOPTED BY REFERENCE.** The Illinois **Manufactured Home Park Act** and the **Manufactured Home Tiedown Act (77 Ill. Adm. Code 870)** of the **Illinois Compiled Statutes, Chapter 210, Section 115/1 et seq., as passed, approved and amended by the Illinois General Assembly** are hereby adopted by the Village. The applicable provisions as they pertain to manufactured homes and immobilized manufactured homes shall be controlling within the corporate limits of the Village. **(Ord. No. 17-464; 01-09-17)**

**23-1-3 MANUFACTURED HOUSING ACT ADOPTED.** The **Illinois Manufactured Housing and Manufactured Home Act, as passed and approved by the Illinois General Assembly** is hereby adopted by the Village, the applicable provisions as they pertain to manufactured homes and immobilized manufactured homes shall be controlling within the Village. **(430 ILCS 115/1 et seq.) (Ord. No. 17-464; 01-09-17)**

**23-1-4 ILLINOIS DEPARTMENT OF PUBLIC HEALTH ADOPTED AND REGULATIONS.** The **Manufactured Home Community Code** as approved by the **Illinois Department of Public Health (1998)** is hereby adopted by the Village. The applicable provisions as they pertain to the Manufactured Home community shall be controlling within the corporate limits. **(Ord. No. 17-464; 01-09-17)**

**23-1-5 NATIONAL SAFETY STANDARDS.** No manufactured home or immobilized manufactured home shall be located in the Village unless the unit has the **National Manufactured Housing Construction and Safety Standards** metal seal affixed thereto.

**23-1-6 FIRE EXTINGUISHERS.** All manufactured housing units located in the Village shall be equipped with a fire extinguishing apparatus capable of extinguishing all types of fires. Such extinguishers shall be of sufficient size so that they will reasonably protect the manufactured housing units. All fire extinguishers shall be approved by the Fire Chief or his designated representative prior to installation of the manufactured home. **(425 ILCS 60/1-60/4)**

**23-1-7**        **INSPECTION.** All Manufactured Housing units located in the Village shall be subject to reasonable inspection by an official or officials designated by the Village Board prior to their location in the Village.

**23-1-8**        **OFF-STREET PARKING.** Every owner of a manufactured housing unit shall provide for an off-street parking area of **four hundred (400) square feet.**

**23-1-9**        **PROHIBITED RESIDENTIAL USES.**

(A)        **Dependent Manufactured Home.** It shall be unlawful to locate a dependent manufactured home in the Village unless placed in a state-licensed travel trailer park.

(B)        **Independent Travel Trailer.** It shall be unlawful to reside in an independent travel trailer in the Municipality unless it is located in a state-licensed travel trailer park.

(C)        **Manufactured Home.** It shall be unlawful to locate a manufactured home or a mobile home in a state-licensed travel trailer park without written permission of the Village Board.

**23-1-10**       **CARBON MONOXIDE ALARM DETECTORS.** Each unit shall be equipped with a carbon monoxide alarm detector as prescribed by state statute. **(430 ILCS 135/1 et seq.)**

**23-1-11**       **SMOKE AND FIRE DETECTORS.** Each unit shall be equipped with smoke and fire detectors as prescribed by state statute.

**ARTICLE II - IMMOBILIZED MANUFACTURED HOMES**

**23-2-1**        **IMMOBILIZED MANUFACTURED HOMES.** All immobilized manufactured homes located in the Village shall be classified as real estate; therefore, it is mandatory for all persons owning, operating, renting, or leasing an existing manufactured home outside a manufactured home park to remove or cause to have removed the wheels or any other transportation device from the manufactured home. The owner or lessor shall permanently fix it to the ground in a manner that conforms to the definition of an immobilized manufactured home in **Section 23-1-1**. All existing manufactured homes, when replaced, shall comply with the immobilization provisions of this Code.

**23-2-2**        **PERMIT - FEE.** All persons seeking to locate or replace a manufactured home or an immobilized manufactured home outside a manufactured home park shall obtain a **Building Permit** from the Village Board. No utility services shall be connected to the unit until the Village has issued the appropriate permits. The fee to locate or relocate a manufactured home or immobilized manufactured home shall be **Twenty-Five Dollars (\$25.00)**.

**23-2-3**        **LOT SIZE.** The minimum lot size for the location of an immobilized manufactured home unit shall conform to the zone district that the unit is proposed to be located. All units shall be located in the Village according to the requirements and restrictions of this Code and the Zoning Code. They shall not exceed **twenty-five percent (25%) coverage** of the lot.

**23-2-4**        **LIMIT OF UNITS.** There shall be **only one (1)** immobilized manufactured home per lot in the Village.

**ARTICLE III - MANUFACTURED HOME PARKS**

**DIVISION I - ADMINISTRATION REQUIREMENTS**

**23-3-1** **COMPLIANCE WITH STATUTES, APPLICABILITY OF ARTICLE.** Every manufactured home park hereafter established in the Village shall, at a minimum, conform to the requirements of:

(A) The Illinois **Manufactured Home Park Act** and the **Manufactured Home Tiedown Act (77 Ill. Adm. Code 870)** of the **Illinois Compiled Statutes, Chapter 210, Section 115/1 et seq., as passed, approved and amended by the Illinois General Assembly** are hereby adopted by the Village. The applicable provisions as they pertain to manufactured homes and immobilized manufactured homes shall be controlling within the corporate limits of the Village.

(B) The **Manufactured Home Community Code** as approved by the **Illinois Department of Public Health (1998)**, as amended, is hereby adopted by the Village. The applicable provisions as they pertain to Manufactured Home community shall be controlling within the corporate limits.

(C) **This Code.**

(D) The Zoning Code.

In case of conflict between any provisions of the above, the more stringent requirement shall prevail.

**23-3-2** **PERMITTING AND PLANNING A PARK.** Any person seeking to establish, operate, alter, or expand a manufactured home park shall obtain a permit to construct or a license to operate a manufactured home park.

**"Construct or operate a manufactured home park"**, as used in this Code shall include, but not necessarily be limited to supplying or maintaining common water, sewer, or other utility supplies or services, or the collection of rents directly or indirectly from **two (2)** or more independent manufactured homes. **(All plans shall be submitted to the Zoning Board and the Village Board for approval prior to the granting of a zoning permit.)**

**23-3-3** **LOCAL GOVERNMENT REQUIREMENTS.** A permit does not relieve the applicant from complying with this Code or other ordinances applicable thereto.

**23-3-4** **PERMITS.** The Administrator and the Zoning Board shall review each application and plan documents submitted. When the application and plan documents are found to be in compliance with the **"Manufactured Home Community Code"**, as approved by the **Illinois Department of Public Health**, the Zoning Board and the Village Board or the Administrator may issue the proper permit to construct or alter a manufactured home park to the applicant. Permits shall be valid for **one (1) year from date of issue.**

**23-3-5** **INSPECTION OF MANUFACTURED HOME PARK.** Upon completion of the proposed construction of a manufactured home park or the proposed alteration of a manufactured home park, the applicant shall notify the Zoning Administrator or the designated official in order that an inspection of the complete facilities can be made.

**23-3-6** **VIOLATION PROCEEDINGS.** Any license granted hereunder shall be subject to revocation or suspension by the Mayor. However, the Mayor or his representative shall first serve or cause to be served upon the licensee a written notice in which shall be specified the way or ways in which such licensee has failed to comply with the statutes, or any rules or regulations promulgated by the



Village pertaining thereto. The notice shall require the licensee to remove or abate such nuisance, unsanitary or objectionable condition, specified in such notice within **five (5) days** or within a longer period of time as may be allowed by the Village Board. If the licensee fails to comply with the terms and conditions of the notice within the time specified or such extended period of time, the Mayor or his representative may revoke or suspend such license.

**23-3-7**        **INITIAL PERMIT REQUIRED.** Each manufactured home that locates on a lot in a manufactured home park shall secure an initial Building Permit from the Zoning Administrator. All future locations on the same lot shall be exempt from the fee.

**23-3-8 - 23-3-9**        **RESERVED.**

**DIVISION II - DESIGN AND CONSTRUCTION REQUIREMENTS**

**23-3-10**        **PLAN DOCUMENT.** In order to obtain a permit to construct or an original license to operate a manufactured home park, the applicant shall file with the Zoning Administrator a written application and plan documents and such plan documents shall be prepared by a registered engineer or architect licensed to practice in the State of Illinois, with registration seal affixed. **Two (2) copies** of the plan document shall accompany the application filed with the Zoning Administrator to obtain a permit to construct or alter a manufactured home park or an original license to operate a manufactured home park, not previously licensed by the Department. These plans shall include, but not be limited to the design and construction criteria set forth herein.

**23-3-11**        **APPLICATION.**  
(A)                Every applicant shall file with the Zoning Administrator a written application and plan documents for the proposed construction or alteration of a manufactured home park.

(B)                The application shall be completed by the applicant and the engineer or architect and shall include:

- (1)        The full name and address of the applicant or applicants, or names and addresses of the partners if the applicant is a partnership, or the names and addresses of the officers if the applicant is a corporation, and the present or last occupation of the applicant at the time of the filing of the application. If the applicant is a corporation, a copy of the certificate of incorporation must be filed with the application.
- (2)        The proposed method of lighting the structures and land upon which the manufactured home park is to be located.
- (3)        The plot plans of the manufactured home park, building plans and specifications for existing buildings and facilities, and the plans and specifications for new buildings and facilities or the proposed alterations in existing facilities.
- (4)        An affidavit of the applicant as to the truth of the matters contained in the application shall be attached.
- (5)        Each application shall be accompanied by an application fee of **Three Hundred Dollars (\$300.00)** for a permit to construct, or an application fee of **One Hundred Fifty Dollars (\$150.00)** for a permit to alter to increase the size of the park.

**23-3-12**      **LOCATION.**

- (A)      Sites selected for manufactured home development shall be well-drained and free from topographical or geological hinderances and from other conditions unfavorable to a proper residential environment. The manufactured home development shall not be located near swamps, wetlands, marshes, or other breeding places of insects, rats, mice or other rodents. When a good, natural drainage is not available, storm water drainage shall be provided and such drainage shall not endanger any water supply or surface watercourse.
- (B)      The Village Board may authorize a site survey to ascertain that the proposed location complies with the above requirements. **(See Flood Plain Code, if any.)**
- (C)      The site shall be located in the proper zone district.

**23-3-13**      **ROADWAYS AND PARKING.**

- (A)      All streets and driveways in every park shall be constructed in compliance with the Jackson County Subdivision Code in **Chapter 34** of the County Code.
- (B)      All streets in parks constructed shall have a minimum right-of-way of **fifty (50) feet** and a minimum road width of **thirty-two (32) feet** for the purpose of this Code, and shall be considered private streets to be maintained by the park owner or operator.  
If a manufactured home park has more than **fifty (50) units**, a wider street may be required by the Zoning Board and/or the Village Board.
- (C)      Sidewalks and walkways shall be constructed abutting a street in a manufactured home park and shall be a minimum of **four (4) feet** in width; provided, however, there shall be no minimum width requirement for sidewalks for each individual lot. No portion of a manufactured home shall block, in any way, the pedestrian traffic on the walkways.

**23-3-14**      **PARKING REQUIREMENTS.** All manufactured home parking requirements shall conform to **Section 40-7-7(A)** of the Zoning Code.

**23-3-15 - 23-3-16**      **RESERVED.**

**DIVISION III - GENERALLY**

**23-3-17**      **LOT SIZE.** The minimum lot size for a manufactured home pad shall be **seven thousand (7,000) square feet**, with a minimum frontage of **sixty (60) feet**.

**23-3-18**      **MISCELLANEOUS RESTRICTIONS.**

- (A)      No manufactured home unit parked in a manufactured home park shall be immobilized.
- (B)      Not more than **one (1) manufactured home unit** shall be parked in **one (1)** space.
- (C)      No travel-trailer shall be permitted in any manufactured home park, unless a special area has been approved for that purpose by the Zoning Board and the Village Board.

**23-3-19**      **SKIRTING.** Skirting shall be used to conceal all underpinning, plumbing, and support piers whether on a permanent foundation or otherwise. All skirting shall be installed on all manufactured housing units within **sixty (60) days** of the placement of the unit.

**23-3-20**      **RESERVED.**

**DIVISION IV - FEES**

**23-3-21**      **LICENSE FEE.** The annual license fee per manufactured home park shall be **Fifty Dollars (\$50.00)**, and shall be due and payable **on or before May 1<sup>st</sup> of each year.** The Village Clerk shall notify the owner or operator of the annual fee at least **thirty (30) days** prior to **May 1<sup>st</sup>.**

**[NOTE: See specific manufactured home regulations in Sections 40-4-46 – 40-4-51.]**

(Execute in Duplicate)

Application No. \_\_\_\_\_

**APPLICATION FOR BUILDING AND MANUFACTURED HOME OCCUPANCY PERMIT**

Zoning Administrator  
Village of Evansville  
P.O. Box 257  
Evansville, Illinois

Application No. \_\_\_\_\_

DATE: \_\_\_\_\_, \_\_\_\_\_

**(DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY)**

DATE: \_\_\_\_\_, \_\_\_\_\_

PERM. PARCEL \_\_\_\_\_

- Permit Issued
- Permit Denied
- Application Appealed

Fee Paid to Village Clerk:

\$ \_\_\_\_\_ DATE: \_\_\_\_\_, \_\_\_\_\_

IF DENIED, CAUSE OF DENIAL:

\_\_\_\_\_

\_\_\_\_\_

**INSTRUCTIONS TO APPLICANT:** All information required by the application must be completed and submitted herewith. Applicants are encouraged to visit the Village Hall for any assistance needed in completing this form.

1. Name of Owner(s): \_\_\_\_\_  
(Attach additional sheets if necessary)

Address: \_\_\_\_\_ PHONE: \_\_\_\_\_  
(ZIP CODE)

2. Applicant's Name: \_\_\_\_\_ PHONE: \_\_\_\_\_  
Address: \_\_\_\_\_  
(ZIP CODE)

3. Property interest of applicant: \_\_\_\_\_  
(Contract Purchaser, Etc.)

4. Address of proposed construction or manufactured home: \_\_\_\_\_

5. Legal Description (Lot, Block, and Subdivision; attach metes and bounds description, if necessary).  
\_\_\_\_\_

Cost of Improvement: \$ \_\_\_\_\_ Square feet of Improvement \_\_\_\_\_

6. Proposed construction (check one or more, as necessary):  
 New Building Type: \_\_\_\_\_ Brick/Frame Number of Rooms \_\_\_\_\_  
 Alterations or additions to existing buildings (explain): \_\_\_\_\_

7. Use of existing and proposed structures (if applicable):  
Existing Use: \_\_\_\_\_  
Proposed Use: \_\_\_\_\_

8. Two (2) copies of a sketch plat (drawn to approximate scale shall be attached, showing the following:

- a) Dimensions and use of all buildings;
- b) Dimensions of lot;
- c) Distance of each building from lot lines;

- d) Distance of principal building from principal buildings on adjacent lot(s);
  - e) Distance between accessory buildings and principal buildings;
  - f) Distance from lot line to center line of abutting street(s);
  - g) Location [with dimensions] of driveways and off-street parking spaces;
  - h) Location of all easements;
  - i) Location of all underground utilities, including septic tanks, tile fields, and wells.
9. Application is hereby made for an Occupancy Permit as required under the Village Code for the erection, moving, or alteration and use of buildings and manufactured homes. In making this application, the applicant represents all of the above statements and any attached maps and drawings to be a true description of the proposed new or altered uses and/or buildings. The applicant agrees that the permit applied for, if granted, is issued on the representations made herein and that any permit issued may be revoked without notice on any breach of representation or conditions. **(See Chapter 40)**

It is understood that any permit issued on this application will not grant right of privilege to erect any structure or to use any premises described for any purpose or in any manner prohibited by the Village Code, or by other ordinances, codes, or regulations of the Village.

APPLICANT: \_\_\_\_\_

**CERTIFICATE OF OCCUPANCY**

The plans and specifications submitted with this Application are in conformity with the district requirements applicable to the subject property. Changes in plans or specifications shall not be made without written approval of the Village Board.

Failure to comply with the above shall constitute a violation of the provisions of the **Revised Code of Ordinances of the Village.**

DATE: \_\_\_\_\_, \_\_\_\_

\_\_\_\_\_  
BUILDING OFFICIAL

## CHAPTER 24 – MOTOR VEHICLES

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**CHAPTER 24**

**MOTOR VEHICLES**

**ARTICLE I – GENERALLY**

**DIVISION I - DEFINITIONS**

**24-1-1**        **DEFINITIONS.** For the purpose of this Chapter, the words and phrases in **65 ILCS 5/1-101 et seq.** are hereby adopted by reference.

**24-1-2 - 24-1-9**        **RESERVED.**

**DIVISION II – OBEDIENCE TO AND EFFECT OF TRAFFIC LAWS**

**24-1-10**        **OBEDIENCE TO POLICE OFFICERS.**

(A)            No person shall willfully fail or refuse to comply with any lawful order or direction of any police officer, fireman, or school crossing guard invested by law with authority to direct, control, or regulate traffic. **(625 ILCS 5/11-203)**

(B)            In the event of fire, other emergency or for the duration thereof, officers and members of the Fire Department may direct traffic if conditions so require and in a manner prescribed by the Police Department. **(See Section 24-1-99 for Penalty.)**

(C)            Any person convicted of violating **Section 24-1-10(A)** is guilty of a petty offense and shall be subject to a mandatory fine of **One Hundred Fifty Dollars (\$150.00)**. **(625 ILCS 5/11-203)**

**24-1-11**        **PUBLIC OFFICERS AND EMPLOYEES TO OBEY TRAFFIC CODE; EXCEPTIONS.**

(A)            The provisions of this Traffic Code applicable to the drivers of vehicles upon the highways shall apply to the drivers of all vehicles owned or operated by the United States, the State, or any county, city, town, district, or any other political subdivision of the State, except as provided in this Section, and subject to specific exceptions as set forth in this title with reference to authorized emergency vehicles.

(B)            The driver of an authorized emergency vehicle, when responding to an emergency call, or when in the pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this Section, but subject to the conditions herein stated.

(C)            The driver of an authorized emergency vehicle may:

- (1)        Park or stand, irrespective of the provisions of this Traffic Code;
- (2)        Proceed past a red or stop signal or stop sign, but only after slowing down as may be required and necessary for safe operation;
- (3)        Exceed the maximum speed limits so long as he does not endanger life or property;
- (4)        Disregard regulations governing the direction of movement or turning in specified directions.

(D)            The exceptions herein granted to an authorized emergency vehicle, other than a police vehicle, shall apply only when the vehicle is making use of either an audible signal when in motion, or visual signals meeting the requirements of **625 ILCS 5/12-215**.

(E) The foregoing provisions do not relieve the driver of an authorized emergency vehicle from the duty of driving with due regard for the safety of all persons, nor do these provisions protect the driver from the consequences of his reckless disregard for the safety of others.

(F) Unless specifically made applicable, the provisions of this Traffic Code shall not apply to persons, motor vehicles, and equipment while actually engaged in work upon the highway, but shall apply to such persons and vehicles when traveling to or from such work. **(625 ICS 5/11-205)** **(See Section 24-1-99 for Penalty.)**

**24-1-12 TRAFFIC LAWS APPLY TO PERSONS RIDING ANIMALS OR DRIVING ANIMAL DRAWN VEHICLES.** Every person riding an animal or driving an animal-driven vehicle upon a roadway shall be granted all of the rights, and shall be subject to all of the duties applicable to the driver of a vehicle by this Chapter, except those provisions of this Chapter which by their very nature can have no application. **(625 ILCS 5/11-206)** **(See Section 24-1-99 for Penalty.)**

**24-1-13 - 24-1-29 RESERVED.**

### **DIVISION III – TRAFFIC SIGNS, SIGNALS, AND MARKINGS**

**24-1-30 OBEDIENCE TO TRAFFIC-CONTROL DEVICES.**

(A) The driver of any vehicle shall obey the instructions of any official traffic-control accordance with this Chapter, unless otherwise directed by a police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this Traffic Code.

(B) It is unlawful for any person to leave the roadway and travel across private property to avoid an official traffic-control device.

(C) No provision of this Traffic Code, for which official traffic-control devices are required, shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person whenever a particular section does not state that official traffic-control devices are required. This Section shall be effective even though no devices are erected or in place.

(D) Whenever any official traffic-control device is placed or held in position approximately conforming to the requirements of this Traffic Code, the device shall be presumed to have been so placed or held by the official act or direction of lawful authority, and comply with the requirements of this Traffic Code, unless the contrary shall be established by competent evidence.

(E) The driver of a vehicle approaching a traffic-control signal on which no signal light facing the vehicle is illuminated shall stop before entering the intersection, in accordance with rules applicable in making a stop at a stop sign. **(625 ILCS 5/11-305)** **(See Section 24-1-99 for Penalty.)**

**24-1-31 TRAFFIC-CONTROL SIGNAL LEGEND.** Whenever traffic is controlled by traffic-control signals exhibiting different colored lights or color lighted arrows, successively one at a time or in combination, only the colors green, red, and yellow shall be used, except for special pedestrian signals carrying a word legend, and the lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

(A) **Green Indication.**

(1) Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. Vehicular traffic, including vehicles turning right of left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

- (2) Vehicular traffic facing a green arrow signal, shown alone or in combination with another indicating, may cautiously enter the intersection only to make the movement indicated by the arrow, or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.
- (3) Unless otherwise directed by a pedestrian-control signal, as provided in **Section 24-1-32**, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.

(B) **Steady Yellow Indication.**

- (1) Vehicular traffic facing a steady circular yellow or yellow arrow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter.
- (2) Pedestrians facing a steady circular yellow or yellow arrow signal, unless otherwise directed by a pedestrian-control signal as provided in **Section 24-1-32**, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown, and no pedestrian shall then start to cross the roadway.

(C) **Steady Red Indication.**

- (1) Except as provided in **Section 24-1-31(C)(3)**, vehicular traffic facing a steady circular red signal alone shall stop at a clearly marked stop line, but if there is no such stop line, before entering the crosswalk on the near side of the intersection, or if there is no such cross, then before entering the intersection; and shall remain standing until an indication to proceed is shown.
- (2) Except as provided in **Section 24-1-31(C)(3)**, vehicular traffic facing a steady red arrow signal alone shall not enter the intersection to make the movement indicated by the arrow and, unless entering the intersection to make a movement permitted by another signal, shall stop at a clearly marked stop line, but if there is no such stop line, before entering the crosswalk on the near side of the intersection, or if there is no such crosswalk, then before entering the intersection; and shall remain standing until an indication permitting the movement indicated by such red arrow is shown.
- (3) Except when a sign is in place prohibiting a turn and the Village authorities by ordinance or state authorities by rule or regulation prohibit any such turn, vehicular traffic facing any steady red signal may cautiously enter the intersection to turn right, or to turn left from a one-way street into a one-way street, after stopping as required by **Section 24-1-31(C)(1)** or **24-1-31(C)(2)**. After stopping, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time the driver is moving across or within the intersection or junction or roadways. The driver shall yield the right-of-way to pedestrians within the intersection or an adjacent crosswalk.
- (4) Unless otherwise directed by a pedestrian-control signal as provided in **Section 24-1-32**, pedestrians facing a steady circular red or red arrow signal alone shall not enter the roadway.

(D) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this Section shall be applicable except as to provisions which by their nature can have no application. Any stop required shall be at a traffic sign or a marking on the pavement indicating where the stop shall be made; or, in the absence of such sign or marking, the stop shall be made at the signal. **(625 ILCS 5/11-306) (See Section 24-1-99 for Penalty.)**

**24-1-32 PEDESTRIAN-CONTROL SIGNALS.** Whenever special pedestrian-control signals exhibiting the words "Walk" or "Don't Walk" or the illuminated symbols of a walking person or an upraised palm are in place, these signals shall indicate as follows:

(A) **"Walk" or Walking Person Symbol.** Pedestrians facing this signal may proceed across the roadway in the direction of the signal, and shall be given the right-of-way by the drivers of all vehicles.

(B) **"Don't Walk" or Upraised Palm Signal.** No pedestrian shall start to cross the roadway in the direction of this signal, but any pedestrian who has partly completed his crossing on the "Walk" signal or walking person symbol shall proceed to a sidewalk or safety island while the "Don't Walk" signal or upraised palm symbol is illuminated, steady, or flashing. **(625 ILCS 5/11-307) (See Section 24-1-99 for Penalty.)**

**24-1-33 LANE-CONTROL SIGNALS.** Whenever lane-control signals are used in conjunction with official signs, they shall have the following meanings:

(A) **Downward-Pointing Green Arrow.** A driver facing this indication is permitted to drive in the lane over which the arrow signal is located. Otherwise, he shall obey all other traffic controls present and follow normal safe driving practices.

(B) **Red X Symbol.** A driver facing this indication shall not drive in the lane over which the signal is located, and this indication shall modify accordingly the meaning of all other traffic controls present. Otherwise he shall obey all other traffic controls, and follow normal safe driving practices.

(C) **Yellow X (Steady).** A driver facing this indication should prepare to vacate the lane over which the signal is located, in a safe manner to avoid, if possible, occupying that lane when a steady red X is displayed.

(D) **Flashing Yellow Arrow.** A driver facing this indication may use the lane only for the purpose of approaching and making a left turn. **(625 ILCS 5/11-308) (See Section 24-1-99 for Penalty.)**

**24-1-34 FLASHING SIGNALS.** Whenever an illuminated flashing red or yellow signal is used in conjunction with a traffic-control device, it shall require obedience by vehicular traffic as follows:

(A) **Flashing Red (Stop Signal).** When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at a point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(B) **Flashing Yellow (Caution Signal).** When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past the signal only with caution.

(C) This Section does not apply to railroad grade crossings. **(625 ILCS 5/11-309) (See Section 24-1-99 for Penalty.)**

**24-1-35 DISPLAY OF UNAUTHORIZED SIGNS, SIGNALS, MARKINGS, OR ADVERTISING SIGNS.**

(A) No person shall place, maintain, or display upon or in view of any highway any unauthorized sign, signal, marking, or device which purports to be, or is an imitation of, or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the movement of traffic or the effectiveness of an official traffic-control device or any railroad sign or signal.

(B) No person shall place or maintain, nor shall any public authority permit, upon any highway any traffic sign or signal bearing thereon any commercial advertising.

(C) Every such prohibited sign, signal, or marking is hereby declared to be a public nuisance and the authority having jurisdiction over the highway is hereby empowered to remove the same, or cause it to be removed without notice.

(D) No person shall sell or offer for sale any traffic-control device to be used on any street or highway in this Village which does not conform to the requirements of this Chapter.

(E) This Section shall not be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information, and of a type that cannot be mistaken for official signs.

(F) This Section shall not be deemed to prohibit the erection of Illinois Adopt-A-Highway signs by the Village as provided in the Illinois Adopt-A-Highway Act. **(625 ILCS 5/11-310)**  
**(See Section 24-1-99 for Penalty.)**

**24-1-36 INTERFERENCE WITH OFFICIAL TRAFFIC-CONTROL DEVICES OR RAILROAD SIGNS OR SIGNALS.**

(A) No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down, or remove any official traffic-control device, or any railroad sign or signal or any inscription, shield, or insignia thereon, or any other part thereof.

(B) Every person who is convicted of a violation of this Section shall be punished by a fine of at least **Two Hundred Fifty Dollars (\$250.00)** in addition to any other penalties which may be imposed. **(625 ILCS 5/11-311)**

**24-1-37 UNLAWFUL USE OR DAMAGE TO HIGHWAYS, APPURTENANCES, AND STRUCTURES; LIABILITY.**

(A) (1) It shall be unlawful for any person to willfully injure or damage any public highway or street, or any bridge or culvert, or to willfully damage, injure, or remove any sign, signpost, or structure upon or used or constructed in connection with any public highway or street for the protection thereof, or for the protection or regulation of traffic thereon, by any willfully unusual, improper, or unreasonable use thereof, or by willfully careless driving or use of any vehicle thereon, or by willful mutilation, defacing, destruction, or removal thereof.

(2) Every person who is convicted of a violation of this Section shall be punished by a fine of at least **Two Hundred Fifty Dollars (\$250.00)** in addition to any other penalty which may be imposed. **(625 ILCS 5/11-312)**

(B) (1) Any person driving any vehicle, object or contrivance upon any street or street structure is liable for all damage which the street or structure may sustain as a result of any illegal operation, driving or moving of such vehicle, object or contrivance, or as a result of operating, driving or moving any vehicle, object or contrivance exceeding the maximum dimensions or weighing in excess of the maximum weight set by ordinance but authorized by a special permit. The measure of liability is the cost of repairing a facility partially damaged or the depreciated replacement cost of a facility damaged beyond repair together with all other expenses incurred by the Village in providing a temporary detour, including a temporary structure, to serve the needs of traffic during the period of repair or replacement of the damaged street or street structure.

(2) Whenever such driver is not the owner of such vehicle, object or contrivance, but is so operating, driving or moving the same with the express or implied permission of the owner, then the owner or driver are jointly and severally liable to the extent provided in paragraph (A) of this Section. **(See Section 24-1-99 for Penalty.)**



**24-1-38      UNLAWFUL POSSESSION OF HIGHWAY SIGN OR MARKER.** The Village Street Department, with reference to traffic-control signs, signals, or markers owned by the Village, is authorized to indicate the ownership of the signs, signals, or markers on the back of the devices in letters not less than **three-eighths (3/8) inch**, or more than **three-fourths (3/4) inch** in height, by use of a metal stamp, etching, or other permanent means. Except for employees of the Village Street Department, police officers, contractors and their employees engaged in a highway construction contract or work on the highway approved by the Village, it is unlawful for any person to possess a sign, signal, or marker so identified. **(625 ILCS 5/11-313) (See Section 24-1-99 for Penalty.)**

**24-1-39      ZONES OF QUIET.**  
(A) Whenever authorized signs are erected indicating a zone of quiet, no person operating a motor vehicle within the zone shall sound the horn or other warning device except in an emergency.

(B) **Hospital Zone.**  
(1) **Establishment.**  
(2) **Prohibited Conduct Within Zones.** Within the limits of the zones established in this Section, it shall be unlawful for any person to make or cause to be made any unnecessary or undue noise, by shouting, yelling or loud and boisterous language; or by creating any unnecessary loud noise with a mechanical device, or by unnecessary honking of a horn on any motor vehicle, or to act in any manner whatsoever so as to disturb the patients in the hospital located within the limits of the quiet zone.

**24-1-40      NO-TURNING SIGNS AND TURNING MARKERS.** Whenever authorized signs are erected indicating that no right or left or U-turn is permitted no driver of a vehicle shall disobey the directions of the sign. When authorized marks, buttons, or other indications are placed within an intersection indicating the course to be traveled by vehicles, no driver of a vehicle shall disobey the directions of the indications.

**24-1-41      STOP AND YIELD SIGNS.**  
(A) Preferential right-of-way at an intersection may be indicated by stop signs or yield signs as authorized in **625 ILCS 5/11-302.**

(B) Except when directed to proceed by a police officer or traffic-control signal, every driver of a vehicle and every motorman of a streetcar approaching a stop intersection indicated by a stop sign shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, shall stop at a clearly marked stop line, but if none, then at the point nearest the intersection roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection.

(C) The driver of a vehicle approaching a yield sign if required for safety to stop shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway. **(625 ILCS 5/11-1204) (See Section 24-1-99 for Penalty.)**

**24-1-42      LOCATION OF VILLAGE PARKING-CONTROL SIGNS.** The locations of authorized traffic-control signs in the Village are set forth in Traffic Schedules "A" and "C" and in Parking Schedules "E", "F" and "G" at the conclusion of the Chapter.

**24-1-43**      **ELECTRONIC COMMUNICATION DEVICES.** As defined in this Section, "electronic communication device" means an electronic device, including but not limited to a hand-held wireless telephone, hand-held personal digital assistant, or a portable or mobile computer, but does not include a global positioning system or navigation system or device that is physically or electronically integrated into the motor vehicle.

(A)      **Prohibited Use.** A person may not operate a motor vehicle on any street or other public way while using an electronic communication device. The term "use" shall include without limitation:

- (1) Talking or listening to another person on the telephone;
- (2) Text messaging;
- (3) Sending, reading or listening to an electronic message;
- (4) Browsing the internet.

(B)      **Exemptions.** This Section does not apply to:

- (1) A law enforcement officer or operator of emergency vehicle while performing his or her official duties;
- (2) A driver using an electronic communication device for the sole purpose of reporting an emergency situation and continued communication with emergency personnel during an emergency situation;
- (3) A driver using an electronic communication device in a hands-free or voice operated mode, which may include the use of a headset;
- (4) A driver of commercial motor vehicle reading a message displayed on a permanently installed communication device designed for a commercial motor vehicle with a screen that does not exceed **ten (10) inches** tall by **ten (10) inches** wide in size;
- (5) A driver using an electronic communication device while parked on the shoulder of a roadway;
- (6) A driver using an electronic communication device when the vehicle is stopped due to normal traffic being obstructed and the driver has the motor vehicle transmission in neutral or park;
- (7) A driver using two-way or citizens band radio services;
- (8) A driver using two-way mobile radio transmitters or receivers for licensees of the Federal Communications Commission in amateur radio service;
- (9) A driver using an electronic communication device by pressing a single button to initiate or termination a voice communication;
- (10) A driver using an electronic communication device capable of performing multiple functions, other than a hand-held wireless telephone or hand-held personal assistant for a purpose that is not otherwise prohibited in this Section.

**24-1-44 - 24-1-98**      **RESERVED.**

**DIVISION IV – PENALTY**

**24-1-99**      **VIOLATIONS.** Whoever violates any provision of this Traffic Code for which another penalty is not already otherwise provided by ordinance or by appropriate statutory penalty as generally set forth in **625 ILCS 5/16-101 et seq.** shall, upon conviction, be subject to a fine of not less than **One Hundred Dollars (\$100.00)** and not more than **Seven Hundred Fifty Dollars (\$750.00).**

## ARTICLE II – RULES OF OPERATION

## DIVISION I – SPEED RESTRICTIONS

**24-2-1**      **SPEED LIMITS.**

(A) No vehicle may be driven upon any highway of this Village at a speed which is greater than is reasonable and proper with regard to traffic conditions and the use of the highway, or which endangers the safety of any person or property. The fact that the speed of a vehicle does not exceed the applicable maximum speed limit does not relieve the driver from the duty to decrease speed when approaching and crossing an intersection, when approaching and going around a curve, when approaching a hillcrest, when traveling upon any narrow or winding roadway, or when a special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions. Speed must be decreased as may be necessary to avoid colliding with any person or vehicle on or entering the highway in compliance with legal requirements and the duty of all persons to use due care.

(B) No person may drive a vehicle upon any street at a speed which is greater than the applicable statutory maximum speed limit established by paragraphs (C) and (D) below, by **Section 24-2-2**, or by a regulation or ordinance made under this Chapter.

(C) Unless some other speed restriction is established under this Chapter, the maximum speed limit in an urban district (as defined in **Section 24-2-1**) for all vehicles is:

- (1) **Twenty-five (25) miles** per hour; and
- (2) **Fifteen (15) miles** per hour in an alley.

(D) Unless some other speed restriction is established under this Chapter, the maximum speed limit outside an urban district for any vehicle of the first division, or a vehicle of the second division designed or used for the carrying of a gross weight of less than **eight thousand (8,000) pounds** (including the weight of the vehicle and maximum load, is:

- (1) **Sixty-five (65) miles** per hour for all highways under the jurisdiction of the Illinois State Toll Highway Authority and for all or part of highways that are designed by the Department, have at least **four (4) lanes** of traffic, and have a separation between the roadways moving in opposite directions and
- (2) **Fifty-five (55) miles** per hour for all other highways, roads, and streets.

(E) Unless some lesser speed restriction is established under this Chapter, the maximum speed limit outside an urban district for a vehicle of the second division designed or used for the carrying of a gross weight of **eight thousand (8,000) pounds** or more (including the weight of the vehicle and maximum load) is **fifty-five (55) miles** per hour.

(F) Unless some other speed restriction is established under this Chapter, the maximum speed limit outside an urban district for a bus is:

- (1) **Sixty-five (65) miles** per hour upon any highway which has at least **four (4) lanes** of traffic and of which the roadways for traffic moving in opposite directions are separated by a strip of ground which is not surfaced or suitable for vehicular traffic except that the maximum speed limit for a bus on all highways, roads and streets under the jurisdiction of the Department of the Illinois State Toll Highways Authority is **fifty-five (55) miles** per hour.
- (2) **Sixty (60) miles** per hour on any other highway, except that the maximum speed limit for a bus on all highways, roads and streets not under the jurisdiction of the Department or the Illinois State Toll Highway Authority is **fifty-five (55) miles** per hour.

(G) Unless some other speed restriction is established under this Chapter, the maximum speed limit outside an urban district for a house car, camper, private living coach, vehicles licensed as recreational vehicles, and any vehicle towing any other vehicle is **fifty-five (55) miles** per hour or the posted speed limit, whichever is less. **(65 ILCS 5/11-601) (See 24-1-99 for Penalty)**

**Statutory References. Authority to regulate speed, 65 ILCS 5/11-4-1 and 625 ILCS 5/11-604**

**24-2-2 SPECIAL SPEED LIMITS WHILE PASSING SCHOOLS OR WHILE TRAVELING THROUGH HIGHWAY CONSTRUCTION OR MAINTENANCE ZONES.**

- (A) For the purpose of this Section, *school* means the following entities:
- (1) A public or private primary or secondary school.
  - (2) A primary or secondary school operated by a religious institution.
  - (3) A public, private, or religious nursery school.
- (B) For the purpose of this Section, a *school day* shall begin at **7:00 A.M.** and shall conclude at **4:00 P.M.**
- (C) On a school day when school children are present and so close thereto that a potential hazard exists because of the close proximity of the motorized traffic, no person shall drive a motor vehicle at a speed in excess of **twenty (20) miles** per hour while passing a school zone, or while traveling upon any public thoroughfare where children pass going to and from school.
- (D) This Section shall not be applicable unless appropriate signs are posted upon streets wherein the school zone is located. With regard to the special speed limit while passing schools, such signs shall give proper due warning that a school zone is being approached and shall indicate the school zone and the maximum speed limit in effect during school days when school children are present.
- (E) No person shall operate a motor vehicle in a construction or maintenance zone at a speed in excess of the posted speed limit when workers are present and so close to the moving traffic that a potential hazard exists because of the motorized traffic.
- (F) Nothing in this Chapter shall prohibit the use of electronic speed-detecting devices within **five hundred (500) feet** of signs within a special school speed zone or a construction or maintenance zone indicating the zone, as defined in this Section, nor shall evidence obtained thereby be inadmissible in any prosecution for speed, provided the use of the device shall apply only to the enforcement of the speed limit in the special school speed zone or a construction or maintenance zone.
- (G) For the purpose of this Section, a construction or maintenance zone is an area in which the local agency has determined that the preexisting established speed limit through a highway construction or maintenance project is greater than is reasonable or safe with respect to the conditions expected to exist in the construction or maintenance zone and has posted a lower speed limit with a highway construction or maintenance zone special speed limit sign.
- (H) Highway construction or maintenance zone special speed limit signs shall be of a design approved by the Department. The signs shall give proper due warning that a construction or maintenance zone is being approached and shall indicate the maximum speed limit in effect. The signs shall also state the amount of the minimum fine for a violation when workers are present. **(625 ILCS 5/11-605) (See Section 24-1-99 for Penalty)**

**24-2-3 MAXIMUM ATTAINABLE OPERATING SPEED.** No person shall drive or operate any motor vehicle on any street or highway in this Village where the minimum allowable speed on that street or highway, as posted, is greater than the maximum attainable operating speed of the vehicle. Maximum attainable operating speed shall be determined by the manufacturer of the vehicle and clearly published in the manual of specifications and operation, or it shall be determined by applicable rule and regulation promulgated by the Secretary of State. **(625 ILCS 5/11-611) (See Section 24-1-99 for Penalty)**

**24-2-4 MINIMUM SPEED REGULATION.** No person shall drive a motor vehicle at such a slow speed as to impede or block the normal and regular movement of traffic except when reduced speed is necessary for safe operation of his vehicle or in compliance with law. **(625 ILCS 5/11-606(A)) (See Section 24-1-99 for Penalty)**

**24-2-5 - 24-2-19 RESERVED.**

## DIVISION II – TURNING AND STARTING; SIGNALS

**24-2-20**      **REQUIRED POSITION AND METHOD OF TURNING AT INTERSECTIONS.**

(A) The driver of a vehicle intending to turn at an intersection shall do so as follows:

- (1) Both the approach for a right turn and a right turn shall be made as close as practical to the right-hand curb or edge of the roadway.
- (2) The driver of a vehicle intending to turn left at any intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle, and after entering the intersection, the left turn shall be made so as to leave the intersection in a lane lawfully available to traffic moving in such direction upon the roadway being entered. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection.
- (3) The State Department of Transportation and local authorities in their respective jurisdictions may cause official traffic-control devices to be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this Section be traveled by vehicles turning at an intersection, and when such devices are so placed no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such devices.

(B) **Two-Way Left Turn Lanes.** Where a special lane for making left turns by drivers proceeding in opposite directions has been indicated by official traffic control devices:

- (1) A left turn shall not be made from any other lane.
- (2) A vehicle shall not be driven in the lane except when preparing for or making a left turn from or into the roadway or when preparing for or making a U-turn when otherwise permitted by law. **(625 ILCS 5/11-801) (See Section 24-1-99 for Penalty)**

**24-2-21**      **LIMITATIONS ON U-TURNS.**

(A) The driver of any vehicle shall not turn the vehicle so as to proceed in the opposite direction unless the movement can be made in safety and without interfering with other traffic.

(B) No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to or near the crest of a grade, where the vehicle cannot be seen by the driver of any other vehicle approaching from either direction within **five hundred (500) feet**. **(625 ILCS 5/11-802) (See Section 24-1-99 for Penalty)**

**24-2-22**      **STARTING PARKED VEHICLE.** No person shall start a vehicle which is stopped, standing, or parked, unless and until the movement can be made with reasonable safety. **(625 ILCS 5/11-803) (See Section 24-1-99 for Penalty)**

**24-2-23**      **WHEN SIGNAL REQUIRED.**

(A) No person may turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required in **Section 24-2-20**, or turn a vehicle to enter a private road or driveway, or otherwise turn a vehicle from a direct course, or move right or left upon a roadway unless and until the movement can be made within reasonable safety. No person may so turn any vehicle without giving an appropriate signal in the manner hereinafter provided.

(B) A signal of intention to turn right or left when required must be given continuously during not less than the last **one hundred (100) feet** traveled by the vehicle before turning within a business or residence district, and the signal must be given continuously during not less

than the last **two hundred (200) feet** traveled by the vehicle before turning outside a business or residence district.

(C) No person may stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided in this Chapter to the driver of any vehicle immediately to the rear when there is opportunity to give a signal.

(D) The electric turn signal device required in **625 ILCS Sec. 5/12-208** must be used to indicate an intention to turn, change lanes, or start from a parallel parked position, but must not be flashed on one side only on a parked or disabled vehicle, or slashed as a courtesy or "do pass" signal to operators of other vehicles approaching from the rear. However, signal devices may be flashed simultaneously on both sides of a motor vehicle to indicate the presence of a vehicular traffic hazard requiring unusual care in approaching, overtaking, and passing. **(625 ILCS 5/11-804) (See Section 24-1-99 for Penalty)**

**24-2-24 SIGNAL BY HAND AND ARM OR SIGNAL DEVICE.** Any stop or turn signal, when required herein, shall be given either by means of the hand and arm or by an electric turn signal device conforming to the requirements provided in **625 ILCS 5/12-208. (See Section 24-1-99 for Penalty)**

**24-2-25 METHOD OF GIVING HAND AND ARM SIGNALS.** All signals given by hand and arm shall be given from the left side of the vehicle in the following manner, and the signals shall indicate as follows:

- (A) **Left Turn.** Hand and arm extended horizontally.
- (B) **Right Turn.** Hand and arm extended upward.
- (C) **Stop or Decrease of Speed.** Hand and arm extended downward. **(625 ILCS 5/11-806) (See Section 24-1-99 for Penalty)**

**24-2-26 - 24-2-39 RESERVED.**

### **DIVISION III – OVERTAKING AND PASSING**

**24-2-40 DRIVING ON RIGHT SIDE OF ROADWAY; EXCEPTIONS.**

(A) Upon all roadways of sufficient width, a vehicle shall be driven upon the right half of the roadway, except as follows:

- (1) When overtaking and passing another vehicle proceeding in the same direction under the rules governing those movements.
- (2) When an obstruction exists making it necessary to drive to the left of the center of the roadway; provided, any person so doing shall yield the right-of-way to all vehicles traveling in the proper direction upon the unobstructed portion of the roadway within such distance as to constitute an immediate hazard;
- (3) Upon a roadway divided into **three (3)** marked lanes for traffic under the rules applicable thereon;
- (4) Upon a roadway restricted to one-way traffic;
- (5) Whenever there is a single-track paved road on one side of the public highway and **two (2) vehicles** meet thereon, the driver on whose right is the wider shoulder shall give the right-of-way on the pavement to the other vehicle.

(B) Upon all roadways, any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when

overtaking and passing another vehicle proceeding in the same direction, or when preparing for a left turn at an intersection or into a private road or driveway.

(C) Upon any roadway having **four (4)** or more lanes for moving traffic, and providing for two-way movement of traffic, no vehicle shall be driven to the left of the center line of the roadway, except when authorized by official traffic-control devices designating certain lanes to the left side of the center of the roadway for use by traffic not otherwise permitted to use the lanes, or except as permitted under **Section 24-2-40(A)(2)**. However, this Section shall not be construed as prohibiting the crossing of the center line in making a left turn into or from an alley, private road, or driveway. **(625 ILCS 5/11-701) (See Section 24-1-99 for Penalty)**

**24-2-41 PASSING VEHICLES PROCEEDING IN OPPOSITE DIRECTION.** Drivers of vehicles proceeding in opposite directions shall pass each other to the right and upon roadways having width for not more than one line of traffic in each direction, each driver shall give to the other at least **one-half (1/2)** of the main traveled portion of the roadway as nearly as possible. **(625 ILCS 5/11-702) (See Section 24-1-99 for Penalty)**

**24-2-42 OVERTAKING VEHICLES ON THE LEFT.** The following rules govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions, and special rules otherwise stated in this Chapter;

(A) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance, and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle. In no event shall the movement be made by driving off the pavement or the main traveled portion of the roadway.

(B) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal, and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

(C) The driver of a two-wheeled vehicle may not, in passing upon the left of any vehicle proceeding in the same direction, pass upon the right of any vehicle proceeding in the same direction unless there is an unobstructed lane of traffic available to permit the passing maneuver safely. **(625 ILCS 5/11-703) (See Section 24-1-99 for Penalty)**

**24-2-43 WHEN OVERTAKING ON THE RIGHT IS PERMITTED.**

(A) The driver of a vehicle with **three (3)** or more wheels may overtake and pass upon the right of another vehicle only under the following conditions:

- (1) When the vehicle overtaken is making or about to make a left turn;
- (2) Upon a roadway with unobstructed pavement of sufficient width for **two (2)** or more lines of vehicles moving lawfully in the direction being traveled by the overtaking vehicle;
- (3) Upon a one-way street, or upon any roadway on which traffic is restricted to one direction of movement, where the roadway is free from obstructions and of sufficient width for **two (2)** or more lines of moving vehicles.

(B) The driver of a two-wheeled vehicle may not pass upon the right of any other vehicle proceeding in the same direction unless the unobstructed pavement to the right of the vehicle being passed is of a width of not less than **eight (8) feet**.

(C) The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting the movement in safety. Such movement shall not be made by driving off the roadway. **(625 ILCS 5/11-704) (See Section 24-1-99 for Penalty)**

**24-2-44****LIMITATIONS ON OVERTAKING ON THE LEFT.**

(A)

**Passing on the Left.**

- (1) No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless authorized by the provisions of this Chapter, and unless the left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit the overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction, or any vehicle overtaken.
- (2) In every event, the overtaking vehicle must return to an authorized lane of travel as soon as practicable, and in the event the passing movement involves the use of a lane authorized for vehicles approaching from the opposite direction, before coming within **two hundred (200) feet** of any vehicle approaching from the opposite direction. **(625 ILCS 5/11-705)**

(B)

**Conditions Where Passing on the Left is Prohibited.**

- (1) No vehicle shall be driven on the left side of the roadway under the following conditions:
  - (a) When approaching or upon the crest of a grade or a curve in the highway where the driver's view is obstructed within a distance as to create a hazard in the event another vehicle might approach from the opposite direction.
  - (b) When approaching within **one hundred (100) feet** of or traversing any intersection or railroad grade crossing.
  - (c) When the view is obstructed upon approaching within **one hundred (100) feet** of any bridge, viaduct, or tunnel.
- (2) The limitations above do not apply upon a one-way roadway, nor upon a roadway with unobstructed pavement of sufficient width for **two (2)** or more lanes of moving traffic in each direction, nor to the driver of a vehicle turning left into or from an alley, private road, or driveway when the movements can be made with safety. **(625 ILCS 5/11-706)**  
**(See Section 24-1-99 for Penalty)**

**24-2-45****MEETING OR OVERTAKING SCHOOL BUS.**

(A)

The driver of a vehicle shall stop the vehicle before meeting or overtaking, from either direction, any school bus stopped for the purpose of receiving or discharging pupils on a highway or upon a private road within an area that is covered by a contract or agreement executed pursuant to **625 ILCS 5/11-209.1**. The stop is required before reaching the school bus when there is in operation on the school bus the visual signals as specified in **625 ILCS 5/12-801 and 5/12-805**. The driver of the vehicle shall not proceed until the school bus resumes motion or the driver of the vehicle is signaled by the school bus driver to proceed or the visual signals are no longer actuated.

(B)

The stop signal arm required by **625 ILCS 5/12-803** shall be extended after the school bus has come to a complete stop for the purpose of loading or discharging pupils and shall be closed before the bus is placed in motion again. The stop signal arm shall not be extended at any other time.

(C)

The alternately flashing red signal lamps of an **eight (8) lamp** flashing signal system required by **625 ILCS 5/12-805** shall be actuated after the school bus has come to a complete stop for the purpose of loading or discharging pupils and shall be turned off before the school bus is placed in motion again. The red signal lamps shall not be actuated at any other time except as provided in paragraph (D) below.

(D)

The alternately flashing amber signal lamps of an **eight (8) lamp** flashing signal system required by **625 ILCS 5/12-805** shall be actuated continuously during not less than the last **one hundred (100) feet** traveled by the school bus before stopping for the purpose of loading or discharging pupils within an urban area, and during not less than the last **two hundred (200) feet**



traveled by the school bus outside an urban area. The amber signal lamps shall remain actuated until the school bus is stopped. The amber signal lamps shall not be actuated at any other time.

(E) The driver of a vehicle upon a highway having **four (4)** or more lanes which permits at least **two (2) lanes** of traffic to travel in opposite directions need not stop the vehicle upon meeting a school bus which is stopped in the opposing roadway; and need not stop the vehicle when driving upon a controlled access highway when passing a school bus traveling in either direction that is stopped in a loading zone adjacent to the surfaced or improved part of the controlled access highway where pedestrians are not permitted to cross.

(F) In addition to the driving privilege suspensions authorized by **625 ILCS 5/11-1414**, any person convicted of violating this Section shall be subject to a mandatory fine of **One Hundred Fifty Dollars (\$150.00)** or, upon a second or subsequent violation, **Five Hundred Dollars (\$500.00)**. (**625 ILCS 5/11-1414**) (**See Section 24-1-99 for Penalty**)

**24-2-46**      **ONE-WAY ROADWAYS AND ROTARY TRAFFIC ISLANDS.**

(A) Upon a roadway designated for one-way traffic, a vehicle shall be driven only in the direction designated at all or such times as shall be indicated by official traffic-control devices. One-way streets are designated in **Schedule "B"** at the conclusion of this Chapter.

(B) A vehicle passing around a rotary traffic island must be driven only to the right of the island.

(C) Whenever any highway has been divided into **two (2)** or more roadways by leaving an intervening space or by a physical barrier or a clearly indicated dividing section 50 constructed as to impede vehicular traffic, every vehicle must be driven only upon the right-hand roadway unless directed or permitted to use another roadway by official traffic-control devices or police officers. No vehicle may be driven over, across, or within any dividing space, barrier, or section except through an opening in the physical barrier, or dividing section, or space, or at a cross-over or intersection as established by public authority.

(D) The driver of a vehicle may turn left across a paved non-curbed dividing space unless prohibited by an official traffic-control device. (**625 ILCS 5/11-708**) (**See Section 24-1-99 for Penalty**)

**24-2-47**      **NO-PASSING ZONES.**

(A) The Board of Trustees is authorized to determine those portions of any highway within the Village where overtaking and passing or driving on the left of the roadway would be especially hazardous, and may be appropriate signs or markings on the roadway indicate the beginning and end of the zones, and when signs or markings are in place and clearly visible to an ordinarily observant person, every driver of a vehicle shall obey the directions thereof.

(B) Where signs or markings are in place to define a no-passing zone as set forth in paragraph (A) no driver may at any time drive on the left side of the roadway within the no-passing zone or on the left side of any pavement striping designed to mark the no-passing zone throughout its length.

(C) This Section does not apply under the conditions described in **Section 24-2-40(A)(2)**, nor to the driver of a vehicle turning left into or from an alley, private road, or driveway. The pavement striping designed to mark the no-passing zone may be crossed from the left-hand lane for the purpose of completing a pass that was begun prior to the beginning of the zone in the driver's direction of travel. (**625 ILCS 5/11-707**) (**See Section 24-1-99 for Penalty**)

**24-2-48**      **DRIVING ON ROADWAYS LANED FOR TRAFFIC.** Whenever any roadway has been divided into **two (2)** or more clearly marked lanes for traffic the following rules in addition to all others consistent herewith shall apply.

(A) A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.

(B) Upon a roadway which is divided into **three (3) lanes** and provides for two-way movement of traffic, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle traveling in the same direction when such center lane is clear of traffic within a safe distance, or in preparation for making a left turn or where such center lane is at the time allocated exclusively to traffic moving in the same direction that the vehicle is proceeding and such allocation is designated by official traffic-control devices.

(C) Official traffic-control devices may be erected directing specific traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway and drivers of vehicles shall obey the directions of every such device. Drivers must obey lane designation signing except when it is necessary to use a different lane to make a turning maneuver.

(D) Official traffic-control devices may be installed prohibiting the changing of lanes on sections of roadway and drivers of vehicles shall obey the directions of every such device. **(625 ILCS 5/11-709) (See Section 24-1-99 for Penalty)**

**24-2-49 - 24-2-59 RESERVED.**

**DIVISION IV – RIGHT-OF-WAY**

**24-2-60 VEHICLES APPROACHING OR ENTERING INTERSECTION.** When **two (2) vehicles** approach or enter an intersection from different roadways at approximately the same time, the driver of the vehicle on the left must yield the right-of-way to the vehicle on the right. This rule may be modified at through highways or streets and where otherwise inconsistent with the provisions of this Traffic Code. **(625 ILCS 5/11-901) (See Section 24-1-99 for Penalty)**

**24-2-61 VEHICLE TURNING LEFT.** The driver of a vehicle intending to turn to the left within an intersection or into an alley, private road, or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction which is so close as to constitute an immediate hazard, but the driver, having so yielded, may proceed as soon as a safe interval occurs. **(625 ILCS 5/11-902) (See Section 24-1-99 for Penalty)**

**24-2-62 VEHICLES ENTERING STOP CROSSWALK.** Where stop signs or flashing red signals are in place at an intersection, or flashing red signals are in place at a plainly marked crosswalk between intersections, drivers of vehicles shall stop before entering the nearest crosswalk and pedestrians within or entering the crosswalk at either edge of the roadway shall have the right-of-way over vehicles so stopped. Drivers of vehicles having so yielded the right-of-way to pedestrians entering or within the nearest crosswalk at an intersection shall also yield the right-of-way to pedestrians within any other crosswalk at the intersection. **(625 ILCS 5/11-903) (See Section 24-1-99 for Penalty)**

**24-2-63 VEHICLE ENTERING STOP OR YIELD INTERSECTION.**

(A) Preferential right-of-way at an intersection may be indicated by stop or yield signs.

(B) Except when directed to proceed by a police officer or traffic-control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop at a clearly marked stop line but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection. After having stopped, the driver shall yield the right-of-way to any vehicle which has entered the intersection from another roadway, or which is approaching so closely on the roadway as to constitute an immediate hazard during the time when the

driver is moving across or within the intersection, but the driver, having so yielded, may proceed as soon as a safe interval occurs.

(C) The driver of a vehicle approaching a yield sign shall, in obedience to the sign, slow down to a speed reasonable for the existing conditions, and, if required for safety to stop, shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway. After slowing or stopping, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time the driver is moving across or within the intersection.

(D) If a driver is involved in a collision at an intersection or interferes with the movement of other vehicles after driving past a yield right-of-way sign, the collision or interference shall be deemed prima facie evidence of the driver's failure to yield right-of-way. **(625 ILCS 5/11-904)** **(See Section 24-1-99 for Penalty)**

**24-2-64** **MERGING TRAFFIC.** Notwithstanding the right-of-way provision in **Section 24-2-60**, at an intersection where traffic lanes are provided for merging traffic, the driver of each vehicle on the converging roadways is required to adjust his vehicular speed and lateral position so as to avoid a collision with another vehicle. **(625 ILCS 5/11-905)** **(See Section 24-1-99 for Penalty)**

**24-2-65** **VEHICLE ENTERING HIGHWAY FROM PRIVATE ROAD OR DRIVEWAY.** The driver of a vehicle about to enter or cross a highway from an alley, building, private road, or driveway shall yield the right-of-way to all vehicles approaching on the highway to be entered. **(625 ILCS 5/11-906)** **(See Section 24-1-99 for Penalty)**

**24-2-66** **OPERATION OF VEHICLES ON APPROACH OF AUTHORIZED EMERGENCY VEHICLES.**

(A) Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of this Chapter, or a police vehicle properly and lawfully making use of an audible or visual signal, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the highway clear of any intersection, and shall, if necessary to permit the safe passage of the emergency vehicle, stop and remain in that position until the authorized emergency vehicle has passed, unless otherwise directed by a police officer.

(B) This Section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway. **(625 ILCS 5/11-907)** **(See Section 24-1-99 for Penalty)**

**24-2-67** **FUNERAL PROCESSIONS.**

(A) Funeral processions have the right-of-way at intersections when vehicles comprising the procession have their headlights lighted, subject to the following conditions and exceptions:

- (1) Operators of vehicles in a funeral procession shall yield the right-of-way upon the approach of an authorized emergency vehicle giving an audible or visible signal;
- (2) Operators of vehicles in a funeral procession shall yield the right-of-way when directed to do so by a traffic officer;
- (3) The operator of the leading vehicle in a funeral procession shall comply with stop signs and traffic-control signals but when the leading vehicle has proceeded across an intersection in accordance with the signal or alter stopping as required by the stop sign, all vehicles in the procession may proceed without stopping, regardless of the sign or signal, and the

leading vehicle and the vehicles in procession shall proceed with due caution.

(B) The operator of a vehicle not in the funeral procession shall not drive his vehicle in the funeral procession except when authorized to do so by a traffic officer or when such vehicle is an authorized emergency vehicle giving audible or visible signal.

(C) Operators of vehicles not a part of a funeral procession may not form a procession or convoy and have their headlights lighted for the purpose of securing the right-of-way granted by this Section to funeral processions.

(D) The operator of a vehicle not in a funeral procession may overtake and pass the vehicles in such procession if such overtaking and passing can be accomplished without causing a traffic hazard or interfering with such procession.

(E) The lead vehicle in the funeral procession may be equipped with a flashing amber light which may be used only when such vehicle is used as a lead vehicle in such procession. Vehicles comprising a funeral procession may utilize funeral pennants or flags or windshield stickers to identify the individual vehicles in such a procession. **(625 ILCS 5/11-1420) (See Section 24-1-99 for Penalty)**

**24-2-68 - 24-2-79 RESERVED.**

**DIVISION V – SPECIAL STOPS REQUIRED**

**24-2-80 OBEDIENCE TO SIGNAL INDICATING APPROACH OF TRAIN.**

(A) Whenever any person driving a vehicle approaches a railroad grade crossing, that person must exercise due care and caution as the existence of a railroad track across a highway is a warning of danger, and under any of the circumstances stated in this Section, the driver shall stop within **fifty (50) feet** but not less than **fifteen (15) feet** from the nearest rail of the railroad, and shall not proceed until he can do so safely. The foregoing requirements shall apply when:

- (1) A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;
- (2) A crossing gate is lowered or a human flagman gives or continues to give a signal of the approach or passage of a railroad train;
- (3) A railroad train approaching a highway crossing emits a warning signal and the train, by reason of its speed or nearness to the crossing, is an immediate hazard;
- (4) An approaching railroad train is plainly visible and is in hazardous proximity to the crossing;
- (5) A railroad train is approaching so closely that an immediate hazard is created.

(B) No person shall drive any vehicle through, around, or under any crossing gate or barrier at a railroad crossing while the gate or barrier is closed or is being opened or closed.

(C) When stop signs are erected at railroad grade crossings, the driver of any vehicle shall stop within **fifty (50) feet** but not less than **fifteen (15) feet** from the nearest rail of the railroad, and shall proceed only upon exercising due care.

(D) At any railroad grade crossing provided with railroad crossbuck signs, without automatic, electric, or mechanical signal devices, crossing gates, or a human flagman giving a signal of the approach or passage of a train, the driver of a vehicle shall in obedience to the railroad crossbuck sign, yield the right-of-way and slow down to a speed reasonable for the existing conditions and shall stop, if required for safety, at a clearly marked stopped line, or if no stop line, within **fifty (50) feet** but not less than **fifteen (15) feet** from the nearest rail of the railroad and shall not proceed until he or she can do so safely. If a driver is involved in a collision at a railroad crossing or interferes with the movement of a train after driving past the railroad crossbuck sign, the collision or interference is prima facie evidence of the driver's failure to yield right-of-way.

(E) A violation of any part of this Section shall result in a mandatory fine of **Five Hundred Dollars (\$500.00)** or **fifty (50) hours** of community service.

Local authorities shall impose fines as established in paragraph (E) for vehicles that fail to obey signals indicating the presence, approach, passage or departure of a train. **(625 ILCS 5/11-1201)** **(See Section 24-1-99 for Penalty)**

**24-2-81 CERTAIN VEHICLES MUST STOP AT ALL RAILROAD GRADE CROSSINGS.**

(A) The driver of any of the following vehicles shall, before crossing a railroad track or tracks at grade, stop that vehicle within **fifty (50) feet** but not less than **fifteen (15) feet** from the nearest rail, and while so stopped, shall listen and look for the approach of a train, and shall not proceed until that movement can be made with safety:

- (1) Any second division vehicle carrying passengers for hire;
- (2) Any bus that meets all of the special requirements for school buses in **Section 24-2-106, Section 24-2-22 and Section 24-2-24;**
- (3) Any other vehicle which is required by federal or state law to be placarded when carrying as a cargo or part of a cargo "hazardous material" as defined in **625 ILCS 5/6500**. After stopping as required in this Section, the driver shall proceed only in a gear not requiring a change of gears during the crossing, and the driver shall not shift gears while crossing the track or tracks.

(B) This Section shall not apply:

- (1) At any railroad grade crossing where traffic is controlled by a police officer or flagperson;
- (2) At any railroad grade crossing controlled by a functioning traffic-control signal transmitting a green indication which under law, permits the vehicle to proceed across the railroad tracks without slowing or stopping except that (A) above shall apply to any school bus;
- (3) At any streetcar grade crossing within a business or residence district; or
- (4) At any abandoned industrial or spur track railroad grade crossing designated as exempt by the Illinois Commerce Commission and marked with an official sign as authorized in the State Manual of Uniform Traffic Control Devices for Streets and Highways. **(625 ILCS 5/11-1202)** **(See Section 24-1-99 for Penalty)**

**24-2-82 EMERGING FROM ALLEY, BUILDING, PRIVATE ROAD, OR DRIVEWAY.**

The driver of a vehicle emerging from an alley, building, private road, or driveway within an urban area shall stop the vehicle immediately prior to driving into the sidewalk area extending across the alley, building entrance, road, or driveway, or in the event there is no sidewalk area, shall stop at the point nearest the street to be entered where the driver has a view of approaching traffic thereon, and shall yield the right-of-way to any pedestrians as may be necessary to avoid collision, and upon entering the roadway, shall yield the right-of-way to all vehicles approaching on the roadway. **(625 ILCS 5/11-1205)** **(See Section 24-1-99 for Penalty)**

**24-2-83 STOP WHEN TRAFFIC OBSTRUCTED.** No driver shall enter an intersection or a marked crosswalk, or drive onto any railroad grade crossing unless there is sufficient space on the other side of the intersection, crosswalk, or railroad grade crossing to accommodate the vehicle he is operating without obstructing the passage of other vehicles, pedestrians, or railroad trains, notwithstanding any traffic-control signal indication to proceed. **(625 ILCS 5/11-1425)** **(See Section 24-1-99 for Penalty)**

**24-2-84 - 24-2-94 RESERVED.**

**DIVISION VI – PROHIBITIONS**

**24-2-95      BACKING.**

- (A)            The driver of a vehicle shall not back the same unless the movement can be made.
- (B)            With safety and without interfering with other traffic.
- (C)            The driver of a vehicle shall not back the same upon any shoulder or roadway of any controlled-access highway. **(625 ILCS 5/11-1402) (See Section 24-1-99 for Penalty)**

**24-2-96      FOLLOWING VEHICLE TOO CLOSELY.** The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of the vehicles and the traffic upon and conditions of the street or highway. **(625 ILCS 5/11-710) (See Section 24-1-99 for Penalty)**

**24-2-97      OBSTRUCTION OF DRIVER’S VIEW OR DRIVING MECHANISM.**

- (A)            No person shall drive a vehicle when it is so loaded, or when there are in the front seat such number of persons, exceeding three, as to obstruct the view of the driver to the front or sides of the vehicle, or as to interfere with the driver’s control over the driving mechanism of the vehicle.
- (B)            No passenger in a vehicle or streetcar shall ride in a position as to interfere with the driver’s or motorman’s view ahead or to the sides, or to interfere with his control over the driving mechanism of the vehicle or streetcar.
- (C)            No passenger on a school bus may ride or stand in a position as to interfere with the driver’s view ahead or to the side or to the rear, or to interfere with his control of the driving mechanism of the bus. **(625 ILCS 5/11-1406) (See Section 24-1-99 for Penalty)**

**24-2-98      OPENING VEHICLE DOORS.** No person shall open the door of a vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, and can be done without interfering with the movement of other traffic, nor shall any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers. **(625 ILCS 5/11-1407) (See Section 24-1-99 for Penalty)**

**24-2-99      COASTING.**

- (A)            The driver of any motor vehicle when traveling upon a down grade shall not coast with the gears or transmission of the vehicle in neutral.
- (B)            The driver of a truck or bus when traveling upon a down grade shall not coast with the clutch disengaged. **(625 ILCS 5/11-1410) (See Section 24-1-99 for Penalty)**

**24-2-100     FOLLOWING FIRE APPARATUS; DRIVING OVER FIRE HOSE.**

- (A)            The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than **five hundred (500) feet** or stop the vehicle within **five hundred (500) feet** of any fire apparatus stopped in answer to a fire alarm. **(625 ILCS 5/11-1411)**
- (B)            No vehicle shall be driven over an unprotected hose of the Fire Department when laid down on any street, private road, or driveway to be used at any fire or alarm of fire, without the consent of the Fire Department official in command. **(625 ILCS 5/11-1412) (See Section 24-1-99 for Penalty)**

**24-2-101 DRIVING UPON SIDEWALK.**

(A) No person shall drive any vehicle upon a sidewalk or sidewalk area except upon a permanent or duly authorized temporary driveway.

(B) This Section does not apply to any vehicle moved exclusively by human power nor to any motorized wheelchair. **(625 ILCS 5/11-1412.1) (See Section 24-1-99 for Penalty)**

**24-2-102 USE OF ROLLER SKATES, COASTERS, OR SIMILAR DEVICES.**

No person upon roller skates or riding in or by means of any coaster, toy vehicle, skateboard, or similar device shall go upon any roadway except while crossing a street on a crosswalk or except upon streets set aside as play streets when authorized by the traffic authority. **(See Section 24-1-99 for Penalty)**

**24-2-103 PUTTING GLASS OR OTHER HAZARDOUS MATERIALS ON HIGHWAY PROHIBITED.**

(A) No person shall throw, spill or deposit upon any highway any bottle, glass, nails, tacks, wire, cans, or any litter (as defined in Chapter 38, Section 86-3 of the State Litter Control Act).

(B) Any person who violates paragraph (A) upon any highway shall immediately remove such material or cause it to be removed.

(C) Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other debris, except any hazardous substance as defined in **415 ILCS 5/3.14**, hazardous waste as defined in **415 ILCS Sec. 5/3.15**, and potentially infectious medical waste as defined in **415 ILCS 5/3.84**, dropped upon the highway from such vehicle. **(625 ILCS 5/11-1413) (See Section 24-1-99 for Penalty)**

**24-2-104 OBSTRUCTING PERSON IN HIGHWAYS.**

No person shall willfully and unnecessarily hinder, obstruct, or delay, or willfully and unnecessarily attempt to delay, hinder, or obstruct any other person in lawfully driving or traveling along or upon any highway within this Village, or offer for barter or sale merchandise on the highway so as to interfere with the effective movement of traffic. **(625 ILCS 5/11-1416) (See Section 24-1-99 for Penalty)**

**24-2-105 FARM TRACTOR OPERATION.**

(A) No person shall operate a farm tractor on a highway in this Village unless the tractor is being used as an implement of husbandry in connection with farming operations.

(B) For the purpose of this Section, the use of a farm tractor as an implement of husbandry in connection with farming operations shall be deemed to include use of the tractor in connection with the transportation of agricultural products and of farm machinery, equipment, and supplies, as well as the transportation of the implement of husbandry from its place of purchase to its place of storage, in connection with the obtaining of repairs of the implement of husbandry, and the towing of a registered truck of not more than **eight thousand (8,000) pounds** for use as return transportation after the tractor is left at the place of work or repair. **(625 ILCS 5/11-1418) (See Section 24-1-99 for Penalty)**

**24-2-106 DRIVING ON CONTROLLED-ACCESS HIGHWAY.**

No person may drive a vehicle onto or from any controlled-access highway except at entrances and exits established by public authority. **(625 ILCS 5/11-711) (See Section 24-1-99 for Penalty)**

**24-2-107 LOUDSPEAKERS OR AMPLIFIERS UPON VEHICLES PROHIBITED.**

The Chief of Police is empowered to authorize or prohibit, and to prescribe the conditions governing, the use

of any loudspeaker or other broadcasting or amplifying equipment upon any vehicle driving upon the streets, or the use of any such equipment installed upon the public or private premises abutting any sidewalk or street for broadcasting sound over or upon any sidewalk or street.

**24-2-108      SQUEALING OR SCREECHING TIRES.**

(A) No person shall operate any motor vehicle in such a manner as to cause or allow to be emitted squealing, screeching or other such noise from the vehicles tires due to rapid acceleration or excessive speed around corners or other such reason.

(B) This Section shall not apply to the following conditions:

- (1) An authorized emergency vehicle when responding to an emergency call or when in pursuit of an actual or suspected violator;
- (2) The emergency operation of a motor vehicle when avoiding imminent danger; nor
- (3) Any raceway, racing facility, or other public event, not part of a highway, sanctioned by the Village.

**24-2-109      DRIVING ON CLOSED OR BARRICADED STREETS PROHIBITED.**

No person shall drive any vehicle over or across any newly made pavement in any public street, across or around which pavement there is a barrier, or at, over, or near which there is a person or sign warning persons that the street is closed.

**24-2-110 - 24-2-119      RESERVED.**

**DIVISION VII – PARADES**

**24-2-120      DEFINITIONS.** For the purpose of this Division the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**Cruising.** The repeated operation of **two (2)** or more vehicles in a continuous or nearly continuous flow through a parking lot.

**Parade.** Any parade, march, ceremony, show, exhibition, pageant, or procession of any kind, or any similar display in or on any street, sidewalk, park, or other public place in the Village, or *cruising* defined above.

**Parade Permit.** A permit required by this Division.

**Parking Lot.** Any paved or unpaved area used by a place of business or shopping center for the parking of vehicles of their customers, but shall not include those operated for hire.

**24-2-121      PERMIT REQUIRED.**

(A) No person or persons shall engage or participate in, aid, form, or start any parade unless a parade permit has been obtained from the Chief of Police or other authorized Village official.

(B) This Division shall not apply to:

- (1) Funeral processions;
- (2) Students going to and from school classes or participating in educational activities, provided the conduct is under the immediate direction and supervision of the proper school authorities;



(3) A governmental agency acting within the scope of its functions.

**(See Section 24-1-99 for Penalty)**

**24-2-122 APPLICATION FOR PERMIT.** A person seeking issuance of a parade permit shall file an application with the Chief of Police or other authorized Village official on forms provided by such officer.

(A) **Filing Period.** The application for a parade permit shall be filed not less than **five (5) days** or not more than **sixty (60) days** before the date on which it is proposed to conduct the parade.

(B) The application for a parade permit shall set forth the following information:

- (1) The name, address, and telephone number of the person seeking to conduct the parade;
- (2) If the parade is proposed to be conducted for, on behalf of or by an organization, the name, address, and telephone number of the headquarters of the organization and of the authorized and responsible heads of the organization;
- (3) The name, address, and telephone number of the person who will be the parade chairperson and who will be responsible for its conduct;
- (4) The date when the parade is to be conducted;
- (5) The route to be traveled, the starting point, and the termination point;
- (6) The approximate number of persons, animals, and vehicles which will constitute the parade, the type of animals, if any, and the description of the vehicles;
- (7) The hours when the parade will start and terminate;
- (8) A statement as to whether the parade will occupy all or only a portion of the width of the streets, sidewalk, park, or other public place proposed to be traversed;
- (9) The location by street of any assembly area for the parade;
- (10) The time at which units of the parade will begin to assemble at any such assembly area or areas;
- (11) The interval of space to be maintained between units of the parade;
- (12) If the parade is designed to be held by, and on behalf of or for, any person other than the applicant, the applicant for the permit shall file a communication in writing from the person authorizing the applicant to apply for the permit on his behalf;
- (13) Any additional information reasonably necessary to a fair determination as to whether a permit should be issued.

(C) There shall be paid at the time of filing an application for a parade permit a fee in an amount as established by the Board of Trustees from time to time. **(See Section 24-1-99 for Penalty)**

**24-2-123 STANDARDS FOR ISSUANCE OF PERMIT.** The Chief of Police or other authorized Village official shall issue a permit when, from a consideration of the application and from other information obtained, he finds that:

(A) The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route.

(B) The conduct of the parade will not require the diversion of so great a number of police officers of the Village to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the Village.

(C) The conduct of the parade will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the Village other than that to be occupied by the proposed line of march and areas contiguous thereto.

(D) The concentration of persons, animals, and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to the assembly areas;

(E) The conduct of the parade will not interfere with the movement of fire-fighting equipment en route to a fire;

(F) The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route;

(G) The parade is not to be held for the sole purpose of advertising any product, goods, or event, and is not designated to be held purely for private profit;

(H) The parade, if it takes the form of cruising, has the approval in writing of the owner or an authorized agent of the owner for the use of the parking lot which is the site of the parade.  
**(See Section 24-1-99 for Penalty)**

**24-2-124 NOTICE OF REJECTION OF PERMIT APPLICATION.** The Chief of Police or other authorized Village official shall act on the application for a parade permit within **three (3) days**, Saturdays, Sundays, and holidays excepted, after filing thereof if he disapproves the application, he shall mail to the applicant within the **three (3) days**, Saturdays, Sundays, and holidays excepted, after the date on which the application was filed, a notice of his action stating the reasons for his denial of the permit.

**24-2-125 APPEAL PROCEDURE WHEN PERMIT DENIED.** Any person aggrieved shall have the right to appeal the denial of a parade permit to the Board of Trustees. The appeal shall be taken within **thirty (30) days** after notice of denial. The Board of Trustees shall act on the appeal within **thirty (30) days** after its receipt.

**24-2-126 ALTERNATIVE PERMIT.** The Chief of Police or other authorized Village official, in denying an application for a parade permit, shall be empowered to authorize the conduct of the parade on a date, at a time, or over a route different than that named by the applicant. An applicant desiring to accept an alternate permit shall file a written notice of his acceptance. An alternate parade permit shall conform to the requirements of and shall have the effect of a parade permit under this Division.

**24-2-127 NOTICE TO VILLAGE AND OTHER OFFICIALS WHEN PERMIT ISSUED.** Immediately on the issuance of a parade permit, a copy thereof shall be sent to the following persons:

- (A) The President;
- (B) The Fire Chief.

**24-2-128 CONTENTS OF PERMIT.** Each parade permit shall state the following information:

- (A) Starting time;
- (B) Minimum speed;
- (C) Maximum speed;
- (D) Maximum interval of space to be maintained between the units of the parade;
- (E) The portions of the street, sidewalk, park, or other public place to be traversed that may be occupied by the parade;
- (F) The maximum length of the parade in miles or fractions thereof;
- (G) Such other information as is reasonably necessary to the enforcement of this Division. **(See Section 24-1-99 for Penalty)**

**24-2-129**      **DUTIES OF PERMITTEE.** A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances. The parade chairperson or other person heading or leading the activity shall carry the parade permit on his person during the conduct of the parade. **(See Section 24-1-99 for Penalty)**

**24-2-130**      **PUBLIC CONDUCT DURING PARADES.**

(A)      **Interference.** No person shall unreasonably hamper, obstruct, impede, or interfere with any parade or parade assembly or with any person, vehicle, or animal participating or used in a parade.

(B)      **Driving Through Parades.** No driver of a vehicle except a police car or other emergency vehicle shall drive between the vehicles or persons comprising a parade when such vehicles or persons are in motion and are conspicuously designated as a parade.

(C)      **Parking on Parade Route.** The Chief of Police or other authorized Village official shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a street or other public thoroughfare or part thereof constituting a part of the route of a parade. Signs shall be posted to such effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof.

No person shall be liable for parking on a street or other public thoroughfare unless signs have been posted in accordance with this Section. **(See Section 24-1-99 for Penalty)**

**24-2-131**      **REVOCATION OF PERMIT.** The Village shall have the authority to revoke a parade permit issued hereunder on application of the standards for issuance as herein set forth.

**ARTICLE III – PARKING REGULATIONS**

**DIVISION I – METHOD OF PARKING**

**24-3-1            GENERAL PARKING REGULATIONS.**

(A)            Except as otherwise provided in this Section, every vehicle stopped or parked upon a two-way roadway shall be so stopped or parked with the right-hand wheels parallel to and within **twelve (12) inches** of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder.

(B)            Every vehicle stopped or parked upon a one-way roadway shall be so stopped or parked parallel to the curb or edge of the roadway, in the direction of authorized traffic movement, with its right-hand wheels within **twelve (12) inches** of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder, or with its left-hand wheels within **twelve (12) inches** of the left-hand curb or as close as practicable to the left edge of the left-hand shoulder.

(C)            No person shall park in violation of signs placed by and under the jurisdiction of the State Department of Transportation which prohibit, limit, or restrict the stopping, standing, or parking of vehicles on any highway. **(625 ILCS 5/11-1304) (See Section 24-3-99 for Penalty)**

**24-3-2            UNATTENDED MOTOR VEHICLES.** No person driving or in charge of a motor vehicle shall permit it to stand unattended without stopping the engine, locking the ignition, removing the key from the ignition, effectively setting the brake thereon and, when standing upon any perceptible grade, turning the front wheels to the curb or side of the highway. **(625 ILCS 5/11-1401) (See Section 24-3-99 for Penalty)**

**24-3-3 - 24-3-9        RESERVED.**

**DIVISION II – RESTRICTIONS ON STOPPING, STANDING, AND PARKING**

**24-3-10            STOPPING, STANDING, OR PARKING PROHIBITED IN SPECIFIED PLACES.**

(A)            Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer, or an official traffic-control device, no person shall:

- (1) Stop, stand, or park a vehicle:
  - (a) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
  - (b) On a sidewalk;
  - (c) Within an intersection;
  - (d) On a crosswalk;
  - (e) Between a safety zone and the adjacent curb or within **thirty (30) feet** of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings;
  - (f) Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;
  - (g) Upon any bridge or other elevated structure, upon a highway, or within a highway tunnel;
  - (h) On any railroad tracks. A violation of any part of this paragraph shall result in a mandatory fine of **Five Hundred Dollars (\$500.00)** or **fifty (50) hours** of community service.
  - (i) At any place where official signs prohibit stopping;

- (j) On any controlled-access highway;
  - (k) In the area between roadways of a divided highway, including crossovers.
  - (l) In a public parking area if the vehicle does not display a current annual registration sticker or current temporary permit pending registration.
- (2) Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge passengers:
- (a) In front of a public or private driveway;
  - (b) Within **fifteen (15) feet** of a fire hydrant;
  - (c) Within **twenty (20) feet** of a crosswalk at an intersection;
  - (d) Within **thirty (30) feet** upon the approach to any flashing signal, stop sign, yield sign, or traffic-control signal located at the side of a roadway;
  - (e) Within **twenty (20) feet** of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within **seventy-five (75) feet** of the entrance (when properly sign-posted);
  - (f) At any place where official signs prohibit standing.
- (3) Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading property or passengers:
- (a) Within **fifty (50) feet** of the nearest rail of a railroad crossing;
  - (b) At any place where official signs prohibit parking.
- (B) No person shall move a vehicle not lawfully under his control into any prohibited area or away from a curb a distance as is unlawful. **(625 ILCS 5/11-1303) (See Section 24-3-99 for Penalty)**
- (C) No person shall park any jet skis or boats with trailers, trailers, camper trailers or recreational vehicles for more than **seventy-two (72) hours** upon any street, alley or any public way within the Village. **(Ord. No. 2013-06; 08-12-13)**

**24-3-11 STOPPING, STANDING, OR PARKING OUTSIDE BUSINESS OR RESIDENCE DISTRICT.**

(A) Outside a business or residence district, no person shall stop, park, or leave standing any vehicle, whether attended or unattended, upon the roadway when it is practicable to stop, park, or so leave the vehicle off the roadway, but in every event an unobstructed width of the highway opposite a standing vehicle shall be left for the free passage of other vehicles, and a clear view of the stopped vehicle shall be available from a distance of **two hundred (200) feet** in each direction upon the highway.

(B) The Village, with respect to highways under its jurisdiction or for the maintenance of which it is responsible, may place signs prohibiting or restricting the stopping, standing, or parking of vehicles on any highway where in its opinion stopping, standing, or parking is dangerous to those using the highway, or where stopping, standing, or parking vehicles would unduly interfere with the free movement of traffic thereon. Any regulations adopted by the Village regarding the stopping, standing, or parking of vehicles upon any specific street, streets, or highways become effective at the time of the erection of appropriate signs indicating the regulations. **(See Chapter 9, Parking Schedules)**

(C) This Section and **Section 24-1-10** and **625 ILCS 5/11-1304** shall not apply to the driver of any vehicle which is disabled in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving the vehicle in such position.

(D) Any second division vehicle used exclusively for the collection of garbage, refuse, or recyclable material may stop or stand on the road in a business, rural, or residential district for the sole purpose of collecting garbage, refuse, or recyclable material. The vehicle, in addition to having its hazard lights lighted at all times that it is engaged in stopping or standing, shall also use its amber oscillating, rotating, or flashing light or lights as authorized under **625 ILCS Sec. 5/12-215**, if so equipped. **(625 ILCS 5/11-1301) (See Section 24-3-99 for Penalty)**

**24-3-12 UNAUTHORIZED USE OR PARKING SPACES RESERVED FOR PERSONS WITH DISABILITIES.**

(A) It shall be prohibited to park any motor vehicle which is not bearing registration plates or decals issued to a person with disabilities, as defined by **Section 24-1-1**, pursuant to **625 ILCS 5/3-616, 5/11-1301.1, or 5/11-1301.2**, or to a disabled veteran pursuant to **625 ILCS Sec. 5/3-609**, as evidence that the vehicle is operated by or for a person with disabilities or disabled veteran, in any parking place, including any private or public off-street parking facility, specifically reserved, by the posting of an official sign as designated under **625 ILCS 5/11-301**, for motor vehicles bearing such registration plates. Any motor vehicle bearing a person with disabilities license plate or a person with disabilities parking decal or device containing the International symbol of access issued to persons with disabilities shall be recognized by local authorities as a valid license plate or device and receive the same parking privileges as residents of the Village. A complete list of handicapped parking spaces in the Village shall be located at the conclusion of this Chapter in **Schedule "H"**.

(B) Any person or local authority owning or operating any public or private off-street parking facility may, after notifying the Police Department, remove or cause to be removed to the nearest garage or other place of safety any vehicle parked within a stall or space reserved for use by a person with disabilities which does not display a person with disabilities registration plates or a special decal or device as required under this Section.

(C) Any person found guilty of violating the provisions of this Section shall be fined as set forth in **Section 24-3-99** in addition to any costs or charges connected with the removal or storage of any motor vehicle authorized under this Section, and the Village shall display signs indicating the fine imposed. If the amount of the fine is subsequently changed, the Village shall change the sign to indicate the current amount of the fine. **(625 ILCS 5/11-1301.3) (See Section 24-3-99 for Penalty)**

**24-3-13 PARKING IN ALLEYS.** It shall be unlawful for any driver to park a vehicle within an alley in such a manner or under such conditions as to leave available less than **eight (8) feet** of the width of the roadway for the free movement of vehicular traffic, and there shall be no parking in any alley for a time longer than is necessary to load or unload passengers or materials.

**24-3-14 PARKING SECOND DIVISION MOTOR VEHICLE IN RESIDENTIAL AREA.** No operator of a motor vehicle of the second division of a gross weight in pounds, including vehicle and maximum load, in excess of **sixteen thousand (16,000) pounds**, as defined under the Illinois Motor Vehicle Code, **625 ILCS 5**, shall stand or park such vehicle upon any street in the Village zoned residential pursuant to Chapter 155, Zoning, or where the primary use of the structures fronting thereon is for residential purposes in the Village except for the purpose of making a delivery or pickup of merchandise or material, in which event such standing or parking shall be permitted for a period not to exceed **one (1) hour**. However, trucks engaged in the transporting of the household possessions of persons moving into or out of a dwelling unit within the Village shall be permitted to park or stand for a period not to exceed **four (4) hours** in the street on which such dwelling unit is located.

**24-3-15 PARKING VIOLATIONS.** Any person found guilty of a violation of an ordinance prohibiting stopping, standing or parking a vehicle, trailer, camper trailer or recreational vehicle in a designated area or restricting the length of time a vehicle, trailer, camper trailer or recreational vehicle may be there parked shall be fined not less than **Fifty Dollars (\$50.00)** nor more than **One Hundred Dollars (\$100.00)** for each violation. Each day a violation continues after notification constitutes a separate offense.

(A) **Removal – Time Limit.** Any vehicle, trailer, camper trailer or recreational vehicle illegally parked for a period in excess of **twenty-four (24) hours** may be removed by a towing service authorized by the Police Department of the Municipality. In any emergency any vehicle, trailer, camper trailer or recreational vehicle may be removed by any means wen authorized by the Police Department of the Municipality.

(B) **Village Parking Lots.** No person shall park a motor vehicle on a Village parking lot unattended for more than **five (5) consecutive days.** (Ord. No. 2013-06; 08-12-13)

**24-3-16 - 24-3-24 RESERVED.**

**DIVISION III – SNOW EMERGENCIES**

**24-3-25 ANNOUNCEMENT OF SNOW EMERGENCY.** Whenever the Mayor finds that falling snow, sleet, or freezing rain will create a condition which makes it necessary that the parking of motor vehicles on snow emergency routes be prohibited, or whenever he finds on the basis of a firm forecast of snow, sleet, or freezing rain that the weather conditions so forecasted may create a condition making it necessary that such parking be prohibited, he is authorized to announce such prohibition, to become effective at a time specified by him. After the effective time of such prohibition no person shall park any vehicle or permit any vehicle to remain parked on a snow emergency route. However, if a fall of snow, sleet, or freezing rain occurs after **11:00 P.M.** and prior to **6:00 A.M.**, and the Mayor has not announced prior to **11:00 P.M.** that parking on snow emergency routes is to be prohibited after a specified time, a vehicle parking on a snow emergency route may remain so parked until **7:00 A.M.** following such fall. The prohibition of parking announced by the Mayor under the authority of this Section shall remain in effect until he announces the termination of the snow emergency, in part or in whole, after which the prohibition of parking authorized by this Section shall no longer be in effect. (See **Section 24-3-99 for Penalty**)

**24-3-26 TERMINATION OF EMERGENCY.** Whenever the Mayor shall find that some or all of the conditions which gave rise to the snow emergency prohibition no longer exist, he is authorized to declare the termination of the emergency, in part or in whole, effective immediately on announcement. If such announcement is made other than between **6:00 A.M.** and **11:00 P.M.**, it shall be repeated between those hours.

**24-3-27 SNOW EMERGENCY ROUTES.** The term *snow emergency route* shall mean any route designated by the Mayor. On such street or highway designated as a snow emergency route, special signs shall be posted to this effect.

**24-3-28 - 24-3-39 RESERVED.**

**DIVISION IV – VIOLATIONS**

**24-3-40 OFFICERS AUTHORIZED TO REMOVE VEHICLES.**

(A) Whenever any police officer finds a vehicle in violation of any of the provisions of **Section 24-3-11** or any other applicable section of this Traffic Code or ordinance of the Village, the officer is authorized to move the vehicle, or require the driver or other person in charge of the vehicle to move the same, to a position off the roadway.

(B) Any police officer is authorized to remove or cause to be removed to a place of safety any unattended vehicle illegally left standing upon any highway, bridge, causeway, or in a tunnel, or in a position or under circumstances as to obstruct the normal movement of traffic.

(C) Any police officer is authorized to remove or cause to be removed to the nearest garage or other place of safety any vehicle found upon a highway when:

- (1) Report has been made that the vehicle has been stolen or taken without the consent of its owner; or
- (2) The person or persons in charge of the vehicle are unable to provide for its custody or removal; or
- (3) When the person driving or in control of the vehicle is arrested for an alleged offense for which the officer is required by law to take the person arrested before a proper magistrate without unnecessary delay.  
**(625 ILCS 5/11-1302)**

(D) When any vehicle is parked in any prohibited place, any police officer or other authorized official may cause such improperly parked vehicle to be removed to a garage designated by the Chief of Police and the owner or operator of such vehicle shall be required to pay the cost of its removal as well as any penalty established for parking illegally.

**24-3-41 DUTY OF LESSOR OR VEHICLE ON NOTICE OR VIOLATION OF THIS CHAPTER.** Every person in whose name a vehicle is registered pursuant to law and who leases such vehicle to others, after receiving written notice of a violation of this Chapter involving such vehicle, shall upon request provide such police officers as have authority of the offense, and the court having jurisdiction thereof, with a written statement of the name and address of the lessee at the time of such offense and the identifying number upon the registration plates and registration sticker or stickers of such vehicle. **(625 ILCS 5/11-1305)**

**24-3-42 - 24-3-98 RESERVED.**

#### **DIVISION V – PENALTY**

**24-3-99 PENALTY.**

(A) Whoever violates any provision of this Chapter for which no specific penalty is otherwise provided shall be fined as set forth in **Section 24-1-99**.

(B) Whoever violates **Section 24-3-12** shall be fined **Seven Hundred Fifty Dollars (\$750.00)** in addition to any costs or charges connected with the removal or storage of the motor vehicle. **(625 ILCS 5/11-1301.3)**



**ARTICLE IV – MOTORCYCLES AND BICYCLES**

**DIVISION I - BICYCLES**

**24-4-1**      **TRAFFIC LAWS APPLY TO PERSONS RIDING BICYCLES.** Every person riding a bicycle upon a highway shall be granted all of the rights, and shall be subject to all of the duties applicable to the driver of a vehicle by this Traffic Code, except as to special regulations in this Traffic Code, and except as to those provisions of this Traffic Code which by their nature can have no application. **(625 ILCS 5/11-1502) (See Section 24-1-99 for Penalty)**

**24-4-2**      **RIDING ON BICYCLES.**  
 (A)            A person propelling a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto.  
 (B)            No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped, except that an adult rider may carry a child securely attached to his person in a back pack or sling. **(625 ILCS 5/11-1503) (See Section 24-1-99 for Penalty)**

**24-4-3**      **CLINGING TO VEHICLES.** No person riding upon any bicycle, coaster, roller skates, sled, or toy vehicle shall attach the same or himself to any vehicle upon a roadway. **(625 ILCS 5/11-1504) (See Section 24-1-99 for Penalty)**

**24-4-4**      **RIDING ON ROADWAYS, BICYCLE PATHS OR SIDEWALKS.**  
 (A)            Any person operating a bicycle or motorized pedalcycle upon a roadway at less than the normal speed of traffic at the time and place and under the conditions then existing shall ride as close as practicable to the right-hand curb or edge of the roadway except under the following situations:  
                   (1)        When overtaking and passing another bicycle, motorized pedalcycle, or vehicle proceeding in the same direction; or  
                   (2)        When preparing for a left turn at an intersection or into a private road or driveway; or  
                   (3)        When reasonably necessary to avoid conditions including, but not limited to, fixed or moving objects, parked or moving vehicles, bicycles, motorized pedalcycles, pedestrians, animals, surface hazards, or substandard width lanes that make it unsafe to continue along the right-hand curb or edge. For purposes of this Section, a "substandard width lane" means a lane that is too narrow for a bicycle or motorized pedalcycle and a vehicle to travel safely side by side within the lane.  
 (B)            Any person operating a bicycle or motorized pedalcycle upon a one-way highway with two or more marked traffic lanes may ride as near the left-hand curb or edge of the roadway as practicable. **(625 ILCS 5/11-1505)**  
 (C)            Persons riding bicycles or motorized pedalcycles upon a roadway shall not ride more than two abreast, except on paths or parts of roadways set aside for their exclusive use. Persons riding two abreast shall not impede the normal and reasonable movement of traffic and, on a laned roadway, shall ride within a single lane subject to the provisions of paragraphs (A) and (B) above. **(625 ILCS 5/11-1505.1)**  
 (D)            (1)        No person shall ride any bicycle on any sidewalk in any business district.  
                   (2)        Outside of such business districts riding on the sidewalks is permitted. Any person riding a bicycle on a sidewalk shall yield the right-of-way to every pedestrian and when approaching a pedestrian from the rear shall give a clearly audible warning signal when at least **twenty-five (25) feet** distance from such pedestrian. **(See Section 24-1-99 for Penalty)**

**24-4-5**        **CARRYING ARTICLES.** No person operating a bicycle shall carry any package, bundle, or article which prevents the use of both hands in the control and operation of the bicycle. A person operating a bicycle shall keep at least one hand on the handlebars at all times. **(625 ILCS 5/11-1506) (See Section 24-1-99 for Penalty)**

**24-4-6**        **LAMPS AND OTHER EQUIPMENT ON BICYCLES.**

(A)            Every bicycle when in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least **five hundred (500) feet** to the front, and with a red reflector on the rear of a type approved by the department which shall be visible from all distances from **one hundred (100) feet** to **six hundred (600) feet** to the rear when directly in front of lawful lower beams of headlamps on a motor vehicle. A lamp emitting a red light visible from a distance of **five hundred (500) feet** to the rear may be used in addition to the red reflector.

(B)            A bicycle shall not be equipped with, nor shall any person use upon a bicycle, any siren.

(C)            Every bicycle shall be equipped with a brake which will adequately control movement of and stop and hold the bicycle.

(D)            No person shall sell a new bicycle or pedal for use on a bicycle that is not equipped with a reflex reflector conforming to specifications prescribed by the State Department of Transportation, on each pedal, visible from the front and rear of the bicycle during darkness from a distance of **two hundred (200) feet**.

(E)            No person shall sell or offer for sale a new bicycle that is not equipped with side reflectors. The reflectors shall be visible from each side of the bicycle from a distance of **five hundred (500) feet**, and shall be essentially colorless or red to the rear of the center of the bicycle and essentially colorless or amber to the front of the center of the bicycle. The requirements of this Section may be met by reflective materials which shall be at least **three-sixteenths (3/16) inch** wide on each side of each tire or rim to indicate as clearly as possible the continuous circular shape and size of the tires or rims of the bicycle, and which reflective materials may be of the same color on both the front and rear tire or rim. The reflectors shall conform to specifications prescribed by the State Department of Transportation.

(F)            No person shall sell or offer for sale a new bicycle that is not equipped with an essentially colorless front-facing reflector. **(625 ILCS 5/11-1507) (See Section 24-1-99 for Penalty)**

**24-4-7**        **LAMPS ON MOTORIZED PEDALCYCLES.** Every motorized pedalcycle, when

in use at nighttime, shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least **five hundred (500) feet** to the front, and with a red reflector on the rear of a type approved by the State Department of Transportation which shall be visible from all distances from **one hundred (100) feet** to **six hundred (600) feet** to the rear when in front of lawful, low-powered beams of headlamps on a motor vehicle. A lamp emitting a red light visible from a distance of **five hundred (500) feet** to the rear may be used in addition to the red reflector. **(625 ILCS 5/11-1507.1) (See Section 24-1-99 for Penalty)**

**24-4-8**        **RIDING ON MOTORIZED PEDALCYCLES.**

(A)            The operator of a motorized pedalcycle shall ride only astride the permanent and regular seat attached thereto, and shall not permit **two (2) persons** to ride thereon at the same time, unless the motorized pedalcycle is designed to carry **two (2) persons**. Any motorized pedalcycle designed for **two (2) persons** must be equipped with a passenger seat and footrests for use of a passenger.

(B)            Neither the operator nor any passenger on a motorized pedalcycle shall be required to wear any special goggles, shield, helmet, or glasses.

(C)            The provisions of **Sections 24-4-1 through 24-4-7** shall be applicable to the operation of motorized pedalcycles, except for those provisions which by their nature can have no application to motorized pedalcycles. **(625 ILCS 5/11-1403.1) (See Section 24-1-99 for Penalty)**

**24-4-9 - 24-4-19**    **RESERVED.**

## DIVISION II – MOTORCYCLES

**24-4-20**      **RIDING ON MOTORCYCLES.**

(A) A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and the operator shall not carry any other person nor shall any other person ride on a motorcycle unless the motorcycle is designed to carry more than **one (1) person**, in which event a passenger may ride upon the permanent and regular seat if designed for **two (2) persons**, or upon another seat firmly attached to the motorcycle at the rear or side of the operator.

(B) A person shall ride upon a motorcycle only while sitting astride the seat, facing forward, with one leg on each side of the motorcycle.

(C) No person shall operate any motorcycle with handlebars higher than the height of the shoulders of the operator when the operator is seated in the normal driving position astride that portion of the seat or saddle occupied by the operator. **(625 ILCS 5/11-1403) (See Section 24-1-99 for Penalty)**

**24-4-21**      **SPECIAL EQUIPMENT FOR PERSONS RIDING MOTORCYCLES.**

(A) The operator and every passenger of a motorcycle, motor driven cycle, or motorized pedalcycle shall be protected by glasses, goggles, or a transparent shield.

(B) For the purposes of this Section, glasses, goggles, and transparent shields are defined as follows:

- (1) **Glasses.** Ordinary eyepieces such as spectacles or sunglasses worn before the eye, made of shatter-resistant material. ***Shatter-Resistant Material*** as used in this Section, means material so manufactured, fabricated, or created that it substantially prevents shattering or flying when struck or broken.
- (2) **Goggles.** A device worn before the eyes, the predominant function of which is protecting the eyes without obstructing peripheral vision. ***Goggles*** shall provide protection from the front and sides, and may or may not form a complete seal with the face.
- (3) **Transparent Shield.** A windshield attached to the front of a motorcycle that extends above the eyes when an operator is seated in the normal, upright riding position, made of shatter-resistant material, or a shatter-resistant protective face shield that covers the wearer's eyes and face at least to a point approximately to the tip of the nose.

(C) Contact lenses are not acceptable eye protection devices.  
**(625 ILCS 5/11-1404) (See Section 24-1-99 for Penalty)**

**24-4-22**      **REQUIRED EQUIPMENT ON MOTORCYCLES.** Any motorcycle carrying a passenger, other than in a sidecar or enclosed cab, shall be equipped with footrests for the passenger. **(625 ILCS 5/11-1405) (See Section 24-1-99 for Penalty)**

**24-4-23**      **OPERATING MOTORCYCLE ON ONE WHEEL.** Any person who operates a motorcycle on one wheel is guilty of reckless driving as defined in Section 76.06. **(625 ILCS 5/11-1403.2) (See Section 24-1-99 for Penalty)**

ARTICLE V – PEDESTRIANS

**24-5-1 PEDESTRIAN OBEDIENCE TO TRAFFIC-CONTROL DEVICES AND TRAFFIC REGULATIONS.**

- (A) A pedestrian shall obey the instructions of any official traffic-control device specifically applicable to him, unless otherwise directed by a police officer.
- (B) Pedestrians shall be subject to traffic and pedestrian-control signals provided in **Section 24-4-31** and **24-4-32** of this Traffic Code; but at all other places, pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in this Chapter. **(625 ILCS 5/11-1001)**

**24-5-2 PEDESTRIANS' RIGHT-OF-WAY AT CROSSWALKS.**

- (A) When traffic-control signals are not in place, or not in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.
- (B) No pedestrian shall suddenly leave a curb or other place of safety, and walk or run into the path of a moving vehicle which is so close as to constitute an immediate hazard.
- (C) Paragraph (A) shall not apply under the condition stated in **Section 24-5-3(B)**.
- (D) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass the stopped vehicle.
- (E) Whenever stop signs or flashing red signals are in place at an intersection or at a plainly marked crosswalk between the intersections, drivers shall yield right-of-way to pedestrians as set forth in Section 71.062. **(625 ILCS 5/11-1002) (See Section 24-1-99 for Penalty)**

**24-5-3 CROSSING AT OTHER THAN CROSSWALKS.**

- (A) Every pedestrian crossing a roadway at any point other than within a marked crosswalk; or within an unmarked crosswalk at an intersection, shall yield the right-of-way to all vehicles upon the roadway.
- (B) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.
- (C) Between adjacent intersections at which traffic-control signals are in operation, pedestrians shall not cross at any place except in a marked crosswalk.
- (D) No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic-control devices; and, when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic-control devices pertaining to the crossing movements.
- (E) Pedestrians with disabilities may cross a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk where the intersection is physically inaccessible to them but they shall yield the right-of-way to all vehicles on the roadway. **(625 ILCS 5/11-1003) (See Section 24-1-99 for Penalty)**

- 24-5-4 DRIVERS TO AVOID COLLIDING WITH PEDESTRIANS.** Notwithstanding other provisions of this Chapter, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian, or any person operating a bicycle or other device propelled by human power and shall give warning by sounding the horn when necessary, and shall exercise proper precaution upon observing any child or any obviously confused, incapacitated, or intoxicated person. **(625 ILCS 5/11-1003.1) (See Section 24-1-99 for Penalty)**

**24-5-5**      **PEDESTRIAN WITH DISABILITIES; RIGHT-OF-WAY.** The driver of a vehicle shall yield the right-of-way to any pedestrian with clearly visible disabilities. **(625 ILCS 5/11-1004) (See Section 24-1-99 for Penalty)**

**24-5-6**      **PEDESTRIANS TO USE RIGHT HALF OF CROSSWALKS.** Pedestrians shall move, whenever practicable, upon the right half of crosswalks. **(625 ILCS 5/11-1005) (See Section 24-1-99 for Penalty)**

**24-5-7**      **PEDESTRIANS SOLICITING RIDES OR BUSINESS.**

(A) No person shall stand in a roadway for the purpose of soliciting a ride from the driver of any vehicle.

(B) No person shall stand on a highway for the purpose of soliciting employment or business from the occupant of any vehicle.

(C) No person shall stand on a highway for the purpose of soliciting contributions from the occupant of any vehicle, unless expressly permitted by this Code. The Village shall determine by ordinance where and when solicitations may take place based on the safety of the solicitors and the safety of motorists. The decision shall also take into account the orderly flow of traffic and may not allow interference with the operation of official traffic-control devices. Any person engaged in the act of solicitation shall be **sixteen (16) years** of age or more and shall be wearing a high visibility vest. The soliciting agency shall be:

- (1) Registered with the Attorney General as a charitable organization as provided by "An Act to regulate solicitation and collection of funds for charitable purposes, provided for violations thereof, and making an appropriation therefor," approved **July 26, 1963**, as amended.
- (2) Engaged in a statewide fund raising activity.
- (3) Liable for any injuries to any person or property during the solicitation which is casually related to an act of ordinary negligence of the soliciting agent.

(D) No person shall stand on or in the proximity of a roadway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway. **(625 ILCS 5/11-1006) (See Section 24-1-99 for Penalty)**

**24-5-8**      **PEDESTRIANS WALKING ON HIGHWAYS.**

(A) Where a sidewalk is provided and its use is practicable, it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.

(B) Where a sidewalk is not available, any pedestrian walking along and upon a highway shall walk only on a shoulder, as far as practicable from the edge of the roadway.

(C) Where neither a sidewalk nor a shoulder is available, any pedestrian walking along and upon a highway shall walk as near as practicable to an outside edge of a roadway, and, if on a two-way roadway, shall walk only on the left side of the roadway.

(D) Except as otherwise provided in this Chapter, any pedestrian upon a roadway shall yield the right-of-way to all vehicles upon the roadway. **(625 ILCS 5/11-1007) (See Section 24-1-99 for Penalty)**

**24-5-9**      **RIGHT-OF-WAY ON SIDEWALKS.** The driver of a vehicle shall yield the right-of-way to any pedestrians on a sidewalk. **(625 ILCS 5/11-1008) (See Section 24-1-99 for Penalty)**

**24-5-10**      **STANDING ON SIDEWALK.** It shall be unlawful for a pedestrian to stand upon any sidewalk except as near as is reasonably possible to the building line or curb line, if such standing interferes with the use of the sidewalk by other pedestrians.

**24-5-11**      **PEDESTRIANS YIELD TO AUTHORIZED EMERGENCY VEHICLES.** Upon the immediate approach of an authorized emergency vehicle making use of an audible signal and visual signals meeting the requirements of **625 ILCS Sec. 5/12-601**, or of a police vehicle properly and lawfully making use of an audible signal only, every pedestrian shall yield the right-of-way to the authorized emergency vehicle. **(625 ILCS 5/11-1009) (See Section 24-1-99 for Penalty)**

**24-5-12**      **PEDESTRIANS UNDER INFLUENCE OF ALCOHOL OR DRUGS.** A pedestrian who is under the influence of alcohol or any drug to a degree which renders himself a hazard shall not walk or be upon a highway, except on a sidewalk. **(625 ILCS 5/11-1010) (See Section 24-1-99 for Penalty)**

**24-5-13**      **BRIDGE AND RAILROAD SIGNALS.**

(A)      No pedestrian shall enter or remain upon any bridge or approach thereto beyond the bridge signal, gate, or barrier after a bridge operation signal indication has been given.

(B)      No pedestrian shall pass through, around, over, or under any crossing gate or barrier at a railroad grade crossing or bridge while the gate or barrier is closed or is being opened or closed.

(C)      No pedestrian shall enter, remain upon, or traverse over a railroad grade crossing or pedestrian walkway crossing a railroad track when an audible bell or clearly visible electric or mechanical signal device is operational giving warning of the presence, approach, passage or departure of a railroad train.

(D)      A violation of any part of this Section shall result in a mandatory fine of **Five Hundred Dollars (\$500.00)** or **fifty (50) hours** of community service.

(E)      Local authorities shall impose fines as established in paragraph (D) of this Section for pedestrians who fail to obey signals indicating the presence, approach, passage or departure of a train. **(625 ILCS 5/11-1011) (See Section 24-1-99 for Penalty)**

**24-5-14**      **MOTORIZED WHEELCHAIRS.** Every person operating a motorized wheelchair upon a sidewalk or roadway shall be granted all the rights and shall be subject to all the duties applicable to a pedestrian. **(625 ILCS 5/11-1004.1)**

**ARTICLE VI – EQUIPMENT LOADS**

**DIVISION I – EQUIPMENT**

**24-6-1 SCOPE AND EFFECT OF EQUIPMENT REQUIREMENTS.**

(A) It is unlawful for any person to drive or move, or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or combination of vehicles which is in an unsafe condition as to endanger any person or property, or which does not contain those parts or is not at all times equipped with the lamps and other equipment in proper condition and adjustment as required in **625 ILCS 5/12-100 et seq.**, or which is equipped in any manner in violation of **625 ILCS 5/12-100 et seq.**, or for any person to do any act forbidden or fail to perform any act required under **625 ILCS 5/12-100 et seq.**

(B) The provisions of **625 ILCS 5/12-100 et seq.**, with respect to equipment on vehicles shall not apply to implements of husbandry, road machinery, road rollers, or farm tractors, or to farm-wagon type trailers having a fertilizer spreader attachment permanently mounted thereon, having a gross weight of not to exceed **thirty-six thousand (36,000) pounds** and used only for the transportation of bulk fertilizer, or to farm wagon type tank trailers of not to exceed **two thousand (2,000) gallons** capacity, used during the liquid fertilizer season as field-storage “nurse tanks”, supplying the fertilizer to a field applicator and highways only for bringing the fertilizer to a field applicator from a local source of supply to the farm or field or from one farm or field to another. (**625 ILCS 5/12-101**) (See Section 24-1-99 for Penalty)

**24-6-2 - 24-6-9 RESERVED.**

**DIVISION II – LOADS**

**24-6-10 SCOPE AND EFFECT OF SIZE, WEIGHT, AND LOAD REGULATIONS.**

(A) It is unlawful for any person to drive or move on, upon, or across, or for the owner to cause to knowingly permit to be driven or moved on, upon, or across any highway any vehicle or vehicles of a size and weight exceeding the limitations stated in **625 ILCS 5/15-100 et seq.**, or otherwise in violation of **625 ILCS 5/15-100 et seq.**

(B) The provisions of **625 ILCS 5/15-100 et seq.** governing size, weight, and load do not apply to fire apparatus or equipment for snow and ice removal operations owned or operated by the Village, or to implements of husbandry temporarily operated or towed in a combination upon a highway provided such combination does not consist of more than **three (3) vehicles** or, in the case of hauling fresh, perishable fruits or vegetables from farm to the point of first processing, not more than **three (3) wagons** being towed by an implement of husbandry, or to a vehicle operated under the terms of a special permit. (**625 ILCS 5/15-101**)

(C) No person shall use the highways under the jurisdiction of the Village in violation of weight and location restrictions and commercial vehicle restrictions set forth by the Board of Trustees. See **Schedule “J”** at the conclusion of this Chapter. (**See Section 24-1-99 for Penalty**)

**Statutory References. Power of Village to regulate loads, 65 ILCS 5/11-4-1**

**24-6-11 PROJECTING LOADS ON PASSENGER VEHICLES.** No passenger-type vehicle shall be operated on any street with any load carried thereon extending beyond the line of the fenders on the left side of the vehicle, nor extending more than **six (6) inches** beyond the line of the fenders on the right side thereof. (**625 ILCS 5/15-105**) (See Section 24-1-99 for Penalty)

**24-6-12**      **PROTRUDING MEMBERS OF VEHICLES.** No vehicle with boom, arm, drill rig, or other protruding component shall be operated upon the highway unless the protruding component is fastened so as to prevent shifting, bouncing, or moving in any manner. **(625 ILCS 5/15-106) (See Section 24-1-99 for Penalty)**

**24-6-13**      **SPILLING LOADS PROHIBITED.**

(A)            No vehicle shall be driven or moved on any street unless the vehicle is so constructed or loaded as to prevent any of its load from dropping, shifting, leaking, or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on a roadway in cleaning or maintaining the roadway.

(B)            No person shall operate on any highway any vehicle with any load unless the load and any covering thereon is securely fastened so as to prevent the covering or load from becoming loose, detached, or in any manner a hazard to other users of the highway.

(C)            The State Department of Transportation shall adopt those rules and regulations it deems appropriate which require the securing of steel rolls and other objects on flatbed trucks so as to prevent injury to users of highways and damage to property. Any person who operates a flatbed truck on any highway in violation of the rules and regulations promulgated by the State Department of Transportation under this Division shall be punished as provided in **Section 24-1-99. (625 ILCS 5/15-109) (See Section 24-1-99 for Penalty)**

**24-6-14**      **PUSHING OF DISABLED VEHICLES.** It is unlawful under any circumstances for any vehicle to push any other vehicle on or along any highway outside an urban area in this Village, except in an extreme emergency, and then the vehicle shall not be pushed farther than is reasonably necessary to remove it from the roadway or from the immediate hazard that exists. **(625 ILCS 5/15-114) (See Section 24-1-99 for Penalty)**



## ARTICLE VII – MOTOR VEHICLE OFFENSES

**24-7-1 RECKLESS DRIVING.** No person shall drive any vehicle with a willful or wanton disregard for the safety of persons or property. **(625 ILCS 5/11-503(a)) (See Section 24-1-99 for Penalty)**

**24-7-2 DRAG RACING.**  
 (A) Any person who, as an operator of a motor vehicle, is convicted of being a participant in drag racing shall be subject to the penalties provided in this Chapter.

(B) **Drag Racing** means the act of **two (2)** or more individuals competing or racing on any street or highway in this Village in a situation in which one of the motor vehicles is beside or to the rear of a motor vehicle operated by a competing driver, and the one driver attempts to prevent the competing driver from passing or overtaking, either by acceleration or maneuver, or one or more individuals competing in a race against time on any street in this Village. **(625 ILCS 5/11-504) (See Section 24-1-99 for Penalty)**

**24-7-3 ACCIDENTS INVOLVING DEATH OR PERSONAL INJURIES.**  
 (A) The driver of any vehicle involved in a motor vehicle accident resulting in personal injury to or death of any person shall immediately stop the vehicle at the scene of the accident, or as close thereto as possible, and shall then forthwith return to, and in every event shall remain at the scene of the accident until the requirements of **Section 24-7-4** have been fulfilled. Every such stop shall be made without obstructing traffic more than is necessary.

(B) Any person who has failed to stop or to comply with these requirements shall, within **three (3) hours** after the motor vehicle accident, or, if hospitalized and incapacitated from reporting at any time during such period, within **forty-eight (48) hours** after being discharged from the hospital, report the place of the accident, the date, the approximate time, the driver's name and address, the registration number of the vehicle driven, and the names of all other occupants of the vehicle, at the police station or sheriff's office near the place where the accident occurred. No report made as required under this Section shall be used, directly or indirectly, as a basis for the prosecution of any violation of paragraph (A).

(C) For purposes of this Section, *personal injury* shall mean any injury requiring immediate professional treatment in a medical facility or doctor's office. **(625 ILCS 5/11-401) (See Section 24-1-99 for Penalty)**

**24-7-4 DUTY TO GIVE INFORMATION AND RENDER AID.**  
 (A) The driver of any vehicle involved in a motor vehicle accident resulting in injury to or death of any person or damage to any vehicle which is driven or attended by any person shall give the driver's name, address, registration number, and owner of the vehicle the driver is operating, and shall upon request and if available, exhibit the driver's license to the person struck or the driver or occupant of or person attending any vehicle collided with, and shall render to any person injured in the accident reasonable assistance, including the carrying or the making of arrangements for the caring of the person to a physician, surgeon, or hospital for medical or surgical treatment, if it is apparent that such treatment is necessary or if such carrying is requested by the injured person.

(B) If none of the persons entitled to information pursuant to this Section is in condition to receive and understand the information and no police officer is present, the driver, after rendering reasonable assistance, shall forthwith report the accident at the Police Department, disclosing the information required by this Section. **(625 ILCS 5/11-403) (See Section 24-1-99 for Penalty)**

**24-7-5 ACCIDENT INVOLVING DAMAGE TO VEHICLE.**

(A) The driver of any vehicle involved in a motor vehicle accident resulting only in damage to a vehicle which is driven or attended by any person shall immediately stop the vehicle at the scene of the motor vehicle accident or as close thereto as possible, but shall forthwith return to and in every event shall remain at the scene of the motor vehicle accident until the requirements of this Chapter have been fulfilled. Every stop shall be made without obstructing traffic more than is necessary.

(B) Upon conviction of a violation of this Section, the court shall make a finding as to whether the damage to a vehicle is in excess of **One Thousand Dollars (\$1,000.00)**, and in such case a statement of this finding shall be reported to the Secretary of State with the report of conviction. **(625 ILCS 5/11-402) (See Section 24-1-99 for Penalty)**

**24-7-6 DUTY UPON DAMAGING UNATTENDED VEHICLE OR OTHER PROPERTY.**

The driver of any vehicle which collides with or is involved in a motor vehicle accident with any vehicle which is unattended, or other property, resulting in any damage to such other vehicle or property shall immediately stop and shall then and there either locate and notify the operator or owner of such vehicle or other property of the driver's name, address, registration number, and owner of the vehicle the driver was operating or shall attach securely in a conspicuous place on or in the vehicle or other property struck a written notice giving the driver's name, address, registration number, and owner of the vehicle the driver was driving and shall without unnecessary delay notify the Police Department and shall make a written report of such accident when and as required in **Section 24-7-7**. Every such stop shall be made without obstructing traffic more than is necessary. **(625 ILCS 5/11-404) (See Section 24-1-99 for Penalty)**

**24-7-7 DUTY TO REPORT ACCIDENT.**

(A) The driver of a vehicle which is in any manner involved in an accident within this Village, resulting in injury to or death of any person or in which damage to the property of any one person, including himself, in excess of **Five Hundred Dollars (\$500.00)** is sustained shall, as soon as possible but not later than **ten (10) days** after the accident, file with the Police Department a copy of the written report required to be filed with the State under **625 ILCS 5/11-406(a)**.

(B) Whenever a school bus is involved in an accident in this Village, caused by a collision, a sudden stop, or otherwise, resulting in any property damage, personal injury, or death, and whenever an accident occurs within **fifty (50) feet** of a school bus in this Village resulting in personal injury to or the death of any person while awaiting or preparing to board the bus or immediately after exiting the bus, the driver shall as soon as possible, but not later than **ten (10) days** after the accident, file with the Police Department a copy of the written report required to be filed with the State under **625 ILCS 5/11-406(b)**. If a report is also required under paragraph (A) above, that report and the report required by this paragraph (A) shall be submitted on a single form.

(C) The Chief of Police may require any driver, occupant, or owner of a vehicle involved in an accident of which report must be made as provided in this Section or **Section 24-7-9** to file supplemental reports whenever the original report is insufficient in the opinion of the Chief of Police and may require witnesses of the accident to submit written reports. The report may include photographs, charts, sketches, and graphs.

(D) Should the Police Department learn through other reports of accidents required by law of the occurrence of an accident reportable under **Section 24-7-3** through **Section 24-7-9** and the driver, owner, or witness has not reported as required under (A) through (C) above or **Section 24-7-9** within the time specified, the person is not relieved of the responsibility and the Police Department shall notify the person by first class mail directed to his last known address of his legal obligation. However, the notification is not a condition precedent to impose the penalty for failure to report as provided in (E) below.

(E) The Secretary of State shall suspend the driver's license or any non-resident's driving privilege of any person who fails or neglects to make report of a traffic accident as herein required or as required by any other law of this State. **(625 ILCS 5/11-406)**

**Statutory Reference. Authorization for Village to require accident reports, 625 ILCS 5/11-415**

**24-7-8 FALSE REPORTS.** Any person who provides information in an oral or written report required by **Section 24-5-3** through **24-5-9** with knowledge or reason to believe that the information is false shall be fined as provided in **Section 24-1-99. (625 ILCS 5/11-409)**

**24-7-9 WHEN DRIVER FAILS TO REPORT.** Whenever the driver of a vehicle is physically incapable of making a required written accident report and if there was another occupant in the vehicle at the time of the motor vehicle accident capable of making a written report, the occupant shall make or cause the written report to be made. If the driver fails for any reason to make the report the owner of the vehicle involved in the motor vehicle accident shall, as soon as practicable, make the report to the Police Department. **(625 ILCS 5/11-410)**

**24-7-10 NEGLIGENCE DRIVING.** It shall be unlawful for any person, firm or corporation to operate any motor vehicle upon a public way in a negligent manner and without due caution or in a manner so as to endanger or be likely to endanger any person or any property. **(See Section 24-1-99 for Penalty)**

**24-7-11 OPERATION OF VEHICLES WITHOUT EVIDENCE OF REGISTRATION.** No person shall operate, nor shall an owner knowingly permit to be operated, any motor vehicle upon any street within the Village, unless there shall be attached thereto and displayed thereon when and as required by law, proper evidence of registration in Illinois, as follows:

(A) **A Vehicle Required to be Registered in Illinois.** A current and valid Illinois registration sticker or stickers and plate or plates, or an Illinois temporary registration permit, or a drive-away decal or in-transit permit, issued therefor by the Secretary of State.

(B) **A Vehicle Eligible for Reciprocity.** A current and valid reciprocal foreign registration plate or plates properly issued to such vehicle or a temporary registration issued therefor, by the reciprocal state, and, in addition, when required by the Secretary, a current and valid Illinois Reciprocity Permit or Prorate Decal issued therefor by the Secretary of State.

(C) It shall be unlawful to drive or move, or for an owner of a vehicle to knowingly permit to be driven or moved, upon any street within the Village, any motor vehicle required to be registered under the Illinois Motor Vehicle Code which is not registered and for which the appropriate fee has not been paid when it is required therein; except that when application accompanied by proper fee has been made for registration of a vehicle, it may be operated temporarily pending completed registration upon displaying a duplicate application duly verified, or other evidence of such application or otherwise permissible under the rules and regulations promulgated by the Secretary of State. **(See Section 24-1-99 for Penalty)**

**24-7-12 OPERATION OF VEHICLE WITH EXPIRED REGISTRATION.** No person shall operate a vehicle, nor permit the operation of a vehicle, within the Village, upon which is displayed an Illinois registration plate, plates or registration stickers, after the termination of the registration period for which issued or after the expiration date set pursuant to law. **(See Section 24-1-99 for Penalty)**

**24-7-13 TRANSPORTATION OR POSSESSION OF ALCOHOLIC LIQUOR IN A MOTOR VEHICLE.**

(A) Except as provided in paragraph (C) below, no driver may transport, carry, possess or have any alcoholic liquor within the passenger area of any motor vehicle upon a street within the Village except in the original container and with the seal unbroken.

(B) Except as provided in paragraph (C) below, no passenger may carry, possess or have any alcoholic liquor within the passenger area of any motor vehicle upon a street within the Village except in the original container and with the seal unbroken.

(C) This Section shall not apply to the passengers in a limousine when it is being used for purposes for which a limousine is ordinarily used, the passengers on a chartered bus when it is being used for purposes for which a chartered bus is ordinarily used, or on a motor home. However, the driver of any such vehicle is prohibited from consuming or having any alcoholic liquor in or about the driver's area. Any evidence of alcoholic consumption by the driver shall be prima facie evidence of such driver's failure to obey this Section. **(See Section 24-1-99 for Penalty)**

**24-7-14 DRIVING TOO FAST FOR CONDITIONS; FAILURE TO REDUCE SPEED TO AVOID AN ACCIDENT.**

(A) No vehicle may be driven upon a street within the Village which is greater than is reasonable and proper with regard to traffic conditions and the use of the street, or endangers the safety of any person or property.

(B) The fact that the speed of a vehicle does not exceed the applicable maximum speed limit does not relieve the driver from the duty to decrease speed when approaching and crossing an intersection, approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, or when special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions. Speed must be decreased as may be necessary to avoid colliding with any person or vehicle or entering the street in compliance with legal requirements and the duty of all persons to use due care. **(See Section 24-1-99 for Penalty)**

**24-7-15 DRIVING WITHOUT LIGHTS WHEN REQUIRED.**

(A) All motor vehicles shall exhibit at least **two (2)** lighted head lamps, with at least one on each side of the front of the vehicle, showing white lights, or lights of a yellow or amber tint, during the period from a half hour after sunset to a half hour before sunrise, at times when rain, snow, fog, or other atmospheric conditions require the use of windshield wipers, and at any other times when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the streets within the Village are not clearly discernible at a distance of **one thousand (1,000) feet**.

(B) Every motor vehicle, trailer or semi-trailer shall also exhibit at least **two (2)** lighted lamps, commonly known as tail lamps, which shall be mounted on the left rear and right rear of the vehicle so as to throw a red light visible for at least **five hundred (500) feet** in the reverse direction. **(See Section 24-1-99 for Penalty)**

**24-7-16 NO REAR REGISTRATION LIGHT.** All motor vehicles shall exhibit a tail lamp or separate lamp placed so as to illuminate with a white light a rear registration plate when required and render it clearly legible from a distance of **fifty (50) feet** to the rear. **(See Section 24-1-99 for Penalty)**

**24-7-17 FAILURE TO DIM HEADLIGHTS.**

(A) Whenever the driver of any vehicle equipped with an electric driving head lamp, driving head lamps, auxiliary driving lamp or auxiliary driving lamps, is within **five hundred (500) feet** of another vehicle approaching from the opposite direction, the driver shall dim or drop such head lamp or lamps and shall extinguish all auxiliary driving lamps.

(B) The driver of any vehicle equipped with an electric driving head lamp, driving head lamps, auxiliary driving lamp or auxiliary driving lamps, shall dim or drop such head lamp or head lamps and shall extinguish all auxiliary driving lamps when there is another vehicle traveling in the same direction less than **three hundred (300) feet** to the front of said vehicle. **(See Section 24-1-99 for Penalty)**

**24-7-18**      **IMPROPER LIGHTING – ONE HEAD LAMP.** At all times as required in **Section 24-7-15**, at least **two (2)** lighted driving lamps shall be displayed, one on each side of the front of every motor vehicle other than a motorcycle, except when such vehicle is parked subject to the regulations governing lights on parked vehicles. **(See Section 24-1-99 for Penalty)**

**24-7-19**      **BRAKES.**

(A)            Every motor vehicle, other than a motor-driven cycle and an antique vehicle displaying an antique plate, when operated upon any street within the Village, shall be equipped with brakes adequate to control the movement of and to stop and hold such vehicle, including two separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least one wheel on a motorcycle and at least two wheels on all other vehicles. If these two separate means of applying the brakes are connected in any way, they shall be so constructed that failure of any one part of the operating mechanism shall not leave the motor vehicle without brakes.

(B)            The service brakes upon any motor vehicle or combination of motor vehicles operating on a level surface shall be adequate to stop such vehicle or vehicles when traveling **20 MPH** within a distance of **thirty (30) feet** when upon dry asphalt or concrete pavement surface free from loose material.

(C)            All brakes shall be maintained in good working order and shall be so adjusted as to operate as equally as practicable with respect to the wheels on opposite sides of the vehicle. **(See Section 24-1-99 for Penalty)**

**24-7-20**      **USE OF UNSAFE TIRES.** No person shall place, drive, move or cause or allow to be placed, driven or moved, on a street within the Village, any vehicle equipped with one or more pneumatic tires deemed to be unsafe. A pneumatic tire shall be deemed to be unsafe if it has:

(A)            Any part of a ply or cord exposed;

(B)            A tread or sidewall crack, cut, snag or other surface interruption deep enough to expose a ply or cord;

(C)            Any bulge, knot or separation;

(D)            Tread wear indicators flush with the tread outer surface in any **two (2)** or more adjacent tread grooves at three locations approximately equally spaced around the circumference of the tire;

(E)            A depth of tread groove less than **two-thirty-seconds (2/32) of an inch**, or less than **one-thirty-second (1/32) of an inch** if on a motorcycle or truckster, measured in any **two (2)** or more adjacent tread grooves at three locations approximately equally spaced around the circumference of the tire, at least one of which, in the judgment of the inspecting officer, is a location at which the tread is thinnest, providing that any measurement over a tie bar, tread wear indicator, hump or fillet is excluded;

(F)            A depth of tread groove less than **four-thirty-seconds (4/32) of an inch** at any one location and the tire is mounted on the front wheel of a motor vehicle subject to the provisions of the Illinois Motor Vehicle Code, provided that any measurement over a tie bar, tread wear indicator, hump or fillet is excluded;

(G)            A marking which indicates that the tire is not intended for use on a public highway;

(H)            Been regrooved or recut below the bottom of an original tread groove, except in the case of a special "regroovable" tire that was manufactured or retread with thick undertread, identified and regrooved in compliance with the applicable federal standard in Title 49 of the Code of Federal Regulations, and in compliance with each applicable section of this Code; or

(I)            Other condition, marking or lack of marking that may be reasonably demonstrated to identify the tire as unsuitable for highway use, including inflation, load, speed or installation condition seriously incompatible with the tire size, construction, or other pertinent marking or feature. **(See Section 24-1-99 for Penalty)**

**24-7-21 OBSTRUCTED WINDSHIELDS OR FRONT SIDE WINDOWS; WINDSHIELD WIPERS REQUIRED; DEFECTIVE WINDSHIELD, SIDE OR REAR WINDOWS.**

(A) No person shall drive a motor vehicle with any sign, poster, window application, reflective material, non-reflective material or tinted film upon the front windshield, side wings or side windows immediately adjacent to each side of the driver. A non-reflective tinted film may be used along the uppermost portion of the windshield if such material does not extend more than **six (6) inches** down from the top of the windshield. This paragraph (A) shall not apply to any motor vehicles:

- (1) Manufactured prior to **January, 1982**;
- (2) Properly registered in another jurisdiction;
- (3) That are owned and operated by a person afflicted with or suffering from a medical illness, ailment or disease which would require that person to be shielded from the direct rays of the sun;
- (4) That are used in transporting a person when such person resides at the same address as the registered owner of the vehicle and such person is afflicted with or suffering from a medical illness, ailment or disease which would require that person to be shielded from the direct rays of the sun;

This paragraph (A) shall also not apply to motor vehicle stickers or other certificates issued by state or local authorities which are required to be displayed upon motor vehicle windows to evidence compliance with requirements concerning motor vehicles.

(B) No person shall drive a motor vehicle with any objects placed or suspended between the driver and the front windshield, rear window, side wings or side windows immediately adjacent to each side of the driver which materially obstructs the driver's view.

(C) Every motor vehicle, except motorcycles, shall be equipped with a device, controlled by the driver, for cleaning rain, snow, moisture or other obstructions from the windshield; and no person shall drive a motor vehicle with snow, ice, moisture or other material on any of the windows or mirrors which materially obstructs the driver's clear view of the highway.

(D) No person shall drive a motor vehicle when the windshield, side or rear windows are in such defective condition or repair as to materially impair the driver's view to the front, rear or side. **(See Section 24-1-99 for Penalty)**

**24-7-22 MUFFLERS; PREVENTION OF NOISE.** Every motor vehicle driven or operated upon a street within the Village shall at all times be equipped with an adequate muffler or exhaust system in constant operation and properly maintained to prevent any excessive or unusual noise. **(See Section 24-1-99 for Penalty)**

**24-7-23 FAILURE TO WEAR SEAT SAFETY BELT.**

(A) Each driver and front seat passenger of a motor vehicle operated upon a street within the Village shall wear a properly adjusted and fastened seat safety belt; except that a child less than **six (6) years** of age shall be protected as required pursuant to the Illinois Child Passenger Protection Act (**625 ILCS 25/1 et seq.**) Each driver of a motor vehicle transporting a child **six (6) years** of age or more, but less than **sixteen (16) years** of age, in the front seat of a motor vehicle shall secure the child in a properly adjusted and fastened seat safety belt. This paragraph (A) shall not apply to any of the following:

- (1) A driver or passenger frequently stopping and leaving the vehicle or delivering property from the vehicle, if the speed of the vehicle between stops does not exceed **15 MPH**;
- (2) A driver or passenger possessing a written statement from a physician that such person is unable, for medical or physical reasons, to wear a seat safety belt;
- (3) A driver or passenger possessing an official certificate or license endorsement issued by the appropriate agency in another state or county indicating that the driver is unable for medical, physical, or other valid reasons to wear a safety belt.

- (4) A driver operating a motor vehicle in reverse;
- (5) A motor vehicle with a model year prior to 1965;
- (6) A motorcycle or motor-driven cycle;
- (7) A motorized pedalcycle;
- (8) A motor vehicle which is not required to be equipped with seat safety belts under federal law;
- (9) A motor vehicle operated by a rural letter carrier of the United States postal service while performing duties as a rural letter carrier.

(B) No motor vehicle, or driver or passenger of such vehicle, shall be stopped or searched by any law enforcement officer solely on the basis of a violation or suspected violation of this Section. **(See Section 24-1-99 for Penalty)**

**24-7-24 SUSPENSION SYSTEM.** It shall be unlawful to operate a motor vehicle on any street within the Village when the suspension system has been modified from the original manufactured design by lifting the body from the chassis in excess of **three (3) inches** or to cause the horizontal line from the front of the rear bumper to vary over **three (3) inches** in height when measured from a level surface of the highway to the lower edge of the bumper. **(See Section 24-1-99 for Penalty)**

**24-7-25 BUMPERS.**

- (A)
- (1) It shall be unlawful to operate any motor vehicle with a gross vehicle weight rating of **nine thousand (9,000) pounds** or less, or any motor vehicle registered as a recreational vehicle under the Illinois Motor Vehicle Code, on any street within the Village unless such motor vehicle is equipped with both a front and rear bumper.
  - (2) Except as indicated below, maximum bumper heights of such motor vehicles shall be determined by weight category of gross vehicle weight rating (GVWR) measured from a level surface to the highest point of the bottom of the bumper when the vehicle is unloaded and the tires are inflated to the manufacturer’s recommended pressure.

Maximum bumper heights are as follows:

	Maximum Front Bumper Height	Maximum Rear Bumper Height
All motor vehicles of the first division except multi-purpose passenger vehicles:	22 inches	22 inches
Multipurpose passenger Vehicles and all other Motor vehicles		
4500 lbs and under GVWR	24 inches	26 inches
4501 lbs through 7500 lbs GVWR	27 inches	29 inches
7501 lbs through 9000 lbs GVWR	28 inches	30 inches

- (3) For any vehicle with bumpers or attaching components which have been modified or altered from the original manufacturer’s design in order to conform with the maximum bumper requirements of this Section, the bumper height shall be measured from a level surface to the bottom of the vehicle frame rail at the most forward and rearward points of the frame rail. The bumper on any vehicle so modified or altered shall be at least **four and one-half (4 ½) inches** in vertical height and extend no less than the width of the respective wheel tracks outermost distance.

- (4) Nothing in this Section shall prevent the installation of bumper guards.
- (B) (1) This Section shall not apply to motor vehicles designed or modified primarily for off-highway purposes while such vehicles are in tow or to motorcycles or motor-driven cycles, nor to motor vehicles registered as antique vehicles when the original design of such vehicles did not include bumpers. The provisions of this Section shall not apply to any motor vehicle driven during the first **one thousand (1,000) recorded miles** of that vehicle, when such vehicle is owned or operated by a manufacturer, dealer or transporter displaying a special plate or plates as described in the Illinois Motor Vehicle Code while such vehicle is:
  - (a) Being delivered from the manufacturing or assembly plant directly to the purchasing dealer or distributor, or from one dealership or distributor to another;
  - (b) Being moved by the most direct route from one location to another for the purpose of installing special bodies or equipment; or
  - (c) Being driven for purposes of demonstration by a prospective buyer with the dealer or his agent present in the cab of the vehicle during the demonstration.
- (2) The dealer shall, prior to the receipt of any deposit made or any contract signed by the buyer to secure the purchase of a vehicle, inform such buyer, by written statement signed by the purchaser to indicate acknowledgements of the contents thereof, of the legal requirements of this Section regarding front and rear bumpers if such vehicle is not to be equipped with bumpers at the time of delivery. **(See Section 24-1-99 for Penalty) (See Section 25-4-1 et seq.)**

**24-7-26      SOUND AMPLIFICATION SYSTEM.**

- (A) No driver of any motor vehicle within the Village shall operate or permit operation of any sound amplification system which can be heard outside the vehicle from **seventy-five (75)** or more feet when the vehicle is being operated upon a street, unless such system is being operated to request assistance or warn of a hazardous situation.
- (B) This Section does not apply to authorized emergency vehicles or vehicles engaged in advertising. **(See Section 24-1-99 for Penalty)**



**ARTICLE VIII – ABANDONED VEHICLES**

**24-8-1 ABANDONMENT OF AN INOPERABLE VEHICLE PROHIBITED.**

(A) The abandonment of an inoperable vehicle or any part thereof on any street or highway in the Village is unlawful and subject to the penalties as set forth in **Section 24-8-13**.

(B) The abandonment of an inoperable vehicle or any part thereof on private or public property, other than a street or highway, in view of the general public anywhere in this Village is unlawful except on property of the owner or bailee of the abandoned vehicle. An inoperable vehicle or any part thereof so abandoned on private property shall be authorized for removal by the Chief of Police of the Village or any member of the Police Department designated by him, after a waiting period of **seven (7) days** or more or may be removed immediately if determined to be a hazardous, dilapidated motor vehicle under Section 11-40-3.1 of the Illinois Municipal Code, i.e., **65 ILCS 5/44-10-3.11**.

(C) When a motor vehicle or other vehicle or any part thereof is abandoned or inoperable on private property for **seven (7) days** or more, its removal by a towing service may be authorized by the order of the Chief of Police of the Village or by any member of the Police Department designated by him. **(See Section 24-8-13 for Penalty)**

**24-8-2 NOTIFICATION OF ABANDONED, LOST, STOLEN OR UNCLAIMED MOTOR VEHICLE.** When an abandoned, lost, stolen or unclaimed motor vehicle, or any part thereof, or other vehicle comes into the temporary possession or custody of a person in this Village not the owner of the vehicle, the person shall immediately notify the Police Department when the vehicle is in the corporate limits of the Village.

**24-8-3 REMOVAL OF MOTOR VEHICLES OR OTHER VEHICLES.**

(A) When a motor vehicle or other vehicle is abandoned on any street in the Village **ten (10) hours** or more, its removal by a towing service may be authorized by order of the Chief of Police of the Village or by any member of the Police Department designated by him.

(B) When an abandoned, unattended, wrecked, burned or partially dismantled motor vehicle or other vehicle is creating a traffic hazard because of its position in relation to the highway or street, or its physical appearance is causing the impeding of traffic, its immediate removal from the street or highway by a towing service may be authorized by order of the Chief of Police of the Village or any member of the Police Department designated by him.

(C) When a vehicle removed from either public or private property or street or highway is authorized by order of the Chief of Police of the Village or by a member of the Police Department designated by him, the owner of the vehicle will be responsible for all towing costs.

**24-8-4 INOPERABLE MOTOR VEHICLES.**

- (A) (1) As used in this Section, *inoperable motor vehicle* means:
- (a) Any motor vehicle which does not possess current state registration, license plates or valid application therefor; or
  - (b) Any motor vehicle from which, for a person of at least **seven (7) days**, the engine, wheels or other parts have been removed, or on which the engine, wheels, or other parts have been altered, damaged or otherwise disassembled that the vehicle is incapable of being driven or moved under its own power.
- (2) Inoperable motor vehicles shall not include:
- (a) Motor vehicles which have been rendered temporarily incapable of being driven under its own motor power in order to perform ordinary service or repairs;
  - (b) Motor vehicles that are kept within a totally enclosed building when not in use;

- (c) Motor vehicles displayed for sale by persons engaged in the business of selling new or used vehicles within Industrial or Commercial Zones; or
- (d) Motor vehicles on the premises of a place of business engaged in the wrecking or junking of motor vehicles.

(B) All inoperable vehicles, whether on public or private property, or on any street or highway within the Village, and in view of the general public, are hereby declared to be a nuisance, and any person failing to obey a notice received from the Village which states that the person is to dispose of the inoperable motor vehicles under his control and to remove the inoperable vehicle or parts thereof after **seven (7) days** from the issuance of the notice shall be subject to the penalties provided by **Section 24-8-13**.

(C) The Chief of Police of the Village or any member of the Police Department designated by him is hereby authorized to remove any inoperable motor vehicle or any parts thereof after **seven (7) days** from the issuance by the Village of notice to dispose of the inoperable motor vehicle under his control. The vehicle shall be impounded until lawfully claimed or disposed of as hereinafter provided. **(See Section 24-8-13 for Penalty)**

**24-8-5**      **RECORD SEARCHES.** When the Village Police Department impounds any motor vehicle under the authority of this Chapter and does not know the identity of the registered owner, lienholder or other legally entitled person, the Chief of Police of the Village or any member of the Police Department designated by him will cause the vehicle registration records of the State to be searched by the Secretary of State for the purpose of obtaining the required ownership information. In addition, he shall cause the National Crime Information Center (NCIC) files to be searched by a directed communication to the State Police for stolen or wanted information on the vehicle.

**24-8-6**      **RECLAIMED VEHICLES.** Any time before a vehicle is sold at public sale or disposed of as hereinafter provided, the owner, lienholder, or other person legally entitled to possession may reclaim the vehicle by presenting to the Police Department or other person having custody of the vehicle proof of ownership or proof of right of possession of the vehicle. No vehicle shall be released to the owner, lienholder, or other person under this Section until all towing, storage charges, and processing costs have been paid in full.

**24-8-7**      **NOTIFICATION OF IMPOUNDED VEHICLE.** Based on the information determined from the record searches as provided in **Section 24-8-5**, the Chief of Police or any member of the Police Department designated by him shall send a notification by certified mail to the registered owner, lienholder or other legally entitled person advising where the vehicle is held, requesting a disposition to be made, and setting forth public sale information. Notification shall be sent no later than **ten (10) days** after the date of impoundment, provided that if the Police Department is unable to determine the identity of the registered owner, lienholder or other person legally entitled to ownership of the vehicle within the **ten (10) day** period after impoundment, then notification shall be sent no later than **two (2) days** after the date of the identity of the registered owner, lienholder or other person legally entitled to ownership of the impounded vehicle is determined.

**24-8-8**      **DISPOSAL OF UNCLAIMED VEHICLES.** When an abandoned, lost, stolen, inoperable, or other unclaimed vehicle **seven (7) years** of age or newer remains unclaimed by the registered owner, lienholder, or other person legally entitled to its possession for a period of **thirty (30) days** after notice has been given as provided in **Section 24-9-7**, the Police Department or towing service having possession of the vehicle shall cause it to be sold at public auction to a person licensed as an automotive parts recycler, rebuilder or scrap processor under Chapter 5 of the Illinois Vehicle Code (**625 ILCS 5/5-100 et seq.**). Notice of the time and place of the sale shall be posted in a conspicuous place for at least **ten (10) days** prior to the sale on the premises where the vehicle has been

impounded. At least **ten (10) days** prior to the sale, the Police Department or the towing service where the vehicle is impounded shall cause a notice of the time and place of the sale to be sent by certified mail to the registered owner, lienholder, and other person known by the Police Department or towing service to be legally entitled to the possession of the vehicle. The notice shall contain a complete description of the vehicle to be sold and what steps must be taken by any legally entitled person to reclaim the vehicle. If any notice is returned by the postal authorities to the Police Department or towing service due to the addressee having moved or being unknown at the address obtained from the registration records of this State, the sending of a second certified notice will not be required.

**24-8-9            DISPOSAL OF UNCLAIMED VEHICLES WITHOUT NOTICE.**

(A)            When an abandoned or inoperable vehicle of more than **seven (7) years** of age is impounded as provided in this Section, it will be kept in custody for a minimum of **ten (10) days** for the purpose of obtaining the identity of the registered owner and lienholder and contacting the registered owner and lienholder by U.S. Mail, public service, or in person for a determination of disposition. At the expiration of the **ten (10) day** period without the benefit of disposition information being received from the registered owner or lienholder, the Police Department having jurisdiction will authorize the disposal of the vehicle as junk, provided a vehicle classified as an antique vehicle may, however, be sold to a person desiring to restore it.

(B)            When the identity of the registered owner, lienholder or other person legally entitled to possession of an abandoned, lost or unclaimed vehicle of **seven (7) years** of age or newer cannot be determined by any means provided for in this Chapter, the vehicle may be sold as herein provided without notice to any person whose identity cannot be determined.

**24-8-10           RECORDS.**

(A)            When a motor vehicle is authorized to be towed away, the Police Department shall keep and maintain a record of the vehicle towed listing the color, year, manufacturer, manufacturer's trade name, manufacturer's series name, body style, vehicle identification number, and license plate year and number displayed on the vehicle. The record shall also include the date and hour of tow, location towed from, location towed to, reason for towing, and the name of the officer authorizing the tow.

(B)            When a vehicle in the custody of the Police Department is reclaimed by the registered owner, lienholder or other legally entitled person or when the vehicle is sold at public sale or otherwise disposed of as provided in this Chapter, a report of the transaction will be maintained by the Police Department for a period of **one (1) year** from the date of the reclamation, sale or disposal.

**24-8-11           DISPOSITION OF PROCEEDS FROM SALE OF UNCLAIMED VEHICLES.**

The proceeds from the public sale or disposition after the deducting of towing, storage, and processing charges shall be deposited into the municipal treasury of the Village.

**24-8-12           LIABILITY.** The Chief of Police of the Village or any member of the Police Department designated by him or any other officer or of the Police Department, towing service owner, operator or employee, shall not be held to answer or be liable for any damages in any action brought by the registered owner, former registered owner, or his legal representative, lienholder, or any other person legally entitled to the possession of the vehicle when the vehicle was processed and sold or disposed of as provided by this Chapter.

**24-8-13           PENALTY.**

(A)            Any person who violates or aids and abets in the violation of any section of this Chapter:

- (1) Shall be fined not less than **Fifty Dollars (\$50.00)** nor more than **Seven Hundred Fifty Dollars (\$750.00)**; and
  - (2) Shall be required by the court to make a disposition of the abandonment or unclaimed vehicle and pay all towing and storage charges and processing costs incurred in respect to the vehicle.
- (B) Each day an inoperable vehicle remains after **seven (7) days** from issuance of the notice to remove the same shall constitute a separate offense.

**ARTICLE IX – ENGINE BRAKES**

**24-9-1**        **DEFINITION OF ENGINE BRAKES.** Engine brakes are brakes which are activated or operated by the compression of the engine of any motor vehicle or any unit thereof.

**24-9-2**        **PROHIBITION TO USE.** No person shall use engine brakes within the Village limits which are in any way activated or operated by the compression of the engine of any such motor vehicle or any unit or part thereof.

**24-9-3**        **PENALTY.** Any person violating the provisions of this Article shall have committed a traffic offense and a penalty shall be imposed as provided in **Section 24-1-99.**

**24-9-4**        **SIGNS.** The Superintendent of Streets is authorized and directed to post appropriate signs consistent with the provisions of this Article.

**[Unless Otherwise Noted, This Chapter Ord. No. 09-06; 09-14-09)**

**ARTICLE X - GOLF CARTS AND UTILITY-TERRAIN VEHICLES**

**24-10-1**      **GENERALLY.** Golf carts and utility-terrain vehicles (not intended for 4 wheelers), as defined and qualified herein shall be allowed on Village streets under the conditions as stated herein.

**24-10-2**      **DEFINITIONS.**

(A)      A "Golf Cart" is defined as a motorized vehicle with **three (3) or four (4) wheels** that is not designed to be operated at a speed of more than **twenty-five miles per hour (25 MPH)** whose purpose can include, but is not limited to, the playing of golf and is generally designed to carry persons including the driver.

(B)      "Utility-Terrain Vehicle" (not intended for 4 wheelers) shall mean a self-propelled, electrically powered four-wheel motor vehicle or a self-propelled gasoline or diesel powered four wheeled motor vehicle with an engine displacement under **one thousand two hundred (1,200) cubic centimeters** which is capable of attaining in **one (1) mile**, a speed of not more than **twenty-five miles per hour (25 MPH)** and which conforms to the federal regulations under Title 49 C.F.R. Part 571.500.

(C)      "Village Streets" means any of the streets within the boundaries of the Village.

**24-10-3**      **REQUIREMENTS.** All persons wishing to operate a golf cart or a utility-terrain vehicle on the Village streets must ensure compliance with the following requirements:

(A)      Proof of current liability insurance.

(B)      Must be certified with the Village and have the vehicles certified with the Village by inspection by the Chief of Police or designated representative.

(C)      Must comply with the published "Rules Concerning Alternate Transportation for the Village of Evansville" as periodically updated.

(D)      Must have Village decal on the rear of the vehicle.

(E)      Must have current, valid Illinois driver's license.

(F)      Golf carts must be equipped as follows:

- (1)      Horn;
- (2)      Brake and brake lights;
- (3)      Turn signals;
- (4)      A steering wheel apparatus;
- (5)      Tires;
- (6)      Rearview mirror;
- (7)      Approved "Slow Moving Vehicle" emblem on the rear of the vehicle (**625 ILCS 5/12-709**);
- (8)      Headlight that emits a white light visible from a distance of **three hundred (300) feet** to the front of which illuminate when in operation;
- (9)      Tail lamp that emits red light visible from at least **one hundred (100) feet** from the rear which must be illuminated when in operation;
- (10)    Any additional requirements which may be amended to **65 ILCS 5/11-1428** or the Illinois Vehicle Code.

(G)      Utility-terrain vehicles must be equipped as follows:

- (1)      Brake and brake lights;
- (2)      Turn signals on the front and rear;
- (3)      A steering wheel apparatus;
- (4)      Tires;
- (5)      Rearview mirror;
- (6)      Approved "Slow Moving Vehicle" emblem on the rear of the vehicle (**625 ILCS 5/12-709**);

- (7) Headlight that emits a white light visible from a distance of **three hundred (300) feet** to the front of which illuminate when in operation;
- (8) Tail lamp that emits red light visible from at least **one hundred (100) feet** from the rear which must be illuminated when in operation;
- (9) Any additional requirements which may be amended to **65 ILCS 5/11-1426** or the Illinois Vehicle Code.
- (H) Must obey all traffic laws of the State of Illinois and the Village.
- (I) Must be **eighteen (18) years** of age, provided that a person **sixteen (16) or seventeen (17) years** of age may operate a golf cart as long as the golf cart is equipped with seat belts for the driver and any passengers, the driver and any passengers must wear the seat belts at all times in the golf cart, the driver must be accompanied by at least one person **twenty (20) years** of age or older who has a valid driver's license and the driver must meet and comply with any and all other requirements, rules, and regulations of the State of Illinois for the operation of a motor vehicle. **(Ord. No. 2020-04; 09-14-20)**
- (J) Must be operated only on Village streets, except where prohibited.
- (K) **May not** be operated on County Road 4 (also known as "Broad Street") or Liberty Street except to cross highway at any intersection.
- (L) Must not be operated in excess of posted speed limit and, with respect to utility-terrain vehicles, may not exceed **twenty-five miles per hour (25 MPH)**.
- (M) A person operating or is in actual physical control of a golf cart or utility-terrain vehicle as described herein on a roadway while under the influence is subject to Section 11-500 through 11-502 of the Illinois Compiled Statutes **(625 ILCS 5/11-500 - 11-502)**.
- (N) Golf carts and utility-terrain vehicles shall not be operated on sidewalks or in Village parks other than parking areas.
- (O) Golf carts and utility-terrain vehicles may not be operated on streets and highways and roads under the jurisdiction of the Illinois Department of Transportation (US Highway and Scenic Byway Illinois State Route 3).

**24-10-4 PERMITS.**

- (A) No person shall operate a qualified golf cart or utility-terrain vehicle without first obtaining a permit from the Village Clerk as provided herein. Permits shall be granted for a period of **one (1) year** and renewed annually. The cost of the permit is **Thirty-Five Dollars (\$35.00)**. Insurance coverage to be verified by the Police Department when obtaining or renewing a permit.
- (B) Every application for a permit shall be made on a form supplied by the Village and shall contain the following:
  - (1) Name and address of applicant;
  - (2) Name and liability insurance carrier;
  - (3) The serial number, make, model and description of golf cart or utility-terrain vehicle;
  - (4) Signed Waiver of Liability by applicant releasing the Village and agreeing to indemnify and hold the Village harmless from any and all future claims resulting from the operation of their golf cart or utility-terrain vehicle on the Village streets;
  - (5) Photocopy of applicable liability insurance coverage card specifically for the vehicle to be operated pursuant to the permit;
  - (6) Such other information as the Village may require.
- (C) No permit shall be granted unless the following conditions are met:
  - (1) The vehicle must be inspected by the Chief of Police (or designee) to insure that the vehicle is safe to operate on Village streets and is in compliance with this Article and with the State of Illinois Motor Vehicle Code;
  - (2) A physically handicapped applicant must submit a certificate signed by a physician certifying that the applicant is able to safely operate a qualified golf cart or utility-terrain vehicle on Village streets.

(3) The applicant must provide evidence of insurance in compliance with provisions of the Illinois Statutes regarding minimum liability insurance for passenger motor vehicle to be operated on the roads of the State of Illinois.

(D) The Village may suspend or revoke a permit granted hereunder upon finding that the holder there of has violated any provision of this Article or there is evidence that permittee cannot safely operate a qualified golf cart or utility-terrain vehicle on the designated roadways.

**24-10-5** **VIOLATIONS.** Any person who violates any provisions of this Article shall be guilty of a petty misdemeanor and shall be punished by a fine of **Seventy-Five Dollars (\$75.00)**. Any second or subsequent offense shall result in the revocation of the permit for a period of not less than **three (3)** nor more than **five (5) years**. To the extent that any violation of this Article also constitutes a violation of a criminal statute of the State of Illinois, then the violator shall also be subject to criminal prosecution.

**24-10-6** **MISCELLANEOUS.**

(A) In the event that a court of competent jurisdiction declares any particular provision of this Article to be invalid or unenforceable, the remaining provisions of this Article shall be construed to be valid and enforceable. The invalidity of any part of this Article shall not affect any part or parts thereof.

(B) This Article shall be in full force and effect from and after passage and approval by law.

(C) Any ordinance or portion thereof, of the Village which is contrary to this Article shall be deemed to be repealed.

**(Ord. No. 08-15; 12-08-08)**



**CITATION FORM**

NO. \_\_\_\_\_

DATE \_\_\_\_\_

TIME \_\_\_\_\_

LICENSE NO. \_\_\_\_\_

STATE \_\_\_\_\_

LICENSE EXPIRES \_\_\_\_\_

MAKE OF VEHICLE \_\_\_\_\_

METER NUMBER \_\_\_\_\_

OFFICER \_\_\_\_\_

**YOU ARE CHARGED WITH THE VIOLATION MARKED BELOW:**

- |  |                                   |
|--|-----------------------------------|
| 1. Double Parked                       | 5. Improper Parking               |
| 2. Parked at Fire Plug                 | 6. Yellow Line                    |
| 3. Blocking Driveway or Alley          | 7. Each Additional Hour Violation |
| 4. Parked Where Official Signs Erected | 8. Parking on Sidewalk            |

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

VILLAGE \_\_\_\_\_

STATE \_\_\_\_\_

ZIP CODE \_\_\_\_\_

**PENALTIES.**

(A) Any person who parks in an area where parking is prohibited under the provisions of this Article shall be guilty of an offense punishable by:

- (1) A fine of not less than **Twenty-Five Dollars (\$25.00)** for a first violation.
- (2) A fine of not less than **Fifty Dollars (\$50.00)** for a second violation.
- (3) A fine of not less than **Seventy-Five Dollars (\$75.00)** and not more than **One Hundred Dollars (\$100.00)** for a third and subsequent violation(s).

The fine shall be paid at the Village Hall during regular office hours or put in an envelope and drop in the utility payment slot in the door.

**SCHEDULE "A"**

**STOP INTERSECTIONS**

In accordance with the provisions of **Section 24-3-3**, the following are designated as stop intersections, to-wit:

**I. ONE AND TWO-WAY STOPS.**

<b>THROUGH STREET</b>	<b>STOP STREET (DIRECTION)</b>
1 <sup>st</sup> St.	Lakeview Dr. (East Bd.)
2 <sup>nd</sup> St.	Tower St. (Both)
4 <sup>th</sup> St.	Tower St. (East Bd.)
6 <sup>th</sup> St.	Spring St. (East Bd.)
Broad St.	1 <sup>st</sup> St. (North Bd.)
Broad St.	2 <sup>nd</sup> St. (North Bd.)
Broad St.	4 <sup>th</sup> St. (North Bd.)
Broad St.	6 <sup>th</sup> St. (North Bd.)
Broad St.	Cherry St. (Both)
Broad St.	Chestnut St. (North Bd.)
Broad St.	Eastside Dr. (South Bd.)
Broad St.	Evans Dr. (North Bd.)
Broad St.	Hickory St. (Both)
Broad St.	Liberty St. (Both)
Broad St.	Liberty St. (East Bd.)
Broad St.	Maple St. (Both)
Broad St.	Market St. (Both)
Broad St.	Mulberry St. (South Bd.)
Broad St.	Public St. (Both)
Broad St.	Short St. (Both)
Broad St.	Tower St. (West Bd.)
Broad St.	Walnut St. (Both)
Chestnut St.	Booster St. (West Bd.)
Chestnut St.	Jackson St. (East Bd.)
Chestnut St.	Lincoln St. (Both)
Chestnut St.	Spring St. (Both)
Church St.	Chester St. (South Bd.)
Columbia St.	Public St. (North Bd.)
Jackson St.	Biethman St. (North Bd.)
Jackson St.	Market St. (South Bd.)
Jackson St.	Public St. (Both)
Liberty St.	Church St. (West Bd.)
Liberty St.	Columbia St. (Both)
Liberty St.	Jackson St. (Both)
Liberty St.	Jefferson St. (Both)
Liberty St.	South St. (Both)
Liberty St.	Spring St. (Both)
Liberty St.	Spruce St. (East Bd.)

**SCHEDULE "A" (CONTINUED)**

**STOP INTERSECTIONS**

<b>THROUGH STREET</b>	<b>STOP STREET (DIRECTION)</b>
Liberty St. Lincoln St.	Vine St. (East Bd.) Maple St. (South Bd.) ( <b>#09-02</b> )
Main St. Main St. Main St. Main St. Main St. Main St. Main St. Maple St. Maple St. Maple St. Market St.	Broad St. (West Bd.) ( <b>#2016-07</b> ) Columbia St. (Both) Jackson St. (West Bd.) Jefferson St. (West Bd.) South St. (West Bd.) Spring St. (West Bd.) Spruce St. (West Bd.) Lincoln St. (East Bd.) Nicholas St. (West Bd.) Pine St. (West Bd.) Columbia St. (East Bd.)
Oak St. Olive St. Olive St. Olive St. Olive St. Olive St. Olive St.	Laurel St. (West Bd.) Cherry St. (North Bd.) Hickory St. (North Bd.) Locust St. (South Bd.) Maple St. (Both) Oak St. (South Bd.) Walnut St. (North Bd.)
Pine St. Pine St. Pine St. Pine St. Pine St. Pine St. Pine St. Public St.	1 <sup>st</sup> St. (Both) 2 <sup>nd</sup> St. (South Bd.) 3 <sup>rd</sup> St. (South Bd.) 4 <sup>th</sup> St. (Both) ( <b>#441</b> ) 5 <sup>th</sup> St. (South Bd.) Cherry St. (East Bd.) Hickory St. (South Bd.) Jefferson St. (East Bd.)
South St. Spring St. Spring St. Spring St. Spring St. Spring St. Spring St. Spring St. Spring St. Spring St. Spring St.	Public St. (South Bd.) 1 <sup>st</sup> St. (Both) 2 <sup>nd</sup> St. (Both) 3 <sup>rd</sup> St. (North Bd.) 4 <sup>th</sup> St. (Both) Cherry St. (Both) Hickory St. (Both) Public St. (Both) Short St. (Both) Walnut St. (South Bd.)
Tower St.	1 <sup>st</sup> St. (North Bd.)
Vine St.	Main St. (North Bd.)

**SCHEDULE "A" (CONTINUED)**

**STOP INTERSECTIONS**

**II. THREE-WAY STOPS.**

In accordance with the provisions of **Section 24-3-3**, the following are designated as three-way stop intersections, to-wit:

<b><u>THROUGH STREET</u></b>	<b><u>STOP STREET (DIRECTION)</u></b>
------------------------------	---------------------------------------

**III. FOUR-WAY STOPS.**

In accordance with the provisions of **Section 24-3-3**, the following are designated as four-way stop intersections, to-wit:

Booster St.	at	Maple St.
Laurel St.	at	Locust St.
Pine St.	at	1 <sup>st</sup> St.
Spring St.	at	Maple St.
Spring St.	at	Market St.

**SCHEDULE "B"**

**ONE-WAY STREETS**

In accordance with the provisions of **Section 24-3-2**, the following streets are hereby declared to be one-way streets, to-wit:

<b>STREET – DIRECTION</b>	<b>LOCATION</b>
1 <sup>st</sup> St. (North Bd.)	From Lakeview Dr. to Pine St.
Columbia St. (Southeast Bd.)	From Boat Dock to Main St.
Lakeview Dr. (East Bd.)	From Maple St. to 1 <sup>st</sup> St.
Maple St. (South Bd.)	From Lincoln St. to Lakeview Dr.

**(Ord. No. 507)**

**SCHEDULE "D"**

**SPEED LIMIT**

In accordance with the provisions of **Section 24-4-2(F)**, the following speeds shall constitute the maximum speed on the designated streets:

<b>STREET - SPEED</b>	<b>LOCATION</b>
Broad St. – 25 MPH	From Market St. to 2 <sup>nd</sup> St.
Broad St. – 30 MPH	From 6 <sup>th</sup> St. to East Side Dr.
Liberty St. – 20 MPH	From Broad St. to Vine St.

**SCHEDULE "E"**

**NO PARKING ZONES**

In accordance with the provisions of **Section 24-6-4(C)**, the following streets are hereby established as no parking zones, to-wit:

<b>STREET – SIDE</b>	<b>LOCATION</b>
Broad St. - Both	From Cherry St. to 6 <sup>th</sup> St.
Broad St. - Both	From Walnut to Cherry St.

**(Ord. No. 522; 02-11-02)**

**SCHEDULE "H"**  
**HANDICAPPED PARKING**

In accordance with the provisions of **Section 24-3-12**, the following are hereby declared handicapped parking spaces, to wit:

**LOCATION**

---

Village Hall

**SCHEDULE "S"**

**LOAD LIMITS**

In accordance with the provisions of **Section 24-6-6**, the following maximum weight limitations shall be applicable to the corresponding designated streets:

**DESIGNATED STREET - WEIGHT**

**LOCATION**

---

Maple St. – 8 Tons	From	Lincoln St. to Lake St.
Spring St. – 8 Tons	From	Main St. to Public St.
Broad St. – Class III Truck Route	From	Liberty St. to 6 <sup>th</sup> St.
Liberty St. – Class III Truck Route	From	IL Rte 3 to Broad St.

**(Ord. No. 414; 05-05-86)**

**SCHEDULE "U"**

**SNOW ROUTES**

In accordance with the provisions of **Section 24-6-10**, the designated snow routes in the Village are as follows:

**STREET**

**LOCATION**

---

Booster St.	From	Chestnut St. to Maple St.
Broad St.	From	Main St. to 6 <sup>th</sup> St.
Chestnut St.	From	Jackson St. to Booster St.
Jackson St.	From	Main St. to Chestnut St.
Liberty St.	From	Route 3 to Broad St.
Maple St.	From	Booster St. to Broad St.
Market St.	From	Jackson St. to Broad St.
Spring St.	From	Main St. to Market St.

**(Ord. No. 406; 01-06-86)**

## **CHAPTER 25 - NUISANCES**

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**CHAPTER 25**

**NUISANCES**

**ARTICLE I – GENERALLY**

**25-1-1**        **SPECIFIC NUISANCES ENUMERATED.** It is hereby declared to be a nuisance and to be against the health, peace and comfort of the Village, for any person, firm or corporation within the limits of the Village to permit the following; but the enumeration of the following nuisances shall not be deemed to be exclusive:

(A)            **Filth.** To cause or suffer the carcass of any animal or any offal, filth or noisome substance to be collected, deposited or to remain in any place, to the prejudice of others.

(B)            **Deposit of Offensive Materials.** To throw or deposit any offal or other offensive matter, or the carcass of any dead animal in any water course, lake, pond, spring, well or common sewer, street or public highway.

(C)            **Corruption of Water.** To corrupt or render unwholesome, or impure, the water of any spring, river, stream, pond or lake, well, public or private, to the injury or prejudice of others.

(D)            **Highway Encroachment.** To obstruct or encroach upon public highways, private ways, streets, alleys, commons, landing places, and ways to burying places.

(E)            **Manufacturing Gunpowder.** To carry on the business of manufacturing gunpowder, nitroglycerine, or other highly explosive substances, or mixing or grinding the materials therefore, in any building within **three hundred (300) feet** of any valuable building erected at the time such business may be commenced.

(F)            **Powder Magazines.** To establish powder magazines near incorporated towns, at a point different from that appointed according to law by the corporate authorities of the town, or within **eight hundred (800) feet** of any occupied dwelling house.

(G)            **Noxious Odors.** To erect, continue or use any building or other place for the exercise of any trade, employment or manufacture, which, by occasioning noxious exhalations, offensive smells or otherwise, is offensive or dangerous to the health of individuals, or of the public.

(H)            **Unlawful Advertising.** To advertise wares or occupations by painting notices of the same on, or affixing them to fences or other private property, or on rocks or other natural objects without the consent of the owner, or if in the highway or other public place, without permission of the proper authorities.

(I)            **Discarded Materials.** To permit concrete bases, discarded machinery and materials to remain around any oil or gas well or to fail to fill any holes, cellars, slush pits and other excavations made in connection with any such well or to restore the surface of the lands surrounding any such well to its condition before the drilling of any such well, upon abandonment of any such oil or gas well.

(J)            **Underground Wells.** To permit any salt water, oil, gas or other wastes from any well drilled for oil, gas or exploratory purposes to escape to the surface, or into a mine or coal seam, or into any underground fresh water supply or from one underground stratum to another.

(K)            **Harassment.** To harass, intimidate or threaten any person who is about to sell or lease or has sold or leased a residence or other real property, or is about to buy or lease, or has bought or leased a residence or other real property, when the harassment, intimidation, or threat relates to a person's attempt to sell, buy or lease a residence, or other real property, or refers to a person's sale, purchase or lease of a residence or other real property.

(L)            **Business.** To establish, maintain, and carry on any offensive or unwholesome business or establishment within the limits of the Village or within **one and one-half (1 ½) miles** of the Village limits.

(M)            **Filthy Premise Conditions.** To keep or suffer to be kept any chicken coop, cow barn, stable, cellar, vault, drain, privy, sewer or sink upon any premises belonging to or occupied by



any person, or any railroad car, building, yard, grounds, and premises belonging to or occupied by any person.

(N) **Expectorate.** To expectorate on any public sidewalk or street, or other public building or floor or walk of any public vehicle or hall.

(O) **Litter on Streets.** It shall be unlawful for any person to deposit or allow trash, paper, cardboard, wire, dirt, rock, stone, glass, brick, lumber, wood or litter of material objects of any size or description to fall upon the streets of the Village from any moving vehicle, or to be thrown from a moving vehicle, or to throw from a moving vehicle and to remain thereon.

(P) **Accumulation of Junk And Trash.** To deposit or pile up any rags, old rope, paper, iron, brass, copper, tin, aluminum, used lumber, derelict truck trailers, camping trailers, or boats, appliances, construction materials, demolition debris, ashes, garbage, refuse, plastic, brush, litter, weeds, slush, lead, glass bottles or broken glass upon any residential home lot, piece or parcel of land or upon any public or private alley, street or public way within the Village.

(Q) **Rodents.** To cause or permit any condition or situation to exist that shall attract, harbor, or encourage the infestation of rodents.

(R) **Bringing Nuisances into the Village.** To bring into the Village or keep therein for sale or otherwise, either for food or for any other purpose, any dead or live animal or any matter, substance, or thing which shall be a nuisance or which shall occasion a nuisance in the Village, or which may or shall be dangerous or detrimental to health.

(S) **Offensive Liquids.** To keep nauseous, foul or putrid liquid or substance or any liquid or substance likely to become nauseous, foul, offensive, or putrid, nor permit any such liquid to be discharged, placed, thrown, or to flow from or out of any premise into or upon any adjacent premises or any public street or alley, nor permit the same to be done by any person connected with the premises.

(T) **Dense or Offensive Smoke.** To cause or permit the emission of dense smoke from any fire, chimney, engine, oil burner or any other agency in the Village so as to cause annoyance or discomfort to the residents thereof.

(U) **Scrap Tires, Both Mounted and Dismounted.** To keep any scrap tires, either mounted or dismounted, in open view, or so as to allow such tires to accumulate stagnant water so as to provide a breeding ground for mosquitoes and other pests.

(V) **Motor Transport Engines.** To operate motor vehicle transport engines in the nighttime between the hours of **eight (8:00) o'clock P.M.** and **six (6:00) o'clock A.M.**, in any place in which a majority of the buildings, within a radius of **four hundred (400) feet** are used exclusively for residence purposes, excluding state and federal highways.

(W) **Accumulation of Debris.** To store, dump or permit the accumulation of debris, refuse, garbage, trash, tires, buckets, cans, wheelbarrows, garbage cans or other containers in a manner that may harbor mosquitoes, flies, insects, rodents, nuisance birds or other animal pests that are offensive, injurious or dangerous to the health of individuals or the public.

(X) **Generally.** To commit any act which is a nuisance according to the common law of the land or made such by statute of the State. **(See 740 ILCS Secs. 55/221 – 55/222)**

Nothing in this Section shall be construed to prevent the corporate authorities of this Village from declaring what shall be nuisances, and abating them within the Village limits.

**25-1-2 NUISANCES DETRIMENTAL TO HEALTH GENERALLY.** No building, vehicle, structure, receptacle, yard, lot, premise, or part thereof shall be made, used, kept, maintained or operated in the Village if such use, keeping or maintaining shall be dangerous or detrimental to health.

**25-1-3 NOTICE TO ABATE.** Whenever the Superintendent, Mayor or Police Chief finds that a nuisance exists, he shall direct the Village Clerk to mail (certified) to the party responsible for the nuisance and to the party on whose property the nuisance exists a written notice ordering that the nuisance be abated within a reasonable time. The notice to abate shall contain:

- (A) A description of what constitutes the nuisance;
- (B) The location of the nuisance;
- (C) A statement of what condition or state of affairs must be achieved in order for the nuisance to be deemed abated;

(D) The date by which abatement must be completed;

(E) The date by which a request for a hearing must be filed and a statement of the procedure for so filing;

(F) A statement that the responsible party has a right to appeal the abatement order to the Village Board of Trustees.

(G) A statement indicating that if the nuisance is not abated by the date prescribed and/or if no request for hearing is made within the time prescribed, this Village will abate the nuisance and assess the costs against the property and/or impose a fine.

**25-1-4 HEARING.** Any person ordered to abate a nuisance may have a hearing with the Police Chief or his designated representative ordering the abatement. A request for a hearing must be made in writing and delivered to the Village Clerk within the time stated in the notice; otherwise, it will be presumed that a nuisance exists, and that such nuisance must be abated as ordered. The hearing shall not be a formal trial-type proceeding, but appropriate procedural safeguards shall be observed to ensure fairness. At the conclusion of the hearing, the Police Chief or his designated representative shall render his decision and the reasons therefor in writing. If he finds that a nuisance exists, he shall order it abated within an additional time which must be reasonable under the circumstances.

**25-1-5 APPEAL.** Any party aggrieved by the decision of the Police Chief may appeal to the Board of Trustees. Such appeal shall be taken by filing with the Village Clerk within **five (5) days** of such decision a written statement indicating the basis for the appeal.

The appeal shall be heard by the Board of Trustees at the next regular or special meeting after such filing. Their findings shall be conclusive and if a nuisance is found to exist, it shall be ordered abated within a time reasonable under the circumstances.

**25-1-6 ABATEMENT BY VILLAGE.** If the person ordered to abate a nuisance fails to do so, or if the nuisance poses an emergency, this Village may perform the required action to abate. Any Village official who is authorized to abate any nuisance as defined in this Article shall have authority to engage the necessary assistance and to incur the necessary expenses therefor. The official who abates a nuisance shall keep an accurate account of the expenses incurred. The itemized expense shall be filed with the Village Clerk who shall pay such expenses on behalf of this Village. **(65 ILCS 6/11-60-2)**

**25-1-7 FAILURE TO COMPLY WITH NOTICE.** If the person notified to abate a nuisance shall neglect or refuse to comply with the requirements of such notice by abating such nuisance within the time specified, such person shall be guilty of a violation of this Code. The Village shall not be required to issue another notice where the condition or violation is at first abated, but later resumed and/or repeated.

**(65 ILCS 5/11-60-2 and  
720 ILCS 5/47-5; 5/47-10 and 5/47-15)**

**(See Section 1-1-20)**

**ARTICLE II - WEEDS**

**25-2-1**            **DEFINITION.** "Weeds" as used in this Code shall include, but not be limited to the following:

Burdock, Rag Weed (giant), Rag Weed (Common), Thistle, Cocklebur, Jimson, Blue Vervain, Common Milk Weed, Wild Carrot, Poison Ivy, Wild Mustard, Rough Pigweed, Lambsquarter, Wild Lettuce, Curled Dock, Smartweeds (all varieties), Poison Hemlock, Wild Hemp, Johnson Grass, grass and all other noxious weeds as defined by the statutes of the State of Illinois.

**25-2-2**            **HEIGHT.** It shall be unlawful for anyone to permit any weeds, grass, or plants, other than trees, bushes, flowers or other ornamental plants, to grow to a height exceeding **eight (8) inches** anywhere in the Village. Any such plants, weeds, or grass exceeding such height are hereby declared to be a nuisance.

**25-2-3**            **NOTICE.** The Police Department or any other person so designated by the Mayor may issue a written notice for removal of weeds or grass. Such weeds or grass shall be cut by the owner or occupant within **five (5) days** after such notice has been duly served.

**25-2-4**            **SERVICE OF NOTICE.** Service of the notice provided for herein may be effected by handing the same to the owner, occupant or lessee of the premises, or to any member of his household of the age of **fifteen (15) years** or older found on the premises or by mailing such notice to the last known residence address of the owner; provided, that if the premises are unoccupied and the owner's address cannot be obtained, then the notice may be served by posting the same upon the premises.

**25-2-5**            **ABATEMENT.** If the person so served does not abate the nuisance within **five (5) days**, the Police Chief or a designated representative may proceed to abate such nuisance, keeping an account of the expense of the abatement, and such expense shall be charged and paid by such owner or occupant.

**25-2-6**            **LIEN.** Charges for such weed or grass removal shall be a lien upon the premises. A bill representing the cost and expense incurred or payable for the service shall be presented to the owner. If this bill is not paid within **thirty (30) days** of submission of the bill, a notice of lien of the cost and expenses thereof incurred by the Village shall be recorded in the following manner:

- (A)                    A description of the real estate sufficient for identification thereof.
- (B)                    The amount of money representing the cost and expense incurred or payable for the service.
- (C)                    The date or dates when said cost and expense was incurred by the Village and shall be filed within **sixty (60) days** after the cost and expense is incurred.

**25-2-7**            **PAYMENT.** Notice of such lien claim shall be mailed to the owner of the premises if his address is known. Upon payment of the cost and expense after notice of lien has been filed, the lien shall be released by the Village or person in whose name the lien has been filed and the release shall be filed of record in the same manner as filing notice of the lien. All lien and release filing fees shall be paid by the owner of the property.

**25-2-8**      **FORECLOSURE OF LIEN.** Property subject to a lien for unpaid weed cutting charges shall be sold for non-payment of the same and the proceeds of such sale shall be applied to pay the charges after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be in the name of the Village after the lien is in effect for **sixty (60) days.**

**(65 ILCS 5/11-20-6 and 5/11-20-7)**

**(See Section 1-1-20)**

**ARTICLE III - GARBAGE AND DEBRIS**

**25-3-1**        **ACCUMULATION PROHIBITED.** No person shall permit any garbage or trash to accumulate on their premises or private property. It is hereby declared to be a nuisance and it shall be unlawful for the owner or occupant of real estate to refuse or neglect to remove the garbage or debris.

**25-3-2**        **NOTICE TO PERSON.** The Chief of Police or a designated representative may issue a written notice for removal of garbage or debris. Such garbage or debris shall be removed by the owner or occupant within **five (5) days** after such notice has been duly served.

**25-3-3**        **SERVICE OF NOTICE.** Service of notice provided for herein may be effected by handing of the same to the owner, occupant, or lessee of the premises, or to any member of his household of the age of **fifteen (15) years** or older found on the premises or by mailing such notice to the last known residence address of the owner; provided that if the premises are unoccupied and the owner's address cannot be obtained, then the notice may be served by posting the same upon the premises.

**25-3-4**        **ABATEMENT.** If the person so served does not abate the nuisance within **five (5) days**, the Police Chief or a designated representative may proceed to abate such nuisance, keeping an account of the expense of the abatement and such expense shall be charged and paid by such owner or occupant.

**25-3-5**        **LIEN.** Charges for such removal shall be a lien upon the premises. A bill representing the cost and expense incurred or payable for the service shall be presented to the owner. If this bill is not paid within **thirty (30) days** of submission of the bill, a notice of lien of the cost and expenses thereof incurred by the Village shall be recorded in the following manner:

- (A)            A description of the real estate sufficient for identification thereof.
- (B)            The amount of money representing the cost and expense incurred or payable for the service.
- (C)            The date or dates when said cost and expense was incurred by the Village and shall be filed within **sixty (60) days** after the cost and expense is incurred.

**25-3-6**        **PAYMENT.** Notice of such lien claim shall be mailed to the owner of the premises if his address is known. Upon payment of the cost and expense after notice of lien has been filed, the lien shall be released by the Village or person in whose name the lien has been filed and the release shall be filed of record in the same manner as filing notice of the lien.

**25-3-7**        **FORECLOSURE OF LIEN.** Property subject to a lien for unpaid charges shall be sold non-payment of the same, and the proceeds of such sale shall be applied to pay the charges after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be in the name of the Village, after lien is in effect for **sixty (60) days**. Suit to foreclose this lien shall be commenced within **two (2) years** after the date of filing notice of lien.

**(65 ILCS 5/11-20-13 and 720 ILCS 5/47-10)**

**ARTICLE IV - INOPERABLE MOTOR VEHICLE**

**25-4-1**        **DEFINITIONS.** For the purpose of this Code, the following term(s) shall have the meanings ascribed to them as follows:

**"INOPERABLE MOTOR VEHICLES"** shall mean any motor vehicle which, for a period of at least **seven (7) days**, the engine, wheels or other parts have been removed, or on which the engine, wheels or other parts have been altered, damaged or otherwise so treated that the vehicle is incapable of being driven under its own motor power. "Inoperable Motor Vehicle" shall not include a motor vehicle which has been rendered temporarily incapable of being driven under its own motor power in order to perform ordinary service or repair operations.

**25-4-2**        **DECLARATION OF NUISANCE.** All inoperable motor vehicles, whether on public or private property in view of the general public, are hereby declared to be a nuisance.

**25-4-3**        **NOTICE TO OWNER.** The Police Chief or a designated representative shall notify the owner of the motor vehicle, informing him that he shall dispose of any inoperable vehicles under his control. If the owner fails to dispose of said inoperable vehicle(s) after **seven (7) days** from the issuance of the notice, the Police Chief or a designated representative may authorize a towing service to remove and take possession of the inoperable vehicle or parts thereof.

**25-4-4**        **EXCLUSIONS.** Nothing in this Article shall apply to any motor vehicle that is kept within a building when not in use, to operable historic vehicles over **twenty-five (25) years** of age, or to a motor vehicle on the premises of a licensed business engaged in the wrecking or junking of motor vehicles.

**(65 ILCS 5/11-40-3)**



**ARTICLE V - DANGEROUS AND UNSAFE PROPERTIES**

**25-5-1**        **ADOPTION BY REFERENCE.** The Village may demolish, repair, or enclose or cause the demolition, repair, or enclosure of dangerous and unsafe buildings or uncompleted and abandoned buildings within the Village and may remove or cause the removal of garbage, debris, and other hazardous, noxious, or unhealthy substances or materials from those building. Therefor, the Village does hereby adopt by reference the applicable provisions of Chapter 65 of the Illinois Compiled Statutes, Sections 5/11-31-1 and 5/11-31-1.1 governing dangerous and unsafe buildings.

**ARTICLE VI - PENALTIES AND SPECIAL ASSESSMENT**

**25-6-1**        **SPECIAL ASSESSMENT.** In addition to any other method authorized by law, if (i) a property owner is cited with a Code violation under this Chapter, requiring the cutting of grass and weeds, the removal of garbage and debris, the removal of inoperable motor vehicles, or rodent and vermin abatement, (ii) noncompliance is found upon reinspection of the property after the due date for compliance with an order to correct the Code violation or with an order for abatement; (iii) costs for services rendered by the municipality to correct the Code violation remain unpaid at the point in time that they would become a debt due and owing the municipality, as provided in Chapter 65 of the Illinois Compiled Statutes, Section 5/11-31-1.1 et seq., and (iv) a lien has been filed of record by the municipality in the office of the recording in the county in which the property is located, then those costs may be collected as a special assessment on the property pursuant to **65 ILCS 5/9-2-4.5**. Upon payment of the costs by the owner of record or persons interested in the property, the lien shall be released by the municipality and the release shall be filed of record in the same manner as the filing of notice of the lien.

**VILLAGE OF EVANSVILLE**

**NUISANCE VIOLATION NOTICE**

TO: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

You are hereby notified that the Police Chief or his representatives has determined that the property owned by you (and/or occupied by you, as the case may be) located at \_\_\_\_\_ located within the Municipality contains an unlawful nuisance(s) as defined by **Section 25-1-1** of the Revised Code of Ordinances as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

You are required pursuant to **Section 25-1-3** to abate and remove any nuisance(s) within **five (5) days** from the date of this notice as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If you wish to appeal this notice, then the appeal shall be made to the Village Hall by: \_\_\_\_\_.

If the nuisance is not abated by the date prescribed and/or if no request for hearing is made within the time prescribed, the Police Chief or his representative will abate the nuisance and assess the costs against the property and/or impose a fine as provided by the **Revised Code of Ordinances, Chapter 25; Article I and Chapter 1.**

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
CODE ENFORCEMENT OFFICER  
VILLAGE OF EVANSVILLE

**NOTE:      The penalty for failure to abate said nuisance(s) may be as high as \$750.00 per violation plus the cost of the clean-up.**

**VILLAGE OF EVANSVILLE**

**NOTICE**

**UNLAWFUL WEED GROWTH**

TO: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

You are hereby notified that \_\_\_\_\_  
has determined that property owned by you (and/or occupied by you, as the case may  
be) at \_\_\_\_\_, located within the  
Village Limits contains unlawful weed growth as defined by **Chapter 25** of the Revised  
Code of Ordinances.

You are required to remove all growth within **five (5) days** from the date of this  
Notice.

If you refuse or neglect to remove such growth, the authorities of this  
Municipality may provide for the removal thereof. The cost of such growth removal  
shall be paid by you.

\_\_\_\_\_  
CODE ENFORCEMENT OFFICER  
VILLAGE OF EVANSVILLE

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

**VILLAGE OF EVANSVILLE**

**NOTICE**

**UNLAWFUL GARBAGE AND/OR DEBRIS**

TO: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

You are hereby notified that the \_\_\_\_\_

\_\_\_\_\_ has determined that property owned by you (and/or occupied by you, as the case may be) located at \_\_\_\_\_, located within the Village Limits contains garbage and/or debris as defined by **Chapter 25, Article III**, of the Revised Code of Ordinances.

You are required to remove all such material within **five (5) days** from the date of this Notice.

If you refuse or neglect to remove such garbage and/or debris, the corporate authorities of this Municipality may provide for the removal thereof. The cost of the garbage and/or debris removal shall be paid by you.

\_\_\_\_\_  
CODE ENFORCEMENT OFFICER  
VILLAGE OF EVANSVILLE

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

**VILLAGE OF EVANSVILLE**

**NOTICE**

**INOPERABLE VEHICLE**

TO: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

You are hereby notified that the Police Department has determined that an "inoperable vehicle(s)" owned by you (and/or stored by you, as the case may be) located at \_\_\_\_\_, located within the Corporate Limits of this Municipality contains an inoperable vehicle(s), as defined by **Chapter 25, Article IV**, of the Revised Code of Ordinances.

You are required to abate and remove any and all inoperable vehicles within **seven (7) days** from the date of this Notice.

If you wish to appeal said notice, then the appeal shall be made to the Corporate Authorities within **five (5) days** of this Notice.

If you refuse or neglect to remove and dispose of the specified inoperable vehicle(s), the Health Officer or Police Chief of this Municipality may provide for the removal and abatement thereof. The cost of such removal and abatement shall be paid by you.

\_\_\_\_\_  
CODE ENFORCEMENT OFFICER  
VILLAGE OF EVANSVILLE

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

**VILLAGE OF EVANSVILLE**  
**LETTER OF NOTICE**  
**DANGEROUS AND UNSAFE BUILDING**

TO: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

You, as owner(s) of the property lawfully described below, are hereby notified by the undersigned **Village of Evansville, Illinois** that said property has upon it a building which is:

- Dangerous and/or unsafe
- Uncompleted and/or abandoned

The lawful property shall be described as \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(legal description)

located at \_\_\_\_\_  
\_\_\_\_\_ (address)

Unless such building is put into safe condition or demolished within **ninety (90) days** of the receipt of this notice, the Village shall apply to the Circuit Court for an order authorizing such action to be taken by the **Village** with respect to the above described building. Any costs incurred by the Village to restore the building to a safe condition or to demolish the building shall be recovered from the owner(s) of the above described property pursuant to **Chapter 65, Paragraph 5/11-31-1, Illinois Compiled Statutes**.

\_\_\_\_\_  
Dated at \_\_\_\_\_, this  
\_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
CODE ENFORCEMENT OFFICER  
VILLAGE OF EVANSVILLE

**(SEAL)**

## CHAPTER 27 - OFFENSES

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## CHAPTER 27

## OFFENSES

## ARTICLE I – DEFINITIONS

**27-1-1**        **MEANINGS OF WORDS AND PHRASES.** For the purpose of this Chapter the words and phrases of the **Illinois Compiled Statutes, Chapter 720, Sections 2-1 through 2-11; 2-13 through 2-16; 2-19 and 2-20**, as approved, adopted and amended are hereby adopted by the Village, as fully as if set out herein. **(65 ILCS 5/1-3-2)**

**27-1-2**        **CRIMINAL CODE ADOPTED.** The **Illinois Criminal Code, Illinois Compiled Statutes, Chapter 720**, as passed, approved and amended by the Illinois General Assembly is hereby adopted by the Village; the provisions thereof shall be controlling within the corporate limits of the Village; provided, however, the penalties as provided by this Code shall apply. **(65 ILCS 5/1-3-2 and 5/11-1-1)**

## ARTICLE II - GENERALLY

**27-2-1**        **DISTURBING POLICE OFFICER.** No person shall, by violent conduct, disturb any police officer in the discharge of his duties; nor shall any person assault, strike, or fight with any police officers in the discharge of his/her duties or permit such conduct in or upon any house or premises in the Village owned or possessed by him/her or under his/her management and control. Abusive or vulgar language in the presence of an officer does not constitute a crime unless the language is directed at the officer and provokes a breach of the peace. **(65 ILCS 5/11-1-1)**

**27-2-2**        **IMPERSONATION OF OFFICER.** No person in the Village shall falsely represent himself to be an officer of the Village or shall, without being duly authorized by the Village, exercise or attempt to exercise any of the duties, functions or powers of the Village officer, or hinder, obstruct, resist or otherwise interfere with any Village officer in the discharge of the duties of his office. **(720 ILCS 5/32-5.1)**

**27-2-3**        **DISTURBING LAWFUL ASSEMBLIES.** It shall be unlawful for any person to willfully interrupt or disturb any funeral assembly, funeral procession, school, any assembly met for the worship of God or any other assembly met for a lawful purpose by any offensive behavior, or by any disorderly conduct. **(65 ILCS 5/11-5-2)**

**27-2-4**        **UNLAWFUL ASSEMBLY.** It shall be illegal for persons to assemble unlawfully in the following situations:

- (A)            The use of force or violence disturbing the public peace by **two (2)** or more persons acting together and without authority of law; or
- (B)            The assembly of **two (2)** or more persons to do an unlawful act; or
- (C)            The assembly of **two (2)** or more persons, without authority of law, for the purpose of doing violence to the person or property of any one supposed to have been guilty of a violation of the law, or for the purpose of exercising correctional powers or regulative powers over any person by violence. **(720 ILCS 5/25-1) (65 ILCS 5/11-5-2)**

**27-2-5**      **DISTURBING THE PEACE.** No person shall disturb the peace of any individual or private family, or of any lawful congregation within the Village by any noise or amusement, or by vulgar or profane language, or by any disorderly or unreasonable conduct. **(65 ILCS 5/11-5-2)**

**27-2-6**      **ADMISSION FEES: FRAUDULENTLY AVOIDING PAYMENT OF.** It shall be unlawful for any person to fraudulently enter, without payment of the proper admission fee, any theater, ballroom, lecture, concert or other place where admission fees are charged; provided, however, that nothing herein contained shall be deemed to prohibit or restrict the free admission of police officers engaged in the performance of police duties to any place of public entertainment or amusement.

**27-2-7**      **SALE OF CIGARETTES OR TOBACCO TO MINORS.** No minor under **twenty-one (21) years** of age shall buy any cigar, cigarette, smokeless tobacco or tobacco in any of its forms. No person shall sell, buy for, distribute samples of or furnish any cigar, cigarette, smokeless tobacco or tobacco in any of its forms, to any minor under **twenty-one (21) years of age.**

For the purpose of this Section, "smokeless tobacco" is defined in **Section 27-2-8(A).**

(A) Tobacco products listed above may be sold through a vending machine only in the following locations:

- (1) Factories, businesses, office, private clubs, and other places not open to the general public.
- (2) Places to which persons under **twenty-one (21) years** of age are not permitted access.
- (3) Places where alcoholic beverages are sold and consumed on the premises.
- (4) Places where the vending machine is under the direct supervision of the owner of the establishment or an employee over **twenty-one (21) years** of age. The sale of tobacco products from a vending machine under direct supervision of the owner or an employee of the establishment is considered a sale of tobacco products by that person. As used in this Section, "direct supervision" means that the owner or employee has an unimpeded line of sight to the vending machine.
- (5) Places where the vending machine can only be operated by the owner or an employee over age **twenty-one (21)** either directly or through a remote control device if the device is inaccessible to all customers.

**(720 ILCS 675/1)**

**27-2-8**      **SMOKELESS TOBACCO.**

(A) **Definition.** For the purposes of this Section, the term "smokeless tobacco" means any finely cut, ground, powdered, or leaf tobacco that is intended to be placed in the oral cavity.

(B) **Sales of Smokeless Tobacco Products to Persons Under Twenty-One (21).** No person shall sell any smokeless tobacco product to any person under the age of **eighteen (18).**

(C) **Distribution.** No person shall distribute or cause to be distributed to any person under the age of **twenty-one (21)**, without charge or at a nominal cost, any smokeless tobacco product. **(720 ILCS 680-1 et seq.)**

**27-2-9**      **UNLAWFUL CONDUCT ON A PUBLIC WAY.**

(A) It shall be unlawful for a pedestrian to stand upon any sidewalk or public way, except as near as reasonably possible to the building line or curb line if such standing interferes with the use of said sidewalk by other pedestrians.

(B) It shall be unlawful to impede or interfere with another person's use of a public way.

**27-2-10**      **AID IN ESCAPE.** It shall be unlawful to rescue or attempt to rescue or shall abet or encourage the rescue or escape of any person from the custody of any officer or other person legally having him in charge, or shall molest or interfere with any officer or other person so legally having him in charge, or shall, in any manner, aid, abet or encourage the rescue or the attempt to escape from any person legally committed thereto, or shall supply or attempt to supply any such person with any weapon or with any implement or means whereby an escape might be affected, or with any intoxicating liquors, drugs or other article(s) without the consent of the officer in charge. **(720 ILCS 5/31-7)**

**27-2-11**      **ESCAPES.** It shall be unlawful for any person convicted of any offense or in lawful custody to escape or attempt to escape from custody. **(720 ILCS 5/31-6(C))**

**27-2-12**      **FALSE PRETENSES.** It shall be unlawful for any person to obtain any food, drink, goods, wares, or merchandise under false pretenses, or to enter public places and call for refreshments or other articles and receive and refuse to pay for same, or to depart without paying for or satisfying the person from whom he received the food, goods, wares, and/or merchandise.

**27-2-13**      **RENTING PREMISES FOR UNLAWFUL PURPOSES.** It shall be unlawful for any person to rent, use, or allow to be used, any building or property owned by him, for any purpose whereby riotous or disorderly persons are gathered.

**27-2-14**      **AID TO AN OFFENSE.** It shall be unlawful for any person, in any way or manner, to aid, abet, counsel, advise or encourage any other person in the commission of any of the acts mentioned herein or in any manner encourage the commission of such offense hereby defined.

**27-2-15**      **POSTING BILLS.** It shall be unlawful for any person to paste, post, paint, print or nail any handbill, sign, poster, advertisement, or notice of any kind on any curbstone, flagstone, or any other portion or part of any sidewalk, or upon any tree, lamppost, utility pole, hydrant, or upon any private wall, door, or gate without the consent, in writing, of the owner of the wall, door or gate; provided, however, that this Section shall not prevent posting by proper Village and County officials of election signs, polling place signs and other signs or placards necessary under the law to the conduct of elections, except they may not be attached to a tree.

**27-2-16**      **INTOXICATION IN PUBLIC.** No person shall, in the Village, be found in a state of intoxication or drunk in any street or other public place, or shall be found drunk lying or roving about the streets, alleys, or sidewalks of this Village or the private grounds of any of the inhabitants thereof, or being drunk as aforesaid, shall disturb the peace, order and quiet of the Village, or the peace and quiet of the citizens thereof by loud and unusual noises, disorderly conduct, indecent language or behavior or in any other manner. **(65 ILCS 5/11-5-3)**

**27-2-17**      **BEGGING.** No person shall beg or solicit alms within the Village without having obtained permission in writing from the Mayor. **(65 ILCS 5/11-5-4)**

**27-2-18**      **CONCEALED WEAPONS.** No person shall, within the Village, carry or wear under his clothes, or concealed about his person, any pistol or hand gun, without being the holder of an Illinois Concealed Carry License. Additionally, no person, shall within the Village, carry or wear under his clothes or conceal about his person any sling-shot, cross knuckles, knuckles of lead, brass or other metal,

switchblade knife or razor, bowie knife, dirk knife or dirk, dagger or any other dangerous or deadly

weapon. This Section does not apply to the officers or members of the Police Department, nor to any Sheriff or Deputy Sheriff or Constable of this State, nor to any United States Marshal. **(430 ILCS 66/1 et seq.)**

**27-2-19**        **DISCHARGE OF FIREARMS OR BOW AND ARROW.** It shall be unlawful to discharge any firearm, bow and arrow or air gun in the Village or so that the bullet, arrow, missile or projectile therefrom enters the Village without written permission from the Mayor, provided that this Section shall not be construed to prohibit any officer of the law to discharge a firearm in the performance of his duty; nor to prevent any citizen from discharging a firearm when lawfully defending his person or property; nor to prevent the discharge of bow and arrow by students upon school grounds while under the direct and immediate supervision of teachers or other school supervisory personnel.

**27-2-20**        **GAMES IN STREET.** No person shall, upon any Village street, fly any kite or play any game of ball or engage in any amusement or practice having a tendency to injure or annoy any person passing in the streets or on the sidewalks.

**27-2-21**        **STORAGE OF EXPLOSIVES.**  
 (A)                **Nitroglycerine; Dynamite, Etc.** No person shall have, keep, possess, or store at or in any place within the Village, any nitroglycerine, dynamite or giant powder, or any form or combination of any of them.  
 (B)                **Blasting Powder, Etc.** No person shall keep, possess or store any gun or blasting powder or any gun or explosive cotton at or in any one place in the Village in any quantity exceeding **five (5) pounds.** **(65 ILCS 5/11-8-4)**

**27-2-22**        **THROWING ROCKS.** No person in the Village shall throw or cast any rock or stone or any other missile upon or at any building, tree, or other public or private property, or at any person in any street, avenue, alley or public place.

**27-2-23**        **DESTRUCTION OF PUBLIC PROPERTY.** No person in the Village shall deface, destroy, or in any way, injure any public property, or any other apparatus of the Village.

**27-2-24**        **FORTUNE TELLING.** No person in the Village shall pursue the calling of a fortune teller or practice fortune telling, soothsaying, or the like and receive payment in any manner therefor.

**27-2-25**        **ABANDONED REFRIGERATORS OR ICEBOXES.** It shall be unlawful for any person to abandon or discard in any place accessible to children any refrigerator, icebox or ice chest, of a capacity of **one and one-half (1 1/2) cubic feet** or more, which has an attached lid or door which may be opened or fastened shut by means of an attached latch. The owner, lessee, or manager of such place, who knowingly permits such abandoned or discarded refrigerator, icebox or ice chest to remain there in such condition, shall be guilty of violating this Code. **(720 ILCS 505/1)**

**27-2-26**        **HALLOWEEN CURFEW.** It shall be illegal for any person to engage in Halloween practice, commonly called "**Trick or Treat**", by calling at the homes or dwelling places within the Village, either masked or unmasked, except on a day designated by the Village Board and no later than **8:00 P.M.** **(65 ILCS 5/11-1-5)**



**27-2-27 THEFT OF RECYCLABLES UNLAWFUL.** It shall be unlawful for any person to collect, obtain, possess or pickup any recyclable item(s) from any receptacle or collection point where service is provided by an authorized waste hauler licensed by the municipality or from any specified recycling center within the Village limits unless said person is acting as an agent for the Village or acting as an agent for a waste hauler licensed by the Village.

**27-2-28 THROWING OBJECTS FROM MOTOR VEHICLES.** Pursuant to the police powers in **65 ILCS 5/11-1-1** it shall be unlawful for any person occupying or driving a motor vehicle, whether moving or not, to shoot, throw, cast, launch or drop any object, liquid or substance at any person, animal or structure, wherein the possibility of harm, injury or damage may occur as a result of these actions.

The driver and/or all passengers shall be, upon conviction, fined in accordance with the provisions of the Village Code and shall be liable for all damage, injury or harm caused by the activity. **(See Section 27-3-2)**

**27-2-29 DEPOSITING OF SNOW AND ICE RESTRICTED.** No person shall deposit or cause to be deposited any snow and ice on or against a fire hydrant or on any sidewalk, roadway, or loading or unloading areas of a public transportation system, except that snow and ice may be windrowed on curbs incident to the cleaning of sidewalks in business districts. **(65 ILCS 5/11-80-13)**

**27-2-30 PROTECTIVE COVERING OR FENCING.** Any person, corporation or partnership which either owns, or maintains, or uses, or abandons any open well, cesspool, cistern, quarry, recharging basin, catch basin, sump, excavation for the erection of any building structure or excavation created by the razing or removal of any building structure without covering or surrounding such installation with protective fencing is guilty of a violation of **Section 1-1-20** of this Code. The provisions of this Act shall not apply during the course of repair, construction, removal or filling of any of the structures or conditions herein described while any worker is present at the location thereof either performing services thereon or as a watchman to guard such location. **(720 ILCS 605/1)**

**27-2-31 CURFEW HOURS FOR MINORS.**

(A) **Definitions.** Whenever used in this Section.

- (1) **"Curfew hours"** means:
  - (a) 10:00 P.M. on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 6:00 A.M. of the following day; and
  - (b) 11:00 A.M. until 6:00 A.M. on Saturday; and
  - (c) 11:00 A.M. until 6:00 A.M. on Sunday.
- (2) **"Emergency"** means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.
- (3) **"Establishment"** means any privately-owned place of business operated for a profit to which the public is invited, including but not limited to, any place of amusement or entertainment.
- (4) **"Guardian"** means:
  - (a) A person who, under court order, is the guardian of the person of a minor; or
  - (b) A public or private agency with whom a minor has been placed by a court.
- (5) **"Minor"** means any person under **eighteen (18) years** of age.

- (6) **"Operator"** means any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.
- (7) **"Parent"** means a person who is:
  - (a) A natural parent, adoptive parent, or stepparent of another person; or
  - (b) At least **twenty-one (21) years** of age and authorized by a parent or guardian to have the care and custody of a minor.
- (8) **"Public Place"** means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities and shops.
- (9) **"Remain"** means to:
  - (a) linger or stay; or
  - (b) fail to leave premises when requested to do so by a police officer or the owner, operator or other person in control of the premises.
- (10) **"Serious bodily injury"** means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

(B)

**Offenses.**

- (1) A minor commits an offense if he remains in any public place or on the premises of any establishment within the Village during curfew hours.
- (2) A parent or guardian of a minor commits an offense if he knowingly permits, or by insufficient control allows, the minor to remain in any public place or on the premises of any establishment within the Village during curfew hours.
- (3) The owner, operator or any employee of an establishment commits an offense if he knowingly allows a minor to remain upon the premises of the establishment during curfew hours.

(C)

**Defenses.**

- (1) It is a defense to prosecution under subsection (B) that the minor was:
  - (a) Accompanied by the minor's parent or guardian;
  - (b) On an errand at the direction of the minor's parent or guardian, without any detour or stop;
  - (c) In a motor vehicle involved in interstate travel;
  - (d) Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
  - (e) Involved in an emergency;
  - (f) On the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minor's presence;
  - (g) Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the Village, a civil organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the Village, a civic organization or another similar entity that takes responsibility for the minor;

- (h) Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or

- (i) Married or had been married or is an emancipated minor under the Emancipation or Mature Minors Act, as amended.
- (2) It is a defense to prosecution under subsection (B)(3) that the owner, operator, or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

(D) **Enforcement.** Before taking any enforcement action under this Section, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this Section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in subsection (C) is present. **(65 ILCS 5/11-1-5 and 720 ILCS 555/1)**

**27-2-32 SANCTITY OF FUNERAL AND MEMORIAL SERVICES.** It shall be unlawful for a person to violate any of the following provisions of this Section:

- (A) Engaging in any loud protest of signing, chanting, whistling or yelling with, or without, noise amplification including but not limited to bullhorns, auto horns and microphones within **three hundred (300) feet** of any entrance of a facility being used for a funeral or memorial service at any time during the period starting **thirty (30) minutes** before any funeral or memorial service is scheduled to begin and ending **thirty (30) minutes** after the funeral or memorial service terminates; or
- (B) Displaying any visual images that convey fighting words, actual or veiled threats against any other person within **three hundred (300) feet** of any entrance of a facility being used for a funeral or memorial service at any time during the period starting **thirty (30) minutes** before any funeral or memorial service is scheduled to begin and ending **thirty (30) minutes** after the funeral or memorial service terminates; or
- (C) Blocking access to any facility being used for a funeral or memorial service at any time during the period starting **thirty (30) minutes** before any funeral or memorial service is scheduled to begin and ending **thirty (30) minutes** after the funeral or memorial service terminates; or
- (D) Ending in a directed protest march or picket at any public location within **three hundred (300) feet** of any entrance of a facility being used for a funeral or memorial service at any time during the period starting **thirty (30) minutes** before any funeral or memorial service is scheduled to begin and ending **thirty (30) minutes** after the funeral or memorial service terminates.

**27-2-33 USE OF UPHOLSTERED FURNITURE IN OUTDOOR LOCATIONS PROHIBITED.**

- (A) Upholstered or other furniture designed or manufactured primarily for indoor use shall not be used or allowed to remain:
  - (1) on unenclosed exterior porches or balconies;
  - (2) in an open area on private property exposed to outdoor weather conditions.
- (B) It shall not be a defense to said prohibition that such furniture is covered by plastic cover, or other tarpaulin, canvas or sheeting.
- (C) This prohibition shall not apply to the following:
  - (1) wood, metal, or plastic furniture;
  - (2) outdoor patio furniture with weather-resistant cushions;
  - (3) upholstered furniture designated for prepaid special pickup or delivery by public or private hauler, provided that such remain outdoors for a period not to exceed **seventy-two (72) hours**.

**27-2-34 NOISE.**  
 (A) **Prohibited; Enumeration.** The creating of any unreasonably loud, disturbing and unnecessary noise within the City limits is prohibited. Noise of such character, intensity or duration

as to be detrimental to the life or health of any individual or in disturbance of the public peace and

welfare is prohibited. The following, among others, are declared to be loud, disturbing and unnecessary noises and noises in violation of this Section, but this enumeration shall not be deemed to be exclusive:

- (1) **Blowing Horns.** The sounding of any horn or signal device on any automobile, motorcycle or bus, while not in motion, except as a danger signal if another vehicle is approaching apparently out of control or if in motion only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.
- (2) **Radios, Etc.** The playing of any radio, music player such as a boom box, tape cassette, disc player or television, audio system or musical instrument or live band in such a manner or with such volume, between the hours of **10:00 P.M.** and **7:00 A.M.** Sunday through Thursday and **11:00 P.M.** and **7:00 A.M.** Friday and Saturday in such a manner as to be plainly audible beyond the boundaries of the premises upon which such equipment is operated or used, shall be prima facie evidence of a violation of this Section.

**27-2-35 TOBACCO AND ELECTRONIC SMOKING DEVICES.**

(A) **Definitions.** For the purpose of this Section, the following words and phrases shall have the meanings respectively ascribed to them:

- (1) **Tobacco Products.** Any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco, nicotine gels and dissolvable nicotine products or any electronic smoking device.
- (2) **Electronic Smoking Device.** An electronic and/or battery-operated device, the use of which may resemble smoking, which can be used to deliver an inhaled dose of nicotine or other regulated substances. "Electronic smoking device" includes any such device, whether manufactured, distributed, marketed, or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, hookah pen, vape pens or any other product name or descriptor. An electronic smoking device excludes any product approved by the United States Food and Drug Administration as a nontobacco product used for medicinal purposes and is being marketed and sold solely for that approved purpose.

(B) **Purchases by Minors Prohibited.** It shall be unlawful for any person under the age of **twenty-one (21) years** to purchase tobacco products or electronic smoking devices, or to misrepresent their identity or age, or to use any false or altered identification for the purpose of purchasing tobacco products and electronic smoking devices.

(C) **Possession by Minors Prohibited.** It shall be unlawful for any person under the age of **twenty-one (21) years** to possess any tobacco products or electronic smoking devices, provided that the possession by a person under the age of **twenty-one (21) years** under the direct supervision of the parent or guardian of such person in the privacy of the parent's or guardian's home shall not be prohibited.

(D) **Use in Village Park.** It shall be unlawful for any person to smoke tobacco products and electronic smoking devices in the Village Park.

**(65 ILCS 5/11-1-1)**

**ARTICLE III - OFFENSES AGAINST PROPERTY**

**27-3-1**        **PETTY THEFT.** A person commits a petty theft when the value of the property is under **Three Hundred Dollars (\$300.00)** and he knowingly:

(A) obtains or exerts unauthorized control over property of the owner; or  
 (B) obtains by deception, control over property of the owner; or  
 (C) obtains by threat, control over property of the owner; or  
 (D) obtains control over stolen property knowing the property to have been stolen by another or under such circumstances as would reasonably induce him to believe that the property was stolen; and

- (1) intends to deprive the owner permanently of the use or benefit of the property;
- (2) knowingly uses, conceals or abandons the property in such a manner as to deprive the owner permanently of such use or benefit;
- (3) uses, conceals or abandons the property, knowing such use, concealment or abandonment probably will deprive the owner permanently of such use or benefit.

(E) It shall be unlawful to commit a petty theft.  
**(720 ILCS 5/16-1)**

**27-3-2**        **CRIMINAL DAMAGE TO PROPERTY.** Any of the following acts by a person shall be a violation of this Code.

(A) To knowingly damage any property of another without his consent; or  
 (B) recklessly, by means of fire or explosive, damage property of another; or  
 (C) knowingly start a fire on the land of another without his consent; or  
 (D) knowingly injure a domestic animal of another without his consent; or  
 (E) knowingly deposit on the land or in the building of another, without his consent, any stink bomb or any offensive smelling compound and thereby, intend to interfere with the use by another of the land or building. **(720 ILCS 5/21-1)**

**27-3-3**        **CRIMINAL DAMAGE TO FIRE-FIGHTING APPARATUS, HYDRANTS OR EQUIPMENT.** No person shall willfully and maliciously cut, injure, damage, tamper with or destroy or deface any fire hydrant or any fire hose or any fire engine, or other public or private fire-fighting equipment or any apparatus appertaining to such equipment, or to intentionally open any fire hydrant without proper authorization. **(720 ILCS 5/21-1.1)**

**27-3-4**        **INJURY TO UTILITY WIRES AND POLES.** It shall be unlawful to willfully, maliciously, or negligently break, deface, injure or destroy any telegraph or telephone pole, post or wire, or any electric lightpost, pole, or electric conductor, wire or lamp or any other thing connected with the same or belonging thereto, or any water main, gas main, pipe or hydrant or lamp or lamppost, or anything belonging to or connected therewith or with any of them.

**27-3-5**        **DAMAGE OR DESTRUCTION OF STREET SIGNS PROHIBITED.** It shall be unlawful for any person in any manner or form, to deface, disfigure, damage or destroy any of the street signs or parts thereof located in the Village.

**27-3-6**        **TAMPERING WITH PUBLIC NOTICE.** It shall be unlawful for a person to knowingly and without lawful authority alter, destroy, deface, remove or conceal any public notice,

posted according to law, during the time for which the notice was to remain posted. **(720 ILCS 5/32-9)**



**ARTICLE IV - PUBLIC HEALTH, SAFETY AND DECENCY**

**27-4-1**        **DISORDERLY CONDUCT; ELEMENTS OF THE OFFENSE.** A person commits disorderly conduct when he knowingly:

- (A)            does any act in such an unreasonable manner as to alarm or disturb another and to provoke a breach of the peace; or
- (B)            transmits in any manner to the Fire Department of any Village, town, village or fire protection district, a false alarm of fire, knowing at the time of such transmission that there is no reasonable ground for believing that such fire exists; or
- (C)            transmits in any manner to another a false alarm to the effect that a bomb or other explosive device of any nature is concealed in such a place that its explosion would endanger human life, knowing at the time of such transmission that there is no reasonable ground for believing that such bomb or explosive device is concealed in such a place; or
- (D)            transmits in any manner to any peace officer, public officer or public employee a report to the effect that an offense has been committed, knowing at the time of such transmission that there is no reasonable ground for believing that such an offense has been committed; or
- (E)            enters upon the property of another and for a lewd or unlawful purpose, deliberately looks into a dwelling on the property through any window or other opening in it;
- (F)            while acting as a collection agency as defined in the "Collection Agency Act" or as an employee of such collection agency, and while attempting to collect an alleged debt, makes a telephone call to the alleged debtor which is designed to harass, annoy or intimidate the alleged debtor; or
- (G)            transmits a false report to the Department of Children and Family Services.

**(720 ILCS 5/26-1)**

**27-4-2**        **RESISTING OR OBSTRUCTING A PEACE OFFICER.** A person commits an offense when that person knowingly resists or obstructs the performance of any authorized act of one known to the person to be a peace officer within that peace officer's official capacity. **(720 ILCS 5/31-1)**

**27-4-3**        **REFUSING TO AID AN OFFICER.** A person who refuses or knowingly fails, upon command, to reasonably aid a person known by him to be a peace officer in the following commits a misdemeanor:

- (A)            apprehending a person whom the officer is authorized to apprehend; or
- (B)            preventing the commission by another of any offense.

**(720 ILCS 5/31-8)**

**27-4-4**        **ASSEMBLING AT PUBLIC PLACES AND BUSINESSES.**

(A)            **Drive-in Business.** A drive-in business within the meaning of this Code shall be deemed to be any business where meals, sandwiches, cold drinks, beverages, ice cream, food, drink, or consumer services are served directly to or are permitted to be consumed by patrons in or upon automobiles, motorcycles, or other vehicles parked on the premises.

(B)            **Declared Public Places.** For the purpose of preserving public peace, health and safety, the entire premises occupied by a drive-in business, together with means of ingress or egress, are hereby declared to be a public place;

- (1)            No person on the premises of a drive-in business shall race the motor of any motor vehicle, needlessly bring to a sudden start or stop, any motor vehicle, blow any horn of any motor vehicle, or cause to be made any loud or unseemly noise, nuisance or disturbance whereby the quiet and good order of the premises or the neighborhood are disturbed.

- (2) The following acts or conduct of any persons entering a drive-in business or premises are hereby declared to be unlawful, and any person found guilty of any such acts shall be guilty of a violation of this Article:
- (a) Entering the premises of any drive-in business with any motor vehicle of any description and parking such vehicle and leaving the premises (thereby leaving such vehicle parked and unoccupied), without express consent of the owner or operator of such business, in which event, such motor vehicle shall be subject to a parking citation or may be impounded subject to the usual impounding charges.
  - (b) Entering the premises in or upon a motor vehicle and using said premises for cruising, racing as a shortcut to another street or to annoy or endanger any person or persons or other vehicle or vehicles lawfully on said premises.
  - (c) For **three (3) or more** persons to congregate on the premises and linger or loiter at any location on the premises of any drive-in business, other than in the building or in a legally parked motor vehicle.
  - (d) For any person who, while on the premises of any drive-in business, in the presence or hearing of another, to curse or abuse such person or use any violently abusive language under circumstances reasonably calculated to provoke a breach of the peace.

(C) **Posting Sign.** It shall be the responsibility of the business operator to post on the premises in a conspicuous location, **one (1)** or more signs bearing the following legend in letters at least **two (2) inches or more** in height and readable:

**"CRUISING IN OR CONGREGATING AND LOITERING OUTSIDE A MOTOR VEHICLE IS UNLAWFUL. NO UNOCCUPIED MOTOR VEHICLES MAY BE LEFT ON THE PREMISES WITHOUT THE CONSENT OF THE OWNER."  
(65 ILCS 5/11-5-2)**

## ARTICLE V - ANTI-LITTER

**27-5-1**        **DEFINITIONS.** For the purpose of this Article, the following terms, phrases, words, and their derivations shall have the meanings given herein:

**"AIRCRAFT"** is any contrivance now known or hereafter invented, used, or designed for navigation or for flight in the air. The word "aircraft" shall include helicopters and lighter-than-air powered craft and balloons.

**"AUTHORIZED PRIVATE RECEPTACLE"** is a container of water-tight construction with a tight-fitting lid or cover capable of preventing the escape of contents within. Such receptacles shall have handles or other means for safe and convenient handling and be of such size or sufficient capacity to hold all litter generated between collection periods and shall be in compliance with the regulations promulgated.

**"CONSTRUCTION SITES"** means any private or public property upon which repairs to existing buildings, construction of new buildings or demolition of existing structures is taking place.

**"HANDBILL"** is any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet, or any other printed matter of literature which is not delivered by the United States Mail Service, including, but not limited to those which:

- (A)            advertise for sale any merchandise, product, commodity or thing; or
- (B)            direct attention to any business or mercantile or commercial establishment, or other activity for the purpose of either directly or indirectly promoting the interest thereof by sales; or
- (C)            direct attention to or advertise any meeting, theatrical performance, exhibition, or event of any kind for which an admission fee is charged for the purpose of private gain or profit.

**"LITTER"** is garbage, refuse and rubbish and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.

**"LOADING AND UNLOADING DOCK"** means any dock space or area used by any moving vehicle for the purpose of receiving, shipping and transporting goods, wares, commodities and persons located on or adjacent to any stream, river or land.

**"PRIVATE PREMISES"** means all property including, but not limited to, vacant land or any land, building or other structure designed or used for residential, commercial, business, industrial, institutional or religious purposes, together with any yard, grounds, walk, driveway, fence, porch, steps, vestibule, mailbox, and other structure(s) appurtenant thereto.

**"PUBLIC PLACE"** means any and all streets, sidewalks, boulevards, alleys or other public ways, lakes, rivers, watercourses, or fountains and any and all public parks, squares, spaces, grounds, and buildings.

**"PUBLIC RECEPTACLES"** means any receptacles provided by or authorized by the Village.

**"VEHICLE"** is every device in, upon or by which any person or property is or may be transported or drawn upon land or water, including devices used exclusively upon stationary rails or tracks.

**27-5-2**        **LITTERING PROHIBITED.** No person shall deposit any litter within the Village except in public receptacles, in authorized private receptacles for collection, or in any duly licensed disposal facility.

**27-5-3**        **PREVENTION OF SCATTERING.** Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent litter from being carried or deposited by the elements upon any public place or private premises.

**27-5-4**        **RECEPTACLES - UPSETTING OR TAMPERING.** No person shall upset or tamper with a public or private receptacle designed or used for the deposit of litter or cause or permit its contents to be deposited or strewn in or upon any public place or private premises.

**27-5-5**        **SIDEWALKS AND ALLEYS FREE FROM LITTER.** Persons owning, occupying or in control of any public place or private premises shall keep the sidewalks and alleys adjacent thereto free of litter.

**27-5-6**        **OWNER TO MAINTAIN PRIVATE PREMISES.**  
(A)            The owner or person in control of any private premises shall, at all times, maintain the premises free of litter.  
(B)            The owner or person in control of private premises shall, if public receptacles are unavailable, maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any public place or private premises.

**27-5-7**        **LITTERING FROM VEHICLES.**  
(A)            No person, while the operator of or passenger in a vehicle, shall deposit litter upon any public place or private premises.  
(B)            No person shall drive or move any loaded or partly loaded truck or other vehicle within the Village unless such vehicle is so constructed or so loaded as to prevent any part of its load, contents or litter from being blown or deposited upon any public place or private premises. Nor shall any person drive or move any vehicle or truck within the Village, the wheels or tires of which carry onto or deposit in any public place or private premises, mud, dirt, sticky substances, litter or foreign matter of any kind.

**27-5-8**        **LITTERING FROM AIRCRAFT.** No person in an aircraft shall throw out, drop or deposit any litter within the Village.

**27-5-9**        **LITTER IN PARKS.** No person shall deposit litter in any park within the Village except in receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any other public place or private premises. Where receptacles are not provided, all such litter shall be removed from the park by the person responsible for its presence and properly disposed of elsewhere in a lawful manner.

**27-5-10**       **HANDBILLS.**  
(A)            **Public Places.** No person shall deposit or sell any handbill in or upon any public place, provided, however, that it shall not be unlawful on any public place for any person to hand out or distribute without charge to the receiver, any handbill to any person willing to accept it.  
(B)            **Private Premises.** No person shall deposit or unlawfully distribute any handbill in or upon private premises or vehicles, except by handing or transmitting any such handbill directly to the occupant of such private premises. Provided, however, that in case of private premises or vehicles which are not posted against the receiving of handbills or similar material, such person, unless requested by anyone upon such premises not to do so, may securely place any such handbill in such a manner as to

prevent such handbill from being deposited by the elements upon any public place or other private premises, except mailboxes, may not be so used when prohibited by federal postal law or regulations.

(C) **Exemptions for Newspapers and Political Literature.** The provisions of this Section shall not apply to the distribution upon private premises only of newspapers or political literature; except that newspapers and political literature shall be placed in such a manner as to prevent their being carried or deposited by the elements upon any public place or other private premises.

(D) **Placing Handbills on Vehicles.** No person shall deposit any handbill in or upon any vehicle unless the occupant of the vehicle is willing to accept it.

(E) **Cleanup.** It shall be the responsibility of any person distributing handbills to maintain the area which they are utilizing free of any litter caused by or related to said handbill distribution.

**27-5-11 POSTING NOTICES PROHIBITED.** No person shall post or affix any notice, poster, or other paper or device, calculated to attract the attention of the public upon any public place, except as may be authorized or required by law. No person, except the owner or tenant shall post any such notice on private property without the permission of the owner or tenant.

**27-5-12 CONSTRUCTION SITES.**

(A) Each contractor shall be responsible for the job site so that litter will be prevented from being carried or deposited by the elements upon any public place or other private premises.

(B) Litter or other debris, including dirt and mud, deposited as the result of normal construction process upon any public place or private premises, shall be removed by the contractor.

**27-5-13 LOADING AND UNLOADING DOCKS.** The person owning, operating, or in control of a loading or unloading dock shall maintain private receptacles for collection of litter, and shall, at all times, maintain the dock area free of litter in such a manner that litter will be prevented from being carried or deposited by the elements upon any public place or other private premises.

**27-5-14 PARKING LOTS.**

(A) **Litter Receptacles Required.** Any public place or private premises containing any provision for parking vehicles shall be equipped with litter receptacles in compliance with this Section. Such premises shall include, but not be limited to such places as shopping centers, outdoor theaters, drive-in restaurants, gasoline service stations, apartment developments, parking lots, and any other place where provision is made for vehicles to stop or park in a designated area for any purpose.

(B) **Number of Receptacles.** All premises having parking lots shall provide in an easily accessible location a minimum of **one (1) refuse container** for every **fifty (50) parking spaces**.

(C) **Specifications.** Litter receptacles shall have tight-fitting lids or tops and shall be weighted or attached to the ground or other fixed structures as necessary to prevent spillage. A minimum container size of **twenty (20) gallons** or **75.7 liters** shall be used.

(D) **Cleanliness.** Premises used for the purpose designated herein shall be kept in a litter-free condition and all litter shall be removed periodically from the receptacles.

(E) **Obligation to Use Receptacles.** It shall be the duty and obligation of all persons using parking areas to use such litter receptacles as hereinabove provided for the purposes intended and it shall be unlawful for any person or persons to deposit any litter upon any such parking lot.

**(65 ILCS 5/11-1-1 and 415 ILCS 105/1 et seq.)**

**ARTICLE VI - TRESPASS**

**27-6-1 TRESPASSES PROHIBITED.** It shall be unlawful for any person, firm, or corporation to commit a trespass within this municipality upon either public or private property.

**27-6-2 SPECIFICALLY ENUMERATED TRESPASSES - SUPPRESSION.** Without constituting any limitation upon the provisions of **Section 27-6-1** hereof, any of the following acts by any person, firm, or corporation shall be deemed included among those that constitute trespasses in violation of the provisions of **Section 27-6-1**, and appropriate action may be taken hereunder at any time, or from time to time, to prevent or suppress any violation or violations of this Article; the aforesaid enumerated acts so included, being as follows, to-wit:

(A) An entry upon the premises of another, or any part thereof, including any public property, in violation of a notice posted or exhibited at the main entrance to the premises, or at any point of approach or entry or in violation of any notice, warning or protest given orally or in writing, by any owner or occupant thereof; or

(B) the pursuit of a course of conduct or action incidental to the making of an entry upon the land of another in violation of a notice posted or exhibited at the main entrance to the premises or at any point of approach or entry, or in violation of any notice, warning or protest given orally or in writing by any owner or occupant thereof; or

(C) a failure or refusal to depart from the premises of another in case of being requested, either orally or in writing to leave by any owner or occupant thereof; or

(D) an entry into or upon any vehicle, aircraft or watercraft made without the consent of the person having the right to leave any such vehicle, aircraft or watercraft after being requested to leave by the person having such right.

**(65 ILCS 5/11-5-2)**

**(See Section 7-2-1)**

## ARTICLE VII - PARENTAL RESPONSIBILITY REGULATIONS

**27-7-1**            **DEFINITIONS.** For the purpose of this Article, the following definitions shall apply:

**"ACTS OF VANDALISM AND SIMILAR OFFENSES"** shall include any of the following acts:

- (A) Maliciously, recklessly, negligently, or knowingly damaging or destroying or defacing any property within the Village, whether such property is owned by the State, County or governmental body or owned by any private person, firm, partnership, or association; or
- (B) maliciously, recklessly, or knowingly, by means of fire or explosive device, damaging, debasing, or destroying any property of another person; or
- (C) maliciously, recklessly, negligently or knowingly starting a fire on land of another person without his consent; or
- (D) maliciously, recklessly or knowingly depositing on land or in the building of another person, without his consent, any stink bomb or any offensive smelling compound and thereby interfering with the use and occupancy by another of the land or building; or
- (E) maliciously, recklessly, or knowingly, and without authority, entering into or obtaining control over any building, house trailer, motor vehicle, aircraft or watercraft or any part thereof of another person without his consent.

**"LEGAL GUARDIAN"** shall include a foster parent, a person appointed guardian of a person or given custody of a minor by a Circuit Court of this State, but does not include a person appointed guardian only to the estate of a minor, or appointed guardian, or given custody of a minor under the **Illinois Juvenile Court Act**.

**"MINOR"** shall include a person who is above the age of **seven (7) years**, but not yet **eighteen (18) years** of age.

**"PARENT"** shall include the lawful father and mother of a minor child whether by birth or adoption.

**"PROPERTY"** shall include any real estate including improvements thereon and tangible personal property.

**27-7-2**            **PARENTS AND GUARDIANS RESPONSIBLE FOR ACTS.** The parent or legal guardian of an unemancipated minor residing with such parent or legal guardian shall be presumed, in the absence of evidence to the contrary to have failed to exercise proper parental responsibility and said minor shall be deemed to have committed the acts described herein with the knowledge and permission of the parent or guardian in violation of this Article upon the occurrence of the events described in (A), (B) and (C) below:

- (A) An unemancipated minor residing with said parent or legal guardian shall either be adjudicated to be in violation of any ordinance, law, or statute prohibiting willful and malicious acts causing injury to a person or property, or shall have incurred non-judicial sanctions from another official agency resulting from an admission of guilt of a violation of any ordinance, law, or statute prohibiting willful and malicious acts causing injury to a person or property; and
- (B) Said parent or legal guardian shall have received a written notice thereof, either by certified mail, return receipt requested, or by personal service, with a certificate of personal service returned from the Village, following said adjudication or non-judicial sanctions; and
- (C) If, at any time within **one (1) year** following receipt of notice set forth in paragraph (B) above, said minor is either adjudicated to be in violation of any ordinance, law, or statute as described in (A) above, or shall have incurred nonjudicial sanctions from another official agency resulting from an admission of guilt of violation of any ordinance, law, or statute as described in (A) above.

**(740 ILCS 115/1 et seq. and 740 ILCS 115/4)**  
**(See also 740 ILCS 5/21-1.2 et seq.)**

## ARTICLE VIII – TRUANCY AND CURFEW CODE

**27-8-1 DEFINITIONS.** As used in this Article unless the context requires otherwise the following words and phrases shall mean:

**"VILLAGE CURFEW HOURS"** means the period of time specified in **Section 27-2-31** of the Chapter.

**"COURT"** means the 20<sup>th</sup> Judicial Circuit; Randolph County, Illinois.

**"CUSTODIAN"** means:

- (A) a person who under court order is the custodian of the person of a minor or
- (B) a public or private agency with which the court has placed a minor or
- (C) a person acting in the role of a parent by reason of a private agreement, arrangement, custom or habit.

**"EMERGENCY"** means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, fire, natural disaster, automobile accident, medical emergency or any situation requiring immediate action to prevent serious bodily injury or loss of life.

**"ESTABLISHMENT"** means any privately owned place of business to which the public is invited, including but not limited to any place of amusement or entertainment.

**"GUARDIAN"** means:

- (A) parent or
- (B) a person who under court order is the guardian of the person of a minor; or
- (C) a public or private agency with which the court has placed a minor.

**"MINOR"** means a person under **eighteen (18) years** of age.

**"PARENT"** means a person who is a natural parent, adoptive parent, or step-parent of another person.

**"PUBLIC PLACE"** means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, public ways, sidewalks and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities and shops.

**"RESPONSIBLE ADULT"** means a person at least **eighteen (18) years** of age, authorized by a parent, guardian or custodian to have the care and custody of a minor.

**"SERIOUS BODILY INJURY"** means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

**"TRUANCY CURFEW HOURS"** means the period of the day when the school the minor would normally attend is in session, on days when the school the minor would normally attend is in session.

**"TRUANT OFFICER"** means any officer, appointee, employee or other agency of any school district or any federal, state or local government, entity or any agency thereof performing the duties of a truant officer under the Illinois Compulsory Attendance Statute. **(105 ILCS 5/26-1 et seq.)**

**"TRUANCY REVIEW BOARD"** means any agency or entity established by any school district or any federal, state or local governmental entity or any counseling or social agency or any combination thereof



recognized by the Village and/or the court as an agency which provides service to improve education performance and/or attendance.

**27-8-2**            **CURFEW RESTRICTIONS.**

(A)            It is unlawful for any minor to be present in any public place or on the premises of any establishment within the Village during curfew hours.

(B)            It is unlawful for any parent or guardian or custodian of a minor to knowingly permit, or by insufficient control to allow, the minor to be present in any public place or on the premises of any establishment within the Village during curfew hours.

(C)            It is a defense to prosecution under **Section 27-8-2(A) and (B)** or **Section 27-8-4** (hereinafter) that the minor was:

- (1)            accompanied by the minor’s parent, guardian, custodian or responsible adult;
- (2)            on an errand at the direction of the minor’s parent, guardian, custodian or responsible adult; without any detour or stop;
- (3)            in a motor vehicle involved in interstate travel with the consent or authorization of a parent, guardian or custodian;
- (4)            engaged in, going to or returning home from an employment activity without any detour or stop;
- (5)            involved in an emergency;
- (6)            on the sidewalk abutting the minor’s residence;
- (7)            engaged in, going to or returning home from official school, religious or other recreational activity supervised by adults, sponsored by a civic organization, or another similar entity that takes responsibility for the minor;
- (8)            exercising First Amendment rights protected by the United States Constitution; or
- (9)            emancipated pursuant to law.

**27-8-3**            **TRUANCY RESTRICTIONS.**

(A)            It is unlawful for any minor who is subject to compulsory education or to compulsory continuation education by statute or court order to be present in any public place or on the premises of any establishment within the Village during truancy curfew hours.

(B)            It is unlawful for any parent, custodian or guardian of a minor to knowingly permit, or by insufficient control to allow, the minor to be present in any public place or on the premises of any establishment within the Village during truancy curfew hours.

(C)            It is a defense to prosecution under this Section or **Section 27-8-4** that the minor was:

- (1)            accompanied by a parent, guardian, custodian or responsible adult if engaged in an activity which would constitute an excused absence from the school from which the minor would normally attend;
- (2)            involved in an emergency;
- (3)            going to or returning from a medical appointment without any detour or stop;
- (4)            engaged in, going to or returning home from an employment activity pursuant to a cooperative school vocation program without any detour or stop;
- (5)            in possession of valid proof that the minor is a student who has permission to leave the school campus;
- (6)            a bona fide participant in an alternative education or home schooling program;
- (7)            engaged in or subject to an authorized or excused absence from the school which the minor attends, including but not limited to lunch periods.

**27-8-4 ESTABLISHMENT RESTRICTIONS.** It is unlawful for any owner, operator or any employee of an establishment to allow a minor to be present or to remain upon the premises of the establishment in violation of **Sections 27-8-2 or 27-8-3** above during curfew or truancy hours.

It is a defense to prosecution, under this subparagraph if the owner, operator or employee of the establishment immediately upon discovery of a minor reasonably believed to be in violation of **Sections 27-8-2 or 27-8-3** notified a law enforcement agency that a minor was present on the premises of the establishment during curfew or truancy hours and refused to leave the establishment after being advised to do so by the owner, operator or employee.

**27-8-5 ENFORCEMENT RESTRICTIONS.** Every member of the Police Department while on duty is hereby authorized as follows:

(A) For the first offense of any minor violating the provisions of this Code, to issue to the minor a citation, in writing, in the same form as described in paragraph (C) below. For a second offense, the law enforcement officer is authorized to temporarily detain any minor violating the provisions of this Code (regardless of whether a citation is immediately issued) until the parent, custodian or guardian of the minor shall take him or her into custody, but such officer shall immediately upon taking custody of the minor reasonably attempt to communicate with the parent, custodian or guardian of the minor unless subparagraph (E) herein is applicable. A parent, custodian or guardian must take custody of the minor within **one (1) hour** of the time of notice or be subject to a charge of **Twenty-Five Dollars (\$25.00)** per hour as hereinafter provided.

(B) Whenever a Police Officer or Truant Officer witnesses or has knowledge based on reasonable grounds of a violation of this Code by any person, such person may be issued a citation. A citation or complaint may be made to a Police Officer or Truant Officer by any person.

(C) A citation issued hereunder this shall be in writing and shall:

- (1) state the name of the person being cited and the person's address if known;
- (2) set forth the specific section of this Code that was violated, the date of the violation and a brief description of the violation;
- (3) be signed by the issuing Police Officer, Truant Officer or complaining party.

In each instance where a citation is issued to a minor for violation of this Code a minor's parent, custodian or guardian shall be provided a copy of the citation notifying the parent, custodian or guardian of the charge made against the minor.

(D) A minor cited for a citation under this Code must attend a court hearing or Truancy Review Board hearing on the citation and must be accompanied at the hearing by his or her parent, custodian, guardian or other adult person having the legal care and custody of the minor. If any such person fails to attend any court hearing with the minor, and unless the interest of justice would otherwise be served, the court may continue the hearing and shall issue a Notice or a Rule to Show Cause to the person directing that said person to appear at the continued hearing with the minor. Failure of the person to thereafter appear shall subject said person to sanctions for contempt of court as determined by the court.

(E) Every member of the Police Department while on duty is hereby authorized to temporarily detain any minor violating the provisions of **Section 27-8-3** of this Code, regardless of whether a citation is issued, and to deliver and surrender the minor to the lawful authorities of the school that the minor would normally attend.

**27-8-6 PENALTY.**

(A) Any person who violates any provision of this Article shall upon conviction thereof be fined not less than **Seventy-Five Dollars (\$75.00)** nor more than **Seven Hundred Fifty Dollars (\$750.00)**; and a separate offense shall be deemed to have been committed upon each day on which such violation occurs or continues.

(B) In lieu of or in addition to a fine, a minor may be ordered to attend counseling or to perform **ten (10) hours** of court approved community service during times other than the minor's hours of school attendance and/or the minor's parent, guardian, custodian or other adult person having legal care or custody of the minor may be ordered to attend a parenting class or series of parenting classes or other counseling approved by the court or recommended by the Truancy Review Board or to attend any program directly related to improving school attendance and/or performance.

(C) In addition to any penalty imposed pursuant to (A) or (B) above, the minor's parents, guardian, custodian or other adult having legal care or custody of the minor may be ordered to pay all amounts imposed as civil liability under **Section 27-8-7** hereinafter.

**27-8-7** **CIVIL LIABILITY.** If a minor is detained for a period of time in excess of **one (1) hour** which requires the supervision of the minor by personnel of the Police Department, the parent, custodian, guardian or other adult having legal care or custody of the minor shall be jointly and severally liable for the costs therefore. The parent, custodian, guardian or other adult having legal care or custody of the minor who has committed any offense of this Code shall be assessed and billed for the costs; the costs shall be recoverable in any action enforcing any provision of this Code or in a separate civil action. In addition, the failure to pay the costs shall constitute a violation of this Code and subject the violator to the penalties described within **Section 27-8-6** above. In the event any action is filed, the liable party shall be responsible for all court costs and any reasonable attorney's fees incurred by the Village in collecting.

**(65 ILCS 5/11-5-9)**

## ARTICLE IX - OPEN BURNING

**27-9-1**        **DEFINITIONS.** Unless the context otherwise requires the words and phrases herein defined are used in this Article in the sense given them in the following definitions:

**"AGRICULTURAL WASTE"** means any refuse, except garbage and dead animals, generated on a farm or ranch by crop and livestock production practices including such items as bags, cartons, dry bedding, structural materials, and crop residues but excluding landscape waste.

**"GARBAGE OR HOUSEHOLD TRASH"** means refuse resulting from the handling, processing, preparation, cooking and consumption of food or food products; including plastic containers.

**"LANDSCAPE WASTE"** means any vegetable or plant refuse, except garbage and agricultural waste. The term includes trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery, and yard trimmings.

**"OPEN BURNING"** means the combustion of any matter in such a way that the products of the combustion are emitted to the open air without originating in or passing through equipment for which a permit could be issued under Section 9(b) of the Environmental Protection Act of the State of Illinois.

**27-9-2**        **BURNING PROHIBITED.** It shall be unlawful to cause or allow open burning of agricultural waste, household trash or garbage.

**27-9-3**        **RESTRICTIONS ON BURNING OF LANDSCAPE WASTE.** The open burning of landscape waste shall be permitted only on the following conditions:

(A)            Landscape waste shall be burned on the premises on which such waste is generated; and

(B)            Landscape waste shall be burned only when atmospheric conditions shall readily dissipate contaminants; and,

(C)            Landscape waste may be burned only if such burning does not create a visibility hazard on roadways, walkways, or railroad tracks; and,

(D)            Open burning of landscape waste may only take place during daylight hours with a person over **eighteen (18) years** of age in attendance during the entire period of burning; and,

(E)            No open burning of landscape waste shall be permitted on any streets or roadways; and,

(F)            No open burning shall occur during periods of time when the Fire Chief or the Chief of Police have determined that atmospheric conditions or local circumstances make such fires hazardous and dangerous.

(G)            All open burning shall occur between **8:00 A.M.** and **5:00 P.M.**; provided however, all fires shall be extinguished by sunset.

(H)            **Dates and Times of Permitted Open Burning.** Open burning will be allowed any day of the week with the exception of Sundays and any holiday weekend. A holiday weekend is defined as Saturday, Sunday and Monday, if holiday falls on said Monday. No open burning shall be started or permitted to burn after sunset or before sunrise of any day. **(Ord. No. 2015-04; 07-13-15)**

**(415 ILCS 5/1 et seq.)**

**ARTICLE X – SKATEBOARDS AND TOY VEHICLES**

**27-10-1**      **DEFINITIONS.** As used in this Article, the following words and phrases shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

- (A)            **Business District.** The Village business district.
- (B)            **Skateboard.** A device with wheels for riding upon, usually standing, including, without limitations, skateboards of all types.
- (C)            **Toy Vehicles.** Coasters, scooters, roller skates, or any other non-motorized device with wheels or rollers upon which a person may ride. This definition does not apply, so long as they are used for the purposes for which they are intended, to wagons, wheelchairs and strollers or other devices designed and used for the purpose of transporting children, infants, physically challenged, or incapacitated persons, or to bicycles, or to carts or other devices intended and used for transporting merchandise or materials.

**27-10-2**      **SKATEBOARDING ON A STREET.** No person shall operate a skateboard or toy vehicle on a public street if there is a sidewalk adjacent to such street. If no sidewalk exists, skateboards may be ridden on the street providing street riding shall be done as far to the right side of the road as possible, and in the same direction as traffic.

**27-10-3**      **CLINGING TO A VEHICLE.** No person operating a skateboard, toy vehicle, or other non-motorized device shall attach himself or herself to any vehicle upon a roadway.

**27-10-4**      **YIELD RIGHT-OF-WAY.** Any person operating a skateboard or other toy vehicle must yield right of way to any pedestrian or motor vehicle.

- 27-10-5**      **SKATEBOARDING ON PRIVATE PROPERTY.**
- (A)            No person shall operate a skateboard or toy vehicle on the premises of any business, residence, or other private property in violation of a sign complying with this Section.
  - (B)            Areas in which skateboarding or operation of a toy vehicle is prohibited must be indicated by one or more signs which are positioned to provide notice and which contain the words "No Skateboarding" or any other word or combination of words indicating that skateboarding or operation of a toy vehicle is prohibited. Letters on the sign must be clearly legible.

**27-10-6**      **SKATEBOARDING ON PUBLIC PROPERTY.** No person shall operate a skateboard or toy vehicle in, upon, or on the grounds of any public property.

**27-10-7**      **SKATEBOARDING IN THE BUSINESS DISTRICT.** No person shall operate a skateboard or toy vehicle within the Village's business district.

**27-10-8**      **DAMAGING VILLAGE PROPERTY.** No person shall operate a skateboard or toy vehicle on or against any municipal-owned table, bench, structure, tennis court, parking stop, retaining wall, fountain, statue, or other improvement which may suffer damage by such use.

**27-10-9**      **SKATEBOARD RAMPS.** No person shall use or place a ramp, jump, or any other device used to force a skateboard or toy vehicle off the pavement on the grounds of the municipal-owned parking lot, park or sidewalk.

**27-10-10**     **AGREEMENT FOR IMPOUNDMENT.** In place of any other penalty provided by law, any person violating this Article may, for a first offense, agree to have the skateboard or play vehicle impounded by the Police Department for **one (1) week**.

## ARTICLE XI – ADULT USES REGULATED

**27-11-1**      **PURPOSE AND ADDITIONAL FINDINGS.**

(A)      **Purpose.** It is the purpose of this Article to regulate public nudity in order to promote the health, safety, morals, and general welfare of the citizens of the Village. The provisions of this Article have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials.

(B)      **Findings.** The Village Board finds:

- (1) Public places allowing nudity lend themselves to ancillary unlawful and unhealthy activities that are presently uncontrolled.
- (2) Sexual acts, including masturbation, and oral and anal sex, occur at adult oriented businesses, especially those which provide private or semi-private booths or cubicles for viewing films, videos, live sex shows or public nudity.
- (3) Allowing public nudity creates unhealthy conditions.
- (4) Persons frequent certain adult theaters, adult arcades, and other adult oriented businesses for the purpose of engaging in sex within the premises of such adult oriented businesses.
- (5) At least **fifty (50)** communicable diseases may be spread by activities occurring in adult oriented businesses involving public nudity, including, but not limited to, syphilis, gonorrhea, human immunodeficiency virus infection (HIV-AIDS), genital herpes, hepatitis B, Non A, Non B amebiasis, salmonella infections and shigella infections.
- (6) Since 1981 and to the present, there has been an increasing cumulative number of reported cases of AIDS caused by the human immunodeficiency virus (HIV) in the United States.
- (7) The Surgeon General of the United States in his report of **October 22, 1986**, has advised the American public that AIDS and HIV infection may be transmitted through sexual contact, intravenous drug abuse, exposure to infected blood and blood components, and from an infected mother to her newborn.
- (8) According to the best scientific evidence, AIDS and HIV infection, as well as syphilis and gonorrhea, are principally transmitted by sexual acts.
- (9) Sanitary conditions in some adult oriented businesses and those places allowing public nudity are unhealthy, in part, because the activities conducted there are unhealthy, and, in part, because of the unregulated nature of the activities, including nudity, and the failure of the owners and the operators of the facilities to self-regulate those activities and maintain those facilities.
- (10) Numerous studies and reports have determined that semen is found in the areas of adult oriented businesses allowing public nudity and where persons view "adult" oriented films.
- (11) The findings noted in paragraphs (1) through (10) raise substantial governmental concerns.
- (12) Public places allowing nudity have operational characteristics which should be reasonably regulated in order to protect those substantial governmental concerns.
- (13) The general welfare, health, morals and safety of the citizens of the Village will be promoted by the enactment of this Article.

**27-11-2**      **DEFINITIONS.** As used in this Article:



Code. (A) "*Adult Oriented Business*" means an establishment as defined in the Village

(B) **"Entity"** means any proprietorship, partnership, corporation, association, business trust, joint venture, joint-stock company, or other for profit or not for profit organization.

(C) **"Nude"** means the showing of:

- (1) Human male or female genitals or pubic area with less than a fully opaque covering; or
- (2) Any portion of the anal cleft or cleavage of the male or female buttocks. Attire that is insufficient to comply with this requirement includes, but is not limited to, G-strings, T-backs, thongs, and any other clothing to covering that does not completely and opaquely cover the anal cleft or cleavage of the male or female buttocks; or
- (3) The portion of the human female breast directly or laterally below a point immediately above the top of the areola with less than a fully opaque covering; this definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other clothing, provided the areola is not exposed.

(D) **"Person"** means any live human being aged **ten (10) years** of age or older.

(E) **"Place Provided or Set Apart for Nudity"** means enclosed single sex public restrooms, enclosed single sex functional shower, locker and/or dressing room facilities, enclosed motel rooms and hotel rooms designed and intended for sleeping accommodations, doctor's offices, portions of hospitals, and similar places in which nudity or exposure is necessarily and customarily expected outside of the home and sphere of privacy constitutionally protected therein. This term shall not be deemed to include places where a person's conduct of being nude is used for his or her profit or where being nude is used for the promotion of business or is otherwise commercially exploited.

(F) **"Public Place"** means any location frequented by the public, or where the public is present or likely to be present, or where a person may reasonably be expected to be observed by members of the public. Public Places include, but are not limited to, streets, sidewalks, parks, beaches, business and commercial establishments (whether for profit or not for profit, whether open to the public at large, or whether entrance is limited by a cover charge or membership requirement), hotels, motels, restaurants, night clubs, country clubs, cabarets, and meeting facilities utilized by any religious, social, fraternal or similar organizations. Premises, or portions thereof, such as homes and hotel rooms, used solely as a private residence, whether permanent or temporary in nature, shall not be deemed to be a public place.

**27-11-3 PROHIBITION.** It shall be unlawful for any person to knowingly or intentionally appear nude in a public place or in any other place that is readily visible to the public, except a place provided or set apart for nudity. It shall also be unlawful for any person or entity maintaining, owning, or operating any public place to operate and to knowingly, or with reason to know, permit or allow any person to appear nude in such public place, except a place provided or set apart for nudity.

**27-11-4 LIMITATION.** This Article shall not be deemed to address photographs, movies, video presentations, or any other non-live performance.

**27-11-5 ADULT ENTERTAINMENT FACILITY.** It shall be unlawful within a municipality to locate an adult entertainment facility within **one thousand (1,000) feet** of the property boundaries of any school, day care center, cemetery, public park, forest preserve, public housing, and place of religious worship.

For the purposes of this Section, "adult entertainment facility" means:

(A) a striptease club or pornographic movie theatre whose business is the commercial sale, dissemination, or distribution of sexually explicit material, shows, or other exhibitions or

(B) an adult bookstore or adult video store in which **twenty-five percent (25%)** or more of its stock-in-trade, books, magazines, and films for sale, exhibition, or viewing on-premises are sexually explicit material. **(65 ILCS 5/11-5-1.5)**

## ARTICLE XII - OBSCENITY

**27-12-1 OBSCENITY.**

(A) **Elements of the Offense.** A person commits an obscenity offense when, with the knowledge of the nature or content thereof or recklessly failing to exercise reasonable inspection which would have disclosed the nature or content thereof, he:

- (1) sells, delivers or provides or offers or agrees to sell, deliver or provide any obscene writing, picture, record or other representation or embodiment of the obscene; or
- (2) presents or directs an obscene play, dance, or other performance or participates directly in that portion thereof which makes it obscene; or
- (3) publishes, exhibits or otherwise makes available anything obscene; or
- (4) performs an obscene act or otherwise presents an obscene exhibition of his body for gain; or
- (5) creates, buys, procures or possesses obscene matter or material with intent to disseminate it in violation of this Section, or of the penal laws or regulations of any other jurisdiction; or
- (6) advertises or otherwise promotes the sale of material represented or held out by him to be obscene, whether or not it is obscene.

(B) **Obscene Defined.** Any material or performance is obscene if:

- (1) the average person, applying contemporary adult community standards, would find that, taken as a whole, it appeals to the prurient interest; and
- (2) the average person, applying contemporary adult community standards, would find that it depicts or describes, in a patently offensive way, ultimate sexual acts or sadomasochistic sexual acts, whether normal or perverted, actual or simulated, or masturbation, excretory functions or lewd exhibition of the genitals; and
- (3) taken as a whole, it lacks serious literary, artistic, political or scientific value.

(C) **Interpretation of Evidence.** Obscenity shall be judged with reference to ordinary adults except that it shall be judged with reference to children or other specially susceptible audiences if it appears from the character of the material or the circumstances of its dissemination to be specially designed for or directed to such an audience.

Where circumstances of production, presentation, sale, dissemination, distribution, or publicity indicate that material is being commercially exploited for the sake of its prurient appeal, such evidence is probative with respect to the nature of the matter and can justify the conclusion that the matter is lacking in serious literary, artistic, political or scientific value.

In any prosecution for an offense under this Section, evidence shall be admissible to show:

- (1) the character of the audience for which the material was designed or to which it was directed;
- (2) what the predominant appeal of the material would be for ordinary adults or a special audience, and what effect, if any, it would probably have on the behavior of such people;
- (3) the artistic, literary, scientific, educational or other merits of the material, or the absence thereof;
- (4) the degree, if any, of public acceptance of the material in this State;
- (5) appeal to prurient interest or absence thereof in advertising or other promotion of the material;
- (6) purpose of the author, creator, publisher or disseminator.

(D) **Prima Facie Evidence.** The creation, purchase, procurement or possession of a mold, engraved plat or other embodiment or obscenity, specially adapted for reproducing multiple copies,

or the possession of more than **three (3) copies** of obscene material shall be prima facie evidence of an intent to disseminate. **(65 ILCS 5/11-5-1)**

**27-12-2 HARMFUL MATERIAL.**

(A) **Elements of the Offense.** A person who, with knowledge that a person is a child; that is, a person under **eighteen (18) years** of age, or who fails to exercise reasonable care in ascertaining the true age of a child, knowingly distributes to, or sends or causes to be sent to, or exhibits to or offers to distribute or exhibit any harmful material to a child is guilty of a violation of this Code.

**(B) Definitions.**

- (1) Material is harmful if, to the average person applying contemporary standards, its predominant appeal, taken as a whole, is to prurient interest; that is, shameful or morbid interest in nudity, sex, or excretion which goes substantially beyond customary limits of candor in description or representation of such matters and is material, the redeeming social importance of which is substantially less than its prurient appeal.
- (2) **"Material"** as used in this Code means any writing picture, record or other representation or embodiment.
- (3) **"Distribute"** means to transfer possession of material whether with or without consideration.
- (4) **"Knowingly"** as used in this Section means having knowledge of the contents of the subject matter or recklessly failing to exercise reasonable inspection which would have disclosed the contents thereof.

(C) **Interpretation of Evidence.** The predominant appeal to prurient interest of the material shall be judged with reference to average children of the same general age of the child to whom such material was offered, distributed, sent or exhibited unless it appears from the nature of the matter or the circumstances of its dissemination, distribution or exhibition that it is designed for specially susceptible groups, in which case, the predominant appeal of the material shall be judged with reference to its intended or probable recipient group.

In prosecutions under this Section where circumstances of production, presentation, sale, dissemination, distribution, or publicity, indicate the material is being commercially exploited for the sake of its prurient appeal, such evidence is probative with respect to the nature of the material and can justify the conclusion that the redeeming social importance of the material is, in fact, substantially less than its prurient appeal.

**(D) Affirmative Defenses.**

- (1) Nothing in this Section shall prohibit any public library or any library operated by an accredited institution of higher education from circulating harmful material to any person under **eighteen (18) years** of age, provided such circulation is in aid of a legitimate scientific or educational purpose, and it shall be an affirmative defense in any prosecution for a violation of this Section that the act charged was committed in aid of legitimate scientific or educational purposes.
- (2) Nothing in this Section shall prohibit any parent from distributing to his child any harmful material.
- (3) Proof that the defendant demanded, was shown and acted in reliance upon any of the following documents as proof of the age of a child shall be a defense to any criminal prosecution under this Section:
  - (a) A document issued by the federal government or any state, county or municipal government, or subdivision or agency thereof, including, but not limited to a motor vehicle operator's license, a registration certificate issued under the Federal Selective Service Act or an identification card issued to a member of the armed forces.
- (4) In the event an advertisement of harmful material as defined in this Section culminates in the sale or distribution of such harmful material to a child, under circumstances where there was no personal confrontation of the child by the defendant, his employees or agents as where the

order or request for such harmful material was transmitted by mail, telephone, or similar means of communication and delivery of such

harmful material to the child was by mail, freight, or similar means of transport, it shall be a defense in any prosecution for a violation of this Section that the advertisement contained the following statement or a statement substantially similar thereto, and that the defendant required the purchaser to certify that he was not under the age of **eighteen (18) years** and that the purchaser falsely stated that he was not under the age of **eighteen (18) years**:

**“NOTICE: It is unlawful for any person under eighteen (18) years of age to purchase the matter herein advertised. Any person under eighteen (18) years of age who falsely states that he is not under eighteen (18) years of age for the purpose of obtaining the material advertised herein is guilty of a misdemeanor.”**

(E) **Child Falsifying Age.** Any person under **eighteen (18) years** of age who falsely states, either orally or in writing that he is not under the age of **eighteen (18) years**, or who presents or offers to any person any evidence of age and identity which is false or not actually his own for the purpose of ordering, obtaining, viewing or otherwise procuring or attempting to procure or view any harmful material is guilty of a misdemeanor. **(65 ILCS 5/11-5-1)**

**27-12-3 TIE-IN SALES OF OBSCENE PUBLICATIONS TO DISTRIBUTORS.** Any person, firm or corporation, or any agent, officer or employee thereof engaged in the business of distributing books, magazines, periodicals, comic books or other publications to retail dealers who shall refuse to furnish to any retail dealer such quantity of books, magazines, periodicals, comic books or other publications as such retail dealer normally sells because the retail dealer refuses to sell, or offer for sale, any books, magazines, periodicals, comic books or other publications which are obscene, lewd, lascivious, filthy or indecent is guilty of an offense. Each publication sold or delivered in violation of this Section shall constitute a separate offense. **(720 ILCS 5/11-22)**



## ARTICLE XIII – SMOKE FREE AIR CODE

**27-13-1 BACKGROUND.** Smoking creates the hazard of injury to the personal health of those in the environment of such smoke as well as the potential of damage to property that may result from the incendiary nature of such activity. It has been determined that breathing ambient smoke is a health hazard to both smokers and nonsmokers. Cigarette smoking also produces several substances that are considered hazardous to health including carbon monoxide, hydrogen cyanide, nitrous oxide and formaldehyde. Secondhand smoke (68% of the total smoke produced by a cigarette) affects the health of the bystander, interfering with respiratory tract defenses, often causing nonsmokers to have allergic or irritative reactions, and is a known cause of lung cancer.

Because the hazards of smoking have a potentially harmful effect, material and direct, on the public health, safety, welfare, comfort, and property of residents of the Village, it is necessary and desirable to establish regulations that prohibit smoking in all enclosed public places, in all enclosed places of employment, near entrances to all such public places and places of employment, in and near open air public dining areas, and within certain unenclosed public places including school grounds, parks and recreation areas and outdoor venues.

**27-13-2 PURPOSE.** This Article may be cited as the "Smoke Free Air Code," the purpose of which is to protect the public health, comfort and environment by prohibiting smoking in all enclosed public places and places of employment, within **twenty-five (25) feet** of all public entrances to such places, in open air public dining areas and within **twenty-five (25) feet** of such areas, and within certain unenclosed public places including school grounds, parks and recreation areas and outdoor venues in order to ensure that nonsmokers may breathe air free from the hazardous effects of secondhand smoke.

**27-13-3 DEFINITIONS.** For the purposes of this Article, the following terms shall have the following meanings:

**"Business"** means any sole proprietorship, partnership, joint venture, corporation, association or other business entity, whether formed for profit or nonprofit purposes. "Business" includes a "club" as defined in this Section.

**"Club"** means a private not-for-profit association, corporation or other entity consisting of persons who are bona fide paying members and which owns, leases or uses a building or portion thereof, the use of which is restricted primarily to members and their guests.

**"Employee"** means any person who is employed or retained by a business, and shall include the owner or operator of a sole proprietorship or other similar business entity.

**"Employer"** means any business that employs one or more employees.

**"Enclosed Area"** means all space in any structure or building that is enclosed on all sides by any combination of walls, windows, or doorways, extending from floor to the ceiling.

**"Open Air Dining Area"** means a seating area open to the air that is accessory to a restaurant, hotel, cafeteria, private club or other public place engage din purveying commercial food or beverage service where members of the public, members or guests are invited to sit and receive food and beverage service for a consideration.

**"Outdoor Event"** means a scheduled outdoor musical, dance, theatrical, dramatic, entertainment or performance event, or a scheduled outdoor community fair, parade, event or market, that is organized, licensed or permitted by the owner of an outdoor venue and to which the public is invited.

**"Outdoor Venue"** means an outdoor theater, amphitheater, plaza, street or other improved area that is used as a public venue or forum to which members of the general public are invited to listen, view or otherwise participate in an outdoor event that is organized, licensed or permitted by the owner of the venue.

***"Place of Employment"*** means an area under the control of a public or private employer within the Village that employees normally frequent during the course of employment, and includes, without

limitation, common work areas, private offices, auditoriums, classrooms, conference and meeting rooms, cafeterias, elevators, employee lounges, staircases, hallways, restrooms, medical facilities, private clubs, and the interior of a vehicle of public conveyance. "Place of Employment" also includes the home office portion of a private dwelling, but only if the home office is used by more than one employee or is frequented by business invitees.

"Place of Employment" does not include that part of a private dwelling used as a home office by a single employee only who resides in that dwelling.

**"Park"** means a public park or recreation area that is open to and used by the general public.

**"Public Entrance"** means the doorway or other entrance to a public place that is open to and intended for use by the general public for ingress and egress to the public place.

"Public entrance" also means a doorway or other entrance for pedestrian ingress and egress to a place of employment; (i) that is open to and intended for use by the general public or business invitee's ingress and egress to the place of employment; (ii) where employees are required or permitted to enter or exit the place of employment.

**"Public Place"** means an area that is open to and used by the general public, or any area to which the public is invited or in which the public is permitted, including without limitation:

- (A) vehicles of public conveyance;
- (B) common or public areas (including without limitation lobbies, hallways, reception areas, public restrooms, elevators and staircases) of apartment buildings, condominiums, dormitory buildings, nursing home care facilities, and other multiple family residential structures;
- (C) common or public areas (including without limitation lobbies, hallways, reception areas, public restrooms, elevators and staircases) of any building or structure that is accessible to the public including without limitation office, commercial, and industrial buildings, banks and financial institutions, educational institutions, health care facilities such as hospitals, clinics and doctor's offices, museums, libraries, restaurants, polling places, government and Village-owned buildings, food stores, cafeterias, theaters, auditoriums, train and bus stations, hotels, motels, and retail and service establishments.

(D) rooms, chambers, halls, or other locations within which meetings, hearings, or gatherings are held, to which the public is invited or in which the public is permitted, including specifically, but without limitation, any enclosed area under the control of the Village where there is in progress any public meeting.

"Public place" shall not include:

- (A) a private dwelling unit, unless said dwelling is also used as a day care facility for children or adults; provided that rooms in nursing homes or long-term care facilities occupied by one or more persons who have requested in writing a room where smoking is permitted shall be considered private dwelling units; or
- (B) hotel or motel rooms designated as smoking, provided that no more than **twenty percent (20%)** of the available rooms for rent in any single building shall be designated as smoking rooms.

**"School Grounds"** mean all public or private outdoor school grounds, but excluding any open areas specifically designated and permitted by the school administration for smoking by adults who are invited to use such area for smoking.

**"Smoke" or "Smoking"** means inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, or other lighted tobacco product in any manner or in any form.

**"Village"** means the Village of Evansville, Illinois.

**27-13-4 PROHIBITION IN ENCLOSED PUBLIC PLACES.**

- (A) It is unlawful to smoke in any enclosed area of any public place.
- (B) It shall be unlawful for the owner, occupant or lessee, as the case may be, who is in control of a public place to knowingly permit smoking in any enclosed area in a public place.

**27-13-5      PROHIBITION IN UNENCLOSED PUBLIC PLACES AND OUTDOOR VENUES.**

- (A) It is unlawful to smoke in the following unenclosed public places:
- (1) The seating areas of all outdoor arenas, stadiums and amphitheaters.
  - (2) Public parks and recreation areas.
  - (3) School grounds.
  - (4) Public sidewalks within **fifteen (15) feet** of a public entrance, but excluding any person who is temporarily in such area for the purpose of walking or traversing through such area.
  - (5) Public sidewalks within **fifteen (15) feet** of an open air dining area, but excluding any person who is temporarily in such area for the purpose of walking or traversing through such area.
- (B) It is unlawful to smoke in or within **fifteen (15) feet** of an outdoor venue during the time that an outdoor event is taking place.

**27-13-6      PROHIBITION IN PLACES OF EMPLOYMENT.**

- (A) It is unlawful to smoke in any enclosed area of any place of employment.
- (B) It shall be unlawful for any employer to knowingly permit smoking in any enclosed area of any place of employment.

**27-13-7      PROHIBITION IN OPEN AIR DINING AREAS.**

- (A) It is unlawful to smoke in open air dining area.
- (B) It shall be unlawful for the owner, occupant or lessee, as the case may be, in control of an open air dining area to knowingly permit smoking in the area available for open air dining.
- (C) it is unlawful to smoke within **fifteen (15) feet** of an open air dining area.

**27-13-8      PROHIBITION AT PUBLIC ENTRANCES.**

- (A) It is unlawful to smoke within **fifteen (15) feet** of a public entrance to a public place or to a place of employment.
- (B) It is unlawful for any person or persons to gather or congregate for the purpose of smoking within **fifteen (15) feet** of a public entrance.

**27-13-9      DESIGNATION OF OTHER NO-SMOKING AREAS.** Nothing in this Article shall be deemed to limit the owner, occupant or lessee of a public place or a place of employment to further prohibit smoking by designating outdoor areas not subject to the restrictions in this Article as a place where smoking is also prohibited, provided that the owner, occupant or lessee shall cause signs to be posted at appropriate locations advising persons that smoking is prohibited within the designated outdoor area.

**27-13-10      NO RETALIATION.** No person, business or employer shall discharge, refuse to hire, or in any manner retaliate against an employee or customer because that employee or customer reports a violation of this Article or exercises by rights afforded by this Article.

**27-13-11      SIGNS.**

- (A) Each owner, lessor, lessee, employer, or other person in control of a public place shall post conspicuous "No Smoking" signs in the enclosed area of any public place where smoking is prohibited. Such "No Smoking" signs shall have a white field with the words "No Smoking" printed in red letters, **four (4) inches** high with a **one-half (1/2) inch** face, or shall bear the international "No

Smoking" symbol, which consists of a pictorial representation of a cigarette enclosed in a circle with a bar

across it. It shall be unlawful for any person to remove, deface or obscure any sign posted pursuant to the provisions of this Article.

(B) Each owner, lessor, lessee, employer or other person in control of a public park or recreation area, or of a school ground, shall cause signs to be posted at appropriate locations advising persons that smoking is prohibited within the park, recreation area or school ground.

(C) Each owner, lessor, lessee, management company or other person in control of an outdoor venue shall cause signs to be posted at appropriate locations advising persons that smoking is prohibited within the outdoor venue during outdoor events.

**27-13-12 EXEMPTIONS.** The prohibition on smoking set forth in Section 6-35 and 6-37 shall not apply to a public place or place of employment of a tobacco dealer that permits customers to sample tobacco products on the premises of the tobacco dealer, provided that smoke generated by smoking on the premises of the tobacco dealer does not infiltrate any other enclosed public place or place of employment. For purposes of this exemption, a tobacco dealer is a retailer whose principal business is the sale at retail of tobacco and tobacco-related products.

**27-13-13 PENALTIES.**

(A) Any person who smokes in an area where smoking is prohibited under the provisions of this Article shall be guilty of an offense punishable by:

- (1) A fine of not less than **Twenty-Five Dollars (\$25.00)** for a first violation.
- (2) A fine of not less than **Fifty Dollars (\$50.00)** for a second violation.
- (3) A fine of not less than **One Hundred Dollars (\$100.00)** and not more than **Five Hundred Dollars (\$500.00)** for a third and subsequent violation(s).

(B) Any person who owns, manages, operates or otherwise controls a public place, a place of employment or an open air dining area that permits smoking in an area where smoking is prohibited under the provisions of this Article, shall be guilty of an offense punishable by a fine of (i) not less than **One Hundred Dollars (\$100.00)** for the first violation, (ii) not less than **Two Hundred Fifty Dollars (\$250.00)** for the second violations, and (iii) not less than **Five Hundred Dollars (\$500.00)** for each additional violation thereafter, unless said additional violation has occurred within **one (1) year** after the first violation, in which case the minimum fine shall be not less than **One Thousand Dollars (\$1,000.00)**. The maximum amount of fine to be levied herein shall not exceed **Two Thousand Five Hundred Dollars (\$2,500.00)** for each violation.

(C) Each day that any violation of this Article shall continue shall constitute a separate offense.

## ARTICLE XIV - SYNTHETIC DRUGS

**27-14-1 SALE, POSSESSION OR DELIVERY OF SYNTHETIC COCAINE PROHIBITED.**

(A) **Definitions.** The following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

- (1) **Synthetic Cocaine, "Bath Salts" or Substances Containing Cocaine** includes but not limited to the names, MDPK, Magic, Super Coke, PV, Ivory Wave, Ocean, Cloud Nine, Charge Plus, White lightning, Scarface, Hurricane, Charlie Red Dove and White Dove. It is an herbal and chemical product which mimics the effects of Cocaine, including but not limited to Methylenedioxypropylamphetamine, (a psychoactive drug), or cathinone derivatives.
- (2) **Deliver or Delivery.** Actual, constructive or attempted transfer of possession of synthetic cocaine or substance containing cocaine, with or without consideration, whether or not there is an agency relationship.
- (3) **Knowledge.** Knows, acts knowingly or with knowledge:
  - (a) the nature or attendant circumstances of his/her conduct described by the section defining the offense, when he/she is consciously aware that his/her conduct is of such nature or that such circumstances exist, knowledge of a material fact includes awareness of the substantial probability that such fact exists.
  - (b) the result of his/her conduct, described by the section defining the offense, when he/she is consciously aware that such result is likely to be caused by his/her conduct.
  - (c) knowledge may be inferred from the surrounding circumstances.
- (4) **"Bath salts"** a substance that contains methylenedioxypropylamphetamine (MDPV) or contains a norepinephrine-dopamine reuptake inhibitor (NDRI).
- (5) **Manufacture.** The production, preparation, propagation, compounding, conversion or processing of synthetic cocaine or a substance containing cocaine, either directly or indirectly, by extraction from substances of natural origin, or independently by means of chemical synthesis, and includes any packaging or repackaging of synthetic cocaine or a substance containing cocaine or labeling of its container, except that this term does not include the preparation, compounding, packaging or labeling of synthetic cocaine as an incident to lawful research, teaching or chemical analysis and not for sale.
- (6) **Person.** Any individual, corporation, business trust, estate, trust, partnership or association, or any other entity.
- (7) **Possession.** Possession may be either actual or constructive.
  - (a) actual possession means exercising physical dominion.
  - (b) constructive possession may be inferred if the defendant has intent and capacity to maintain control and dominion over the cocaine or substance containing cocaine or drug paraphernalia.

(B) **Possession of Synthetic Cocaine or Substance Containing Cocaine or "Bath Salts" Prohibited.**

- (1) **Violation.** No person shall possess any substance containing synthetic cocaine or a substance containing cocaine.
- (2) **Penalty.** Any person who pleads guilty or is found guilty by a court of law shall be punished by a minimum fine of not less than **Two Hundred Fifty Dollars (\$250.00)** and no more than **Seven Hundred Fifty Dollars (\$750.00)**.

- (3) **Administrative Fee.** In addition, any person who violates any provision of this Section and is convicted, pleads guilty, receives court supervision or probation by a court of law shall be ordered to pay an administrative fee of **One Hundred Dollars (\$100.00)** to be paid to the law enforcement agency for testing of the substance(s) collected.
- (4) **Forfeiture.** Any items which may be seized or forfeited pursuant to **720 ILCS 550/12**, may be forfeited in the same manner as described therein for a violation of this Section.
- (5) **Exception.** Any person who manufactures, distributes, dispenses, or is in possession of any controlled substance or synthetic cocaine for research purposes shall be exempt from the provisions of this Section.

**27-14-2 SALE, POSSESSION OR DELIVERY OF SYNTHETIC CANNABIS PROHIBITED.**

(A) **Definitions.** The following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

- (1) **Synthetic Cannabis** includes the brand names K2 and Spice. It is an herbal and chemical product which mimics the effects of Cannabis, including but not limited to synthetic cannabinoids, cannabicyclohexanol, JWH-018, JWH-073 and HU-210.
- (2) **Deliver or Delivery.** Actual, constructive or attempted transfer of possession of synthetic cannabis, with or without consideration, whether or not there is an agency relationship.
- (3) **Knowledge.** Knows, acts knowingly or with knowledge:
  - (a) the nature or attendant circumstances of his/her conduct, described by the section defining the offense, when he/she is consciously aware that his/her conduct is of such nature or that such circumstances exist, knowledge of a material fact includes awareness of the substantial probability that such fact exists.
  - (b) the result of his/her conduct, described by the section defining the offense, when he/she is consciously aware that such result is likely to be caused by his/her conduct.
  - (c) knowledge may be inferred from the surrounding circumstances.
- (4) **Manufacture.** The production, preparation, propagation, compounding, conversion or processing of synthetic cannabis, either directly or indirectly, by extraction from substances of natural origin, or independently by means of chemical synthesis, and includes any packaging or repackaging of synthetic cannabis or labeling of its container, except that this term does not include the preparation, compounding, packaging or labeling of synthetic cannabis as an incident to lawful research, teaching or chemical analysis and not for sale.
- (5) **Person.** Any individual, corporation, business trust, estate, trust, partnership or association, or any other entity.
- (6) **Possession.** Possession may be either actual or constructive.
  - (a) actual possession means exercising physical dominion.
  - (b) constructive possession may be inferred if the defendant has intent and capacity to maintain control and dominion over the cannabis or drug paraphernalia.
- (7) **Produce or Production.** Planting, cultivating, tending or harvesting.

(B) **Possession of Synthetic Cannabis Prohibited.**

- (1) **Violation.** No person shall possess any substance containing synthetic cannabis.



- (2) **Penalty.** Any person who pleads guilty or is found guilty by a court of law shall be punished by a minimum fine of not less than **Two Hundred**

**Fifty Dollars (\$250.00)** and no more than **Seven Hundred Fifty Dollars (\$750.00)**.

- (3) **Administrative Fee.** In addition, any person who violates any provision of this Section and is convicted, pleads guilty, receives court supervision or probation by a court of law shall be ordered to pay an administrative fee of **One Hundred Dollars (\$100.00)** to be paid to the law enforcement agency for testing of the substance(s) collected.
- (4) **Forfeiture.** Any items which may be seized or forfeited pursuant to **720 ILCS 550/12**, may be forfeited in the same manner as described therein for a violation of this Section.
- (5) **Exception.** Any person who manufactures, distributes, dispenses, or is in possession of any controlled substance or synthetic cannabis for research purposes pursuant to **720 ILCS 550/11**, as hereafter amended, shall be exempt from the provisions of this Section.

**ARTICLE XV - REGULATION OF RESIDENCES OF REGISTERED SEX OFFENDERS**

**27-15-1**      **DEFINITIONS.** The following definitions apply to this Section:

(A)      A **"Child Sex Offender"** includes any person required to register his or her residence address with any State, or with the federal government, as a result of his or her conviction as a sex offender, where the victim of that sex offense was under the age of **eighteen (18) years** at the time of the offense. A **"Child Sex Offender"** includes, but is not limited to, any person required to register under the Illinois Sex Offender Registration Act, **730 ILCS 150/1 et seq.**, as now or as hereafter amended, where the victim was under the age of **eighteen (18) years** at the time of the offense. A **"Child Sex Offender"** further includes, but is not limited to, any person who has been convicted of any of the following statutory offenses, or convicted of attempting to commit any of the following statutory offenses, as now or hereafter amended, involving a victim under the age of **eighteen (18) years**:

- (1)      Sexual exploitation of a child (**720 ILCS 5/11-9.1**);
- (2)      Predatory criminal sexual assault of a child (**720 ILCS 5/12-14.1**);
- (3)      Indecent solicitation of a child (**720 ILCS 5/11-6**);
- (4)      Public indecency committed on school property (**720 ILCS 5/11-9**);
- (5)      Child luring (**720 ILCS 5/10-5(b)(10)**);
- (6)      Aiding and abetting child abduction (**720 ILCS 5/10-7 or 720 ILCS 5/10-(b)(10)**);
- (7)      Soliciting for a juvenile prostitute (**720 ILCS 5/11-15.1**);
- (8)      Patronizing a juvenile prostitute (**720 ILCS 5/11-18.1**);
- (9)      Exploitation of a child (**720 ILCS 5/11-19.2**);
- (10)     Child pornography (**720 ILCS 5/11-20.1**);
- (11)     Criminal sexual assault (**720 ILCS 5/12-13**);
- (12)     Aggravated criminal sexual assault (**720 ILCS 5/12-14**);
- (13)     Aggravated criminal sexual abuse (**720 ILCS 5/12-16**);
- (14)     Kidnapping or aggravated kidnapping (**720 ILCS 5/10-1 or 5/10-2**);
- (15)     Unlawful restraint or aggravated unlawful restraint (**720 ILCS 5/10-3 or 5/10-3.1**).

(B)      **"School"** means any real property used primarily for educational or child care purposes, including, but not limited to, elementary schools, middle schools, high schools, dance studios, licensed child day care facilities, and pre-schools.

(C)      **"Loiter"** shall mean standing or sitting idly, whether or not the person is in a vehicle or remaining in or around property that is from time to time frequented by persons under the age of **eighteen (18) years**.

(D)      **"Park"** includes any playground, walking track, athletic field, gymnasium, basketball court, baseball diamond, or other real estate owned or controlled by a school or unit of a local government, that is designated primarily for recreation. The term "Park" shall also include any privately owned recreational area upon which the Village has been authorized by its owner to patrol and enforce the ordinances contained in this Code. The term "Park" shall also include ancillary restrooms and vehicle parking lots designated for use primarily by park patrons or school students and their families.

**27-15-2**      **PROHIBITED ACTS.**

(A)      It is unlawful for a child sex offender to reside within **one thousand five hundred (1,500) feet** of any of the following:

- (1)      The real property comprising any school attended by persons under the age of **eighteen (18) years**; or
- (2)      The real property comprising any park.

(B)      It is unlawful for any child sex offender to loiter on any public property, public right-of-way, or area designated for parking of motor vehicles, within **one thousand five hundred (1,500) feet** of any of the following, unless the person loitering is with a child under the age of

**eighteen (18) years** and the person loitering is a parent, step-parent, aunt, uncle, cousin, sibling, or step-sibling of that child under the age of **eighteen (18) years**;

(1) The real property comprising any school attended by persons under the age of **eighteen (18) years**; or

(2) The real property comprising any park.

(C) It is unlawful for any person, corporation, business, partnership, trust, manager, or other entity, to employ a sex offender within **one thousand five hundred (1,500) feet** of any festival or other event which is open to the public.

(D) It is unlawful for any person, corporation, business, partnership, trust, manager, or other entity, to enter into a lease agreement, or to renew any lease agreement, letting residential real estate to a child sex offender, where the lot line of the residential property is within **one thousand five hundred (1,500) feet** of any of the following:

(1) The real property comprising any school attended by persons under the age of **eighteen (18) years**; or

(2) The real property comprising any park.

**27-15-3 PENALTY.** Any person found guilty of violating paragraphs (A) or (B) of **Section 27-15-2** shall be subject to a fine between **One Hundred Dollars (\$100.00)** and **Seven Hundred Fifty Dollars (\$750.00)**, with each day a violation continues constituting a separate offense. Any person, corporation, business, partnership, trust, manager, or other entity guilty of violating paragraphs (C) or (D) of **Section 27-15-2** shall be subject to a fine between **One Hundred Dollars (\$100.00)** and **Seven Hundred Fifty Dollars (\$750.00)**, revocation of business license, or both. Each day a violation continues shall constitute a separate offense. Any person, corporation, business, partnership, trust, manager or other entity violating paragraphs (C) or (D) of **Section 27-15-2** shall be presumed to have had knowledge of the employee's or tenant's status as a child sex offender, where the employee's or tenant's name, photo, or other identifying information appears on the Illinois State Police statewide sex offender database, as published on the internet on the Illinois State Police World Wide Web home page, per the Sex Offender and Child Murderer Community Notification Law, **730 ILCS 152/101 et seq.**, as now or hereafter amended.

**27-15-4 OTHER PROVISIONS.**

(A) In the event a court of competent jurisdiction should declare the terms of any portion of this Article invalid or unenforceable, the remainder of this Article shall remain in full force and effect.

(B) All distances designated in this Article shall be measured from the lot line of the park property or school property and from the lot line of the subject residence.

(C) Nothing in this Article prohibits a child sex offender from residing within **one thousand five hundred (1,500) feet** of any property, if that residence is owned or leased by the child sex offender before the effective date of this Article. This Article is intended to apply to and prevent such new residential lease agreements, and renewals of expired residential leases, entered into after the effective date of this Article.

**ARTICLE XVI – DRUG PARAPHERNALIA****27-16-1 DEFINITIONS.**

(A) **"Cannabis"** shall have the meaning ascribed it in Section 3 of the "Illinois Cannabis Control Act" as if that definition were incorporated herein.

(B) **"Controlled Substance"** shall have the meaning ascribed to it in Section 102 of the "Illinois Controlled Substance Act" as if that definition were incorporated herein.

(C) **"Drug Paraphernalia"** shall mean all equipment, products and materials of any kind which are peculiar to and/or marketed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body cannabis or a controlled substance in violation of the "Cannabis Control Act" or the "Illinois Controlled Substances Act." It includes but is not limited to:

- (1) Kits peculiar to and/or marketed for use in manufacturing, compounding, converting, producing, processing or preparing cannabis or a controlled substance;
- (2) Isomerization devices peculiar to and marketed for use in increasing the potency of any species of plant which is cannabis or a controlled substance;
- (3) Testing equipment peculiar to and marketed for private home use in identifying or in analyzing the strength, effectiveness or purity of cannabis or controlled substances;
- (4) Diluents and adulterant peculiar to and marketed for cutting cannabis or a controlled substance by private persons;
- (5) Objects peculiar to and/or marketed for use in ingesting, inhaling, or otherwise introducing cannabis, cocaine, hashish, or hashish oil into the human body including, where applicable, the following items:
  - (a) water pipes;
  - (b) carburetion tubes and devices;
  - (c) smoking and carburetion masks;
  - (d) miniature cocaine spoons and cocaine vials;
  - (e) carburetor pipes;
  - (f) electric pipes;
  - (g) air-driven pipes;
  - (h) chillums;
  - (i) bongs;
  - (j) ice pipes or chillers;
- (6) Any item whose purpose, as announced or described by the seller is for use in violation of this act.

**27-16-2 POSSESSION OF CANNABIS OR CONTROLLED SUBSTANCE.** It shall be unlawful for any person to use, possess, distribute or deliver any cannabis or controlled substance as defined in this Article.

**27-16-3 POSSESSION OF DRUG PARAPHERNALIA.**

(A) A person who knowingly possesses an item of drug paraphernalia with the intent to use it in ingesting, inhaling or otherwise introducing cannabis or a controlled substance into the human body, or in preparing cannabis or a controlled substance for that use, is guilty of a violation of this Article.

(B) In determining intent under paragraph (A) the trier of fact may take into consideration the proximity of the cannabis or a controlled substance on the drug paraphernalia.

**27-16-4**      **EXEMPTIONS.**

(A) Items marketed for use in the preparation, compounding, packaging, labeling, or other use of cannabis or controlled substance as an incident to lawful research, teaching, or chemical analysis and not for sale.

(B) Items marketed for, or historically and customarily used in connection with, the planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting or inhaling of tobacco or any other lawful substance.

Items exempt under this Article include, but are not limited to, garden hoes, rakes, sickles, baggies, tobacco pipes and cigarette-rolling papers.

(C) Items listed in **Section 27-16-1** of this Article which are marketed for decorative purposes, when such items have been rendered completely inoperable or incapable of being used for any illicit purpose prohibited by this Article.

In determining whether or not a particular item is exempt under this Section, the trier of fact should consider, in addition to all other logically relevant factors, the following:

- (1) The general, usual, customary, and historical use to which the item involved has been put;
- (2) Expert evidence concerning the ordinary or customary use of the item and the effect of any peculiarity in the design or engineering of the device upon its functioning;
- (3) Any written instruction accompanying the delivery of the item concerning the purposes or uses to which the item can or may be put;
- (4) Any oral instructions provided by the seller of the item at the time and place of sale or commercial delivery;
- (5) Any national or local advertising concerning the design, purpose or use of the item involved and the entire context in which such advertising occurs;
- (6) The manner, place and circumstances in which the items was displayed for sale, as well as any item or items displayed for sale or otherwise exhibited upon the premises where the sale was made;
- (7) Whether the owner or anyone in control of the object is a legitimate supplier of like or related items to the community such as a licensed distributor or dealer of tobacco products;
- (8) The existence and scope of legitimate uses for the object in the community.

**27-16-5**      **PENALTY.** Any person or entity violating this Article shall be subject to a fine of not more than **Seven Hundred Fifty Dollars (\$750.00)** plus court costs.

## CHAPTER 28 – PARKS AND RECREATION

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**CHAPTER 28**

**PARKS AND RECREATION**

**ARTICLE I – GENERAL RULES**

**28-1-1            CAMPING.**

(A)            If you are camping at an authorized area in the Village, you must camp only in the space you are provided.

(B)            All vehicles, RVs, and trailers must be parked on your campsite. Driving or parking off road is not permitted.

(C)            Quiet hours are between **11:00 P.M.** and **6:00 A.M.** Please be considerate of others.

**28-1-2            SANITATION.** All garbage and litter must either be deposited in Village trash cans/dumpsters, or taken with you when you leave.

**28-1-3            CAMPFIRES.** No ground fires or fires of any kind unless in a fire pit.

**28-1-4            VEHICLE OPERATION.**

(A)            Drivers must obey all traffic signs and operate their vehicles in accordance with posted regulations, and applicable Federal, State and local laws.

(B)            Motorized vehicles are allowed on roadways only. Do no drive/park in grass. Abide by Village ordinance for operation of Golf Carts and UTV's. Four wheelers are not to be operated on Village streets, citations will be issued.

**28-1-5            PETS AND ANIMALS.**

(A)            Pets must be restrained or on a leash at all times.

(B)            You must clean up all dog waste.

**28-1-6            PUBLIC PROPERTY.**

(A)            Preserve and protect our Park. Leave natural areas the way you find them.

(B)            Do not carve, chop, cut and damage any live trees.



**ARTICLE II – SPECIFIC REGULATIONS**

**28-2-1**        **LOCATION.** Camping will be permitted only in designated areas located within the Village. Camping is prohibited in any other area.

**28-2-2**        **PURPOSE OF CAMPGROUND.** These camping sites are established for the convenience and enjoyment of outdoor recreation by the residents and visiting public. The campsites are not places for permanent or semi-permanent residences, bases for operations of a business, or facilities for non-camper residences. All campground amenities are for the sole purpose of the registered camping parties.

**28-2-3**        **CLASSIFICATION OF CAMPS BY EQUIPMENT USED - DEFINITIONS.**

(A)            Basic Campsite located within walking distance of the parking area, (no water, electric or sewer at sites).

                  (1)        Tent Camp – any camp using a fabric-type shelter erected on the ground, and not a part of a trailer unit as the basic unit that has been transported to the site by motor vehicle.

(B)            Folding and Tent Trailers - no water, electric or sewer at sites.

(C)            Travel Trailer – **fifty (50) foot** long or less and are being towed by vehicle, (no water, electric or sewer at sites).

                  (1)        Any camp which has a trailer, of not more than **twenty-five (25) feet** in total overall length including any extensions forward or backward beyond the living quarters, as the basic shelter unit. This includes tent trailer, the standard travel trailer, or boats mounted on a trailer and used as the basic shelter unit.

(D)            Motorhome, **twenty-five (25) to fifty (50) foot** long and self-propelled, (no water, electric or sewer at sites).

                  (1)        Any camp using a vehicle as the basic shelter unit. This includes converted buses, manufactured camper buses, and automobiles, of not more than **forty (40) feet** in total overall length, when used as the main sleeping and shelter unit of the camp.

(E)            Group Camp – any camp using any one or combination of the various types of shelter when the camping group qualifies as an organization camp, according to **Section 28-2-12.**

**28-2-4**        **DEFINITIONS.**

(A)            **"Camp"** means a single family or group occupying one site that is a designated individual site within a managed site, established and maintained for the sole purpose of camping, including the use of tents, trailers, or any other type of camping device.

(B)            A **"Single Family"** consists of either or both parents and unmarried children. Other family members will be considered as part of the family as long as they occupy the same shelter, but not to exceed a total of **four (4) adults, (eighteen (18) years** of age or older).

(C)            If more than one camp shelter is required for the single family or group, they shall occupy separate campsites. (Exceptions: Minor children (under **eighteen (18)**) sleeping in sleeping bags or in a tent outside the family shelter are considered occupants sharing the same shelter.

(D)            In no case will **two (2)** or more tent trailers, travel trailers, self-propelled mobile campers, pick-up campers, or any combination thereof be considered as a single camp.

(E)            Where campgrounds are laid out in defined sites, not more than one camp will be permitted on a site. Where campgrounds are not laid out in sites, the number of camps will be determined by the capacity of the existing parking areas, soil and turf conditions, potential social conflicts between campers due to crowding, and similar factors as determined by the Village.

**28-2-5            REGISTRATION.**

**(A)                Purchasing Permits.**

- (1)            Camping Permits are issued through the Village Hall. Reservations may be made in person, via email, or by phone.
  - (2)            Camping Permits must be received at Village Hall.
- (B)            A permit will be issued and fees, if applicable, collected at the time of the reservation. A responsible adult (**twenty-one (21) years** of age or older) from the camping party must register for the party and thereby acknowledges compliance with the rules and regulation of the park for the entire party.
- (C)            The Village has the authority to assign sites.
- (D)            No camping equipment shall be placed on any campground site while that site is occupied by another camping party.
- (E)            The Village may set minimum stay requirements and reservation cut-off dates for special events or activities.

**28-2-6            PERMITS, EXTENSIONS AND TIME LIMITS.**

- (A)            A camp permit may be issued for a period not to exceed **five (5) consecutive nights.**
- (B)            Exceptions to the above time limit may be made in the following instance: In bona fide emergency cases involving serious illness or accident which makes compliance with the rules impossible and only for the duration of the emergency-burden of proof is on the permittee and the Village should be satisfied by investigation or inquiry that the case warrants consideration before granting an extension.

**28-2-7            FEES AND CHARGES.** The Special Event Camping Fee shall be **Fifteen Dollars (\$15.00)** per night. Special Events are approved and established by the Village Board of Trustees.

**28-2-8            REFUNDS.** No refunds will be made for camping fees unless the approved Special Event is cancelled by the Village Board of Trustees.

**28-2-9            CHECK-IN AND CHECK-OUT TIMES.**

(A)            Check-in time is after **2:00 P.M.** unless preapproved at the time of reservation.

(B)            Check-out time is **1:00 P.M.**

- (1)            A camper who has checked out and desire to remain in the park for other purposes after check-out time must break camp.
- (2)            The camper shall remove all personally owned camping equipment from their campsite at the time they leave.
- (3)            Failure to remove all equipment by **1:00 P.M.** on check out day without specific authorization by the Village shall obligate the camper to pay an additional night's fee(s). The camper may then elect to stay the additional night if such does not violate time limits and if site is available.
  - (a)            Camper may request a late check-out. If the site is not reserved it will be granted.
  - (b)            Camper may request an early check-in. No check-ins will be before **9:00 A.M.** If the site is available it will be granted.

**28-2-10           UNOCCUPIED CAMPS.**

(A) A camp is deemed to have been abandoned if a camper does not appear to remove his camping equipment within **twenty-four (24) hours** of the expiration of his camping permit.

(B) When a camp is abandoned, staff will inventory the abandoned items, with a police officer, and it will be held in storage for **thirty (30) days**. After **thirty (30) days** the unclaimed items will become the property of the Village and will be discarded or used as such.

**28-2-11 VEHICLES PER CAMP.**

- (A) All vehicles must be registered by license number.
- (B) Each permitted site may have:
  - (1) No more than **two (2)** standard cars, or
  - (2) No more than **two (2)** motorcycles, or
  - (3) No more than **one (1)** standard car, van or pick-up and **two (2)** motorcycles.
  - (4) No vehicles must be parked in designated areas only.
- (C) **Parking.** No motorized vehicles allowed on the grass (including golf carts and all-terrain vehicles).
- (D) Only licensed drivers may operate a motorized vehicle.
- (E) If operating a golf cart or UTV on Village streets, a permit must be obtained and all rules and regulations established by Village ordinance must be followed.

**28-2-12 YOUTH GROUP (BOY SCOUTS, GIRL SCOUTS, CHURCH GROUPS, OTHERS).**

- (A) A youth group/organization camp is a group of **ten (10)** or more minors up to **eighteen (18) years** of age who are members of an organization camping with its adult leaders.
- (B) An organized group camp is a group of **ten (10)** or more adults (**eighteen (18) years** of age or older) with or without children.
- (C) These camps will be placed in a special area set aside for such use, rather than in a regular camping site.
- (D) These camps must have **one (1)** responsible adult (**twenty-one (21) years** of age or older) for every **five (5)** campers.

**28-2-13 CAMPGROUND RULES.**

- (A) Campsites are provided for reasonably quiet outdoor recreational experiences. They are not provided as locations for large group gatherings or parties which are disruptive to the normal atmosphere of the campground. Such activities will not be permitted and violators who persist will be evicted.
- (B) The use of a motorized vehicle is only for use on the paved roadways.
- (C) Quiet hours shall prevail in the park between **11:00 P.M.** and **6:00 A.M.** During this time no noise of light shall be emitted beyond the individual's immediate campsite that would be disturbing to others. **EXCEPTION:** Village sponsored or sanctioned events being held.
- (D) Fires are allowed in stoves and fire pits owned by the camper. **NO GROUND FIRES PERMITTED.**
- (E) **Pets.**
  - (1) The registered camper is responsible for all dogs, cats or other small animals under his ownership/care or under the ownership/care of a guest at his campsite.
  - (2) All animals must be on a leash not to exceed **ten (10) feet**.
  - (3) All leashed animals shall be under the control of a responsible person at all times.
  - (4) Animals are not to be left unattended.
  - (5) Owners are responsible to make sure that their animals do not cause a nuisance to other campers as determined by the Village.

- (6) Owners are responsible for the clean-up and disposal of pet excrement from their campsite and other areas.

**28-2-14**      **VIOLATION OF RULES.**

(A)            A camper who violates any of these rules and regulations is subject to immediate eviction from the park. The camper, at the demand of the Village authorized personnel, shall immediately remove any and all equipment and personal property.

(B)            No refunds will be granted in such cases.

**(Ord. No. 2019-04; 06-10-19)**

# VILLAGE OF EVANSVILLE

## CAMPING REGISTRATION FORM

Date \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_ Email \_\_\_\_\_

Driver's License No. \_\_\_\_\_

Type of Site:

- \_\_\_\_\_ Tent
- \_\_\_\_\_ Truck Camper
- \_\_\_\_\_ Folding/Popup
- \_\_\_\_\_ Travel Trailer
- \_\_\_\_\_ 5<sup>th</sup> Wheel
- \_\_\_\_\_ Motorhome (up to 50')
- \_\_\_\_\_ Other

Number of Adults \_\_\_\_\_ Number of Children (under 18) \_\_\_\_\_

Pets \_\_\_\_\_ Yes \_\_\_\_\_ No \_\_\_\_\_ Number of Pets \_\_\_\_\_

Arrival Date \_\_\_\_\_ Departure Date \_\_\_\_\_ Total Nights \_\_\_\_\_

Special Event: \$15.00 per Night

Date Paid \_\_\_\_\_

Initials \_\_\_\_\_

Number of Nights	Rate per Night	Total
Cash:	Check Number:	Card:

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CHAPTER 29

PROPERTY MAINTENANCE CODE

ARTICLE I – ADMINISTRATION

DIVISION - GENERAL

**29-1-1** **TITLE.** These regulations shall be known as the *Property Maintenance Code* of the Village of Evansville, hereinafter referred to as "this Code". **(101.1)**

**29-1-2** **SCOPE.** The provisions of the Code shall apply to all existing residential dwellings, rental units, commercial buildings, all new construction (rental or non-rental dwelling) and new commercial buildings and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties. **(101.2) (Ord. No. 2013-07; 09-09-13)**

*[This Section establishes the broad purpose of the Code—to protect the public health, safety and welfare in both existing residential and nonresidential structures and on all existing premises.*

*Four specific areas are addressed in greater detail in subsequent sections:*

(1) *Establishing minimum maintenance standards for such elements as basic equipment, light, ventilation, heating, sanitation and fire safety.*

(2) *Fixing responsibility among owners, operators and occupants for following the Code.*

(3) *Regulating the use of existing structures and premises.*

(4) *Providing for administration, enforcement and penalties.*

*These four categories provide communities with the tools to reduce risks created by deteriorated or unsafe buildings and help communities upgrade and maintain other existing structures.]*

**29-1-3** **INTENT.** This Code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein. Repairs, alterations, additions to and change of occupancy in existing buildings shall comply with the *International Existing Building Code*. **(101.3)**

*[This Code is intended to provide requirements addressing the public health, safety and welfare as they relate to the use and maintenance of existing structures and premises. The Code requires existing structures and premises that are not in compliance with the Code to be altered or repaired to meet the Code. The Code requirements are intended to represent the minimum acceptable level of public health and safety. The International Existing Building Code® (IEBC®) is listed as the required Code for all repairs, alterations, additions and change of occupancies to existing structures.]*

**29-1-4** **SEVERABILITY.** If a section, subsection, sentence, clause or phrase of this Code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Code. **(101.4)**

*[Only invalid sections of the Code (as established by the court of jurisdiction) can be set aside. This is essential to safeguard the application of the Code text to situations whereby a provision of the Code is declared illegal or unconstitutional. This Section would preserve the legislative action that put the legal provisions in place.]*

**DIVISION II - APPLICABILITY**

**29-1-5**        **GENERAL.** The provisions of this Code shall apply to all matters affecting or relating to structures and premises, as set forth in **Division I**. Where, in a specific case, different sections of this Code specify different requirements, the most restrictive shall govern. **(102.1)**

**29-1-6**        **MAINTENANCE.** Equipment, systems, devices and safeguards required by this Code or a previous regulation or Code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this Section to be removed from or shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this Code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures and premises. **(102.2)**

*[This Section contains general maintenance requirements. The Code specifically prohibits the disconnection of any required utilities for an occupied dwelling. This helps to safeguard persons who have a physical condition and are dependent on these systems. Some examples of this include: a person who has to have electricity to power a kidney dialysis machine; a patient who is on an oxygen system full time; or someone with particularly bad allergies who needs to have an air-conditioning system to help filter the air. Any safety system that exists in a building must be maintained. A fire protection or safety system is not to be removed from a building if it is required by the Code or a previous regulation or code that was in effect when the building was built. This Section also specifies that the owner or the owner's agent is responsible for maintenance, not the tenants of rental property.]*

**29-1-7**        **APPLICATION OF OTHER CODES.** Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the *International Existing Building Code*. Nothing in this Code shall be construed to cancel, modify or set aside any provision of the *Village Zoning Code*. **(102.3)**

**29-1-8**        **EXISTING REMEDIES.** The provision in this Code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe and unsanitary. **(102.4)**

**29-1-9**        **WORKMANSHIP.** Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this Code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's installation instructions. **(102.5)**

**29-1-10**       **HISTORIC BUILDINGS.** The provisions of this Code shall not be mandatory for existing buildings or structures designated as historic buildings when such buildings or structures are judged by the Code Official to be safe and in the public interest of health, safety and welfare. **(102.6)**

**29-1-11**       **REFERENCED CODES AND STANDARDS.** The codes and standards referenced in this Code shall be those that are listed in **Article VIII** and considered part of the requirements of this Code to the prescribed extent of each such reference. Where differences occur between provisions of this Code and the referenced standards, the provisions of this Code shall apply. **(102.7)**



**29-1-12**      **REQUIREMENTS NOT COVERED BY CODE.** Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare not specifically covered by this Code shall be determined by the Code Official. **(102.8)**

**29-1-13**      **RESERVED.**

**DIVISION III – PROPERTY MAINTENANCE INSPECTION**

**29-1-14**      **GENERAL.** The Department of Property Maintenance Inspection is hereby created and the executive official in charge thereof shall be known as the Code Official. **(103.1)**

**29-1-15**      **APPOINTMENT.** The Code Official shall be appointed by the Mayor with the advice and consent of the Village Board; and the Code Official shall not be removed from office except for cause and after full opportunity to be heard on specific and relevant charges by and before the appointing authority. **(103.2)**

**29-1-16**      **DEPUTIES.** In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the Code Official shall have the authority to appoint a deputy code official, other related technical officers, inspectors and other employees. **(103.3)**

**29-1-17**      **LIABILITY.** The Code Official, officer or employee charged with the enforcement of this Code, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act required or permitted in the discharge of official duties.

Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this Code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The Code Official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this Code; and any officer of the department of property maintenance inspection, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith. **(103.4)**

**29-1-18**      **FEES.** The inspection fee will be **Seventy-Five Dollars (\$75.00)** for the initial occupancy inspection, if required additional inspections will be **Forty Dollars (\$40.00)** per inspection. The fees will be collected when the owner/occupant makes a deposit for water services. The Village Clerk will accept the fees and make arrangements for the inspection. **(Ord. No. 2013-07; 09-09-13)**

**29-1-19**      **OCCUPANCY INSPECTION REQUIREMENTS; OWNER OCCUPIED AND COMMERCIAL PROPERTIES.**

(A) Any initial occupancy or change of occupancy of any dwelling or commercial building shall require an inspection of the building and improvements on such premises to determine that it is in a fit condition for occupancy by the Occupancy Inspector. The criteria for a finding of fitness shall be based upon requirements set forth by the International Property Maintenance Code, (2006).

(B) Owners of such dwelling or commercial building shall be obligated to notify the Village not less than **seventy-two (72) hours** prior to initial occupancy or a change of occupancy of such property. Such notification shall be made to the office of the Village Clerk or the Code Enforcement Officer.

(C) No utility services, such as water services, shall be connected for service until approved by the Code Enforcement Officer (or designee) as meeting substantially all requirements of the Property Maintenance Code.

(D) Failure of any owner of any property to notify the Village Code Enforcement Office of a change in occupancy shall result in a fine of not less than **Three Hundred Dollars (\$300.00)**. No utility service shall be authorized at such property until payment of said fine has been fully satisfied. **(Ord. No. 2013-07; 09-09-13)**

**29-1-20**        **RESERVED.**

**DIVISION IV – DUTIES AND POWERS OF THE CODE OFFICIAL**

**29-1-21**        **GENERAL.** The Code Official shall enforce the provisions of this Code. **(104.1)**

**29-1-22**        **RULE-MAKING AUTHORITY.** The Code Official shall have authority as necessary in the interest of public health, safety and general welfare, to adopt and promulgate rules and procedures; to interpret and implement the provisions of this Code; to secure the intent thereof; and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this Code, or of violating accepted engineering methods involving public safety. **(104.2)**

**29-1-23**        **INSPECTIONS.** The Code Official shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The Code Official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority. **(104.3)**

**29-1-24**        **RIGHT OF ENTRY.** The Code Official is authorized to enter the structure or premises at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the Code Official is authorized to pursue recourse as provided by law. **(104.4)**

*[This Section establishes the right of the Code Official to enter the premises in order to make the inspections required by Section 29-1-23. The right to enter structures or premises is limited. First, to protect the right of privacy, the owner or occupant must grant the Code Official permission before an interior inspection of the property can be conducted. Permission is not required for inspections that can be accomplished from within the public right-of-way. Second, such access may be denied by the owner or occupant. Unless the inspector has reasonable cause to believe that a violation of the Code exists, access may be unattainable. Third, Code Officials must present proper identification and request admittance during reasonable hours—usually the normal business hours of the establishment—to be admitted. Fourth, inspections must be aimed at securing or determining compliance with the provisions and intent of the regulations that are specifically within the established scope of the Code Official's authority.]*

*Searches of a private residence to gather information for the purpose of enforcing codes, ordinances or regulations are considered unreasonable and are prohibited by the Fourth Amendment to the U.S. Constitution. "Reasonable cause" in the context of this Section must be distinguished from "probable cause", which is required to gain access to property in criminal cases. The burden of proof establishing reasonable cause may vary among jurisdictions. Usually, an inspector must show that the property is subject to inspection under the provisions of the Code; that the interests of the public health, safety and welfare outweigh the individual's right to maintain privacy; and that such an inspection is required solely to determine compliance with the provisions of the Code.*

*Many jurisdictions do not recognize the concept of an administrative warrant and may require the Code Official to prove probable or reasonable cause in order to gain access upon refusal. This burden of proof is usually more substantial, often requiring the Code Official to stipulate in advance why access is needed (usually access is restricted to gathering evidence for seeking an indictment or making an arrest), what specific items or information is sought, its relevance to the case against the individual subject, how knowledge of the relevance of the information or items sought was obtained and how the evidence sought will be used. In all such cases, the right to privacy must always be weighed against the right of the Code Official to conduct an inspection to verify that the public*

*health, safety and welfare are not in jeopardy. Such important and complex constitutional issues should be discussed with the jurisdiction's legal counsel. Jurisdictions should establish procedures for securing the necessary court orders when an inspection is deemed necessary following a refusal.]*

**29-1-25**      **IDENTIFICATION.** The Code Official shall carry proper identification when inspecting structures or premises in the performance of duties under this Code. **(104.5)**

**29-1-26**      **NOTICES AND ORDERS.** The Code Official shall issue all necessary notices or orders to ensure compliance with this Code. **(104.6)**

**29-1-27**      **DEPARTMENT RECORDS.** The Code Official shall keep official records of all business and activities of the department specified in the provisions of this Code. Such records shall be retained in the official records as long as the building or structure to which such records relate remains in existence, unless otherwise provided for by other regulations. **(104.7)**

**29-1-28**      **COORDINATION OF INSPECTIONS.** Whenever in the enforcement of this Code or another code or ordinance, the responsibility of more than one code official of the jurisdiction is involved, it shall be the duty of the code officials involved to coordinate their inspections and administrative orders as fully as practicable so that the owners and occupants of the structure shall not be subjected to visits by numerous inspectors or multiple or conflicting orders. Whenever an inspector from any agency or department observes an apparent or actual violation of some provision of some law, ordinance or code not within the inspector's authority to enforce, the inspector shall report the findings to the Code Official having jurisdiction. **(104.8)**

**29-1-29**      **RESERVED.**

## **DIVISION V - APPROVAL**

**29-1-30**      **MODIFICATIONS.** Whenever there are practical difficulties involved in carrying out the provisions of this Code, the Code Official shall have the authority to grant modifications for individual cases, provided the Code Official shall first find that special individual reason makes the strict letter of this Code impractical and the modification is in compliance with the intent and purpose of this Code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files. **(105.1)**

**29-1-31**      **ALTERNATIVE MATERIALS, METHODS AND EQUIPMENT.** The provisions of this Code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this Code, provided that any such alternative has been approved. An alternative material or method of construction shall be approved where the Code Official finds that the proposed design is satisfactory and complies with the intent of the provisions of this Code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this Code in quality, strength, effectiveness, fire resistance, durability and safety. **(105.2)**

**29-1-32**      **REQUIRED TESTING.** Whenever there is insufficient evidence of compliance with the provisions of this Code, or evidence that a material or method does not conform to the requirements of this Code, or in order to substantiate claims for alternative materials or methods, the Code Official shall have

the authority to require tests to be made as evidence of compliance at no expense to the jurisdiction. **(105.3)**

(A) **Test Methods.** Test methods shall be as specified in this Code or by other recognized test standards. In the absence of recognized and accepted test methods, the Code Official shall be permitted to approve appropriate testing procedures performed by an approved agency. **(105.3.1)**

(B) **Test Reports.** Reports of tests shall be retained by the Code Official for the period required for retention of public records. **(105.3.2)**

**29-1-33** **MATERIAL AND EQUIPMENT REUSE.** Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested when necessary, placed in good and proper working condition and approved. **(105.4)**

**29-1-34** **RESERVED.**

#### DIVISION VI - VIOLATIONS

**29-1-35** **UNLAWFUL ACTS.** It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this Code. **(106.1)**

**29-1-36** **NOTICE OF VIOLATION.** The Code Official shall serve a notice of violation or order in accordance with **Division VII.** **(106.2)**

**29-1-37** **PROSECUTION OF VIOLATION.** Any person failing to comply with a notice of violation or order served in accordance with **Division VII** shall be deemed guilty of a misdemeanor, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the Code Official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this Code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate. **(106.3)**

**29-1-38** **VIOLATION PENALTIES.** Any person who shall violate a provision of this Code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by **Section 1-1-20.** Each day that a violation continues after due notice has been served shall be deemed a separate offense. **(106.4)**

**29-1-39** **ABATEMENT OF VIOLATION.** The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises. **(106.5)**

*[Despite the assessment of a penalty in the form of a fine against a violator, the violation itself must still be corrected. Failure to make the necessary corrections will result in the violator being subject to additional penalties as described in the proceeding section.]*

**29-1-40** **RESERVED.**

**DIVISION VII – NOTICES AND ORDERS**

**29-1-41**      **NOTICE TO PERSON RESPONSIBLE.** Whenever the Code Official determines that there has been a violation of this Code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in **Sections 29-1-42** and **29-1-43** to the person responsible for the violation as specified in this Code. Notices for condemnation procedures shall also comply with **Section 29-1-49.** **(107.1)**

**29-1-42**      **FORM.** Such notice prescribed in **Section 29-1-41** shall be in accordance with all of the following:

- (A) Be in writing.
- (B) Include a description of the real estate sufficient for identification.
- (C) Include a statement of the violation or violations and why the notice is being issued.
- (D) Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this Code.

- (E) Inform the property owner of the right to appeal.
  - (F) Include a statement of the right to file a lien in accordance with **Section 29-1-37.**
- (107.2)**

**29-1-43**      **METHOD OF SERVICE.** Such notice shall be deemed to be properly served if a copy thereof is:

- (A) delivered personally;
- (B) sent by certified or first-class mail addressed to the last known address; or
- (C) if the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

All of the services noted above may be expensive and time consuming. In some communities, the courts may consider service to be valid if the notice was sent to the last known address of the owner or owner's agent by regular postage and the notice was not returned by the post office. This method of service is obviously much cheaper and usually faster than waiting for the return of a certified letter. It must, however, be acceptable to the court system. The jurisdiction's attorney should be consulted to determine that the type of service is legally acceptable, reasonably cost effective and timely. **(107.3)**

**29-1-44**      **PENALTIES.** Penalties for noncompliance with orders and notices shall be as set forth in **Section 29-1-38.** **(107.4)**

**29-1-45**      **TRANSFER OF OWNERSHIP.** It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the Code Official and shall furnish to the Code Official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation. **(107.5)**

*[When a property has a pending violation order, it is unlawful for an owner to sell, transfer, mortgage, lease or otherwise dispose of the property without either following the order or advising the buyer, mortgagee, etc., of the pending violation. The owner must prove that the buyer has received notice of pending violations by providing the Code Official with a signed, notarized receipt from the new transferee.]*

*Determining who is the current owner of a building is a frustrating and difficult activity. To evade code enforcement action, owners will frequently transfer ownership of their property. This provision of the Code permits the Code Official to cite the seller if he or she did not provide the Code Official with the required notification when the property was transferred; thus, even though the seller may avoid complying with the outstanding violation orders, he or she can still be charged with a violation for failing to provide proof that the transferee was aware of the pending orders.]*

**29-1-46      RESERVED.**

**DIVISION VIII - - UNSAFE STRUCTURES AND EQUIPMENT**

**29-1-47      GENERAL.** When a structure or equipment is found by the Code Official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this Code. **(108.1)**

*[This Section provides a brief description of conditions where the Code Official is given the authority to condemn an existing structure or equipment. Where a structure or equipment is "unlawful", as described in the text of this Section, that structure or equipment does not comply with the requirements of the Code. The deficiencies are such that an unsafe condition or a condition that is unfit for human occupancy exists.]*

(A)      **Unsafe Structures.** An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible. **(108.1.1)**

(B)      **Unsafe Equipment.** Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure. **(108.1.2)**

(C)      **Structure Unfit for Human Occupancy.** A structure is unfit for human occupancy whenever the Code Official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this Code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public. **(108.1.3)**

(D)      **Unlawful Structure.** An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this Code, or was erected, altered or occupied contrary to law. **(108.1.4)**

*[An unlawful structure is one that has serious deficiencies such that an unsafe condition or a condition that is unfit for human occupancy exists. An unlawful structure does not mean one where there are criminal activities.]*

**29-1-48      CLOSING OF VACANT STRUCTURES.** If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the Code Official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the Code Official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource. **(108.2)**

**29-1-49      NOTICE.** Whenever the Code Official has condemned a structure or equipment under the provisions of this Section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with **Section 29-1-43**. If the notice pertains to equipment, it shall also be placed on the condemned equipment. The notice shall be in the form prescribed in **Section 29-1-42**.

**29-1-50**      **PLACARDING.** Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the Code Official shall post on the premises or on defective equipment, a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard. **(108.4)**

(A)      **Placard Removal.** The Code Official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the Code Official shall be subject to the penalties provided by this Code. **(108.4.1)**

*[Only the Code Official is authorized to remove a condemnation placard. The Code Official is to remove the placard only when the defect or defects have been corrected as required by the Code. Any other person who removes or defaces a placard is in violation of the Code and subject to its penalties.]*

**29-1-51**      **PROHIBITED OCCUPANCY.** Any occupied structure condemned and placarded by the Code Official shall be vacated as ordered by the Code Official. Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by this Code. **(108.5)**

**29-1-52 - 29-1-59**      **RESERVED.**

## **DIVISION IX - EMERGENCY MEASURES**

**29-1-60**      **IMMINENT DANGER.** When, in the opinion of the Code Official, there is imminent damage of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building, occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the Code Official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The Code Official shall cause to be posted at each entrance to such structure a notice reading as follows: "**This Structure is Unsafe and its Occupancy has been Prohibited by the Code Official.**" It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition, or of demolishing the same. **(109.1)**

**29-1-61**      **TEMPORARY SAFEGUARDS.** Notwithstanding other provisions of this Code, whenever, in the opinion of the Code Official, there is imminent danger due to an unsafe condition, the Code Official shall order the necessary work to be done, including the boarding-up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the Code Official deems necessary to meet such emergency. **(109.2)**

**29-1-62**      **CLOSING STREETS.** When necessary for public safety, the Code Official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized. **(109.3)**

**29-1-63**      **EMERGENCY REPAIRS.** For the purposes of this Section, the Code Official shall employ the necessary labor and materials to perform the required work as expeditiously as possible. **(109.4)**

**29-1-64**      **COSTS OF EMERGENCY REPAIRS.** Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs. **(109.5)**

**29-1-65**      **HEARING.** Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals boards, be afforded a hearing as described in this Code. **(109.6)**

**29-1-66**      **RESERVED.**

#### **DIVISION X - DEMOLITION**

**29-1-67**      **GENERAL.** The Code Official shall order the owner of any premises upon which is located any structure, which in the Code Official's judgement is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than **two (2) years**, to demolish and remove such structure. **(110.1)**

**29-1-68**      **NOTICES AND ORDERS.** All notices and orders shall comply with **Division VII. (110.2)**

*[Before the Code Official can pursue action to demolish a building in accordance with **Section 29-1-67** or **29-1-69**, it is imperative that all owners and any other persons with a recorded encumbrance on the property be given proper notice of the demolition plans (See Division VII for notice and order requirements).]*

**29-1-69**      **FAILURE TO COMPLY.** If the owner of a premises fails to comply with a demolition order within the time prescribed, the Code Official shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate. **(110.3)**

**29-1-70**      **SALVAGE MATERIALS.** When any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state. **(110.4)**

**29-1-71**      **RESERVED.**



**DIVISION XI - MEANS OF APPEAL**

**29-1-72**      **APPLICATION FOR APPEAL.** Any person directly affected by a decision of the Code Official or a notice or order issued under this Code shall have the right to appeal to the Board of Appeals, provided that a written application for appeal is filed within **twenty (20) days** after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this Code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this Code do not fully apply, or the requirements of this Code are adequately satisfied by other means. **(111.1)**

**29-1-73**      **MEMBERSHIP OF THE BOARD.** The Board of Appeals shall consist of a minimum of **three (3) members** who are qualified by experience and training to pass on matters pertaining to property maintenance and who are not employees of the jurisdiction. The Code Official shall be an ex-officio member but shall have no vote on any matter before the Board. The Board shall be appointed by the chief appointing authority, and shall serve staggered and overlapping terms. **(111.2)**

(A)      **Alternate Members.** The Chief Appointing Authority shall appoint **two (2) or more alternate members** who shall be called by the Board Chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for Board membership. **(111.2.1)**

*[This Section authorizes the chief appointing authority to appoint two (2) alternate members who are to be available if the principal members of the Board are absent or disqualified. Alternate members must possess the same qualifications as the principal members.]*

(B)      **Chairman.** The Board shall annually select one of its members to serve as Chairman. **(111.2.2)**

*[It is customary to determine chairmanship annually so that a regular opportunity is available to evaluate and either reappoint the current chairman or appoint a new one.]*

(C)      **Disqualification of Member.** A member shall not hear an appeal in which that member has any personal, professional or financial interest. **(111.2.3)**

*[All members must disqualify themselves regarding any appeal in which they have a personal, professional or financial interest.]*

(D)      **Secretary.** The Chief Administrative Officer shall designate a qualified person to serve as Secretary to the Board. The Secretary shall file a detailed record of all proceedings in the office of the Chief Administrative Officer. **(111.2.4)**

*[The Chief Administrative Officer is to designate a qualified clerk to serve as secretary to the Board. The Secretary is required to file a detailed record of all proceedings in the office of the Chief Administrative Officer.]*

(E)      **Compensation of Members.** Compensation of members shall be determined by law. **(111.2.5)**

*[Members of the Board of Appeals are not required to be compensated unless required by the local municipality or jurisdiction.]*

**29-1-74**      **NOTICE OF MEETING.** The Board shall meet upon notice from the Chairman, within **twenty (20) days** of the filing of an appeal, or at stated periodic meetings. **(111.3)**

**29-1-75**      **OPEN HEARING.** All hearings before the Board shall be open to the public. The appellant, that appellant's representative, the Code Official and any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of not less than **two-thirds (2/3)** of the Board membership. **(111.4)**

(A)      **Procedure.** The Board shall adopt and make available to the public through the Secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received. **(111.4.1)**

**29-1-76**      **POSTPONED HEARING.** When the full Board is not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing. **(111.5)**

**29-1-77**      **BOARD DECISION.** The Board shall modify or reverse the decision of the Code Official only by a concurring vote of a majority of the total number of appointed Board members. **(111.6)**

(A)      **Records and Copies.** The decision of the Board shall be recorded. Copies shall be furnished to the appellant and to the Code Official. **(111.6.1)**

(B)      **Administration.** The Code Official shall take immediate action in accordance with the decision of the Board. **(111.6.2)**

*[To avoid any undue hindrance in the progress of construction, the Code Official is required to act without delay based on the Board's decision. This action may be to enforce the decision or to seek judicial relief if the Board's action can be demonstrated to be inappropriate.]*

**29-1-78**      **COURT REVIEW.** Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the Chief Administrative Officer. **(111.7)**

**29-1-79**      **STAYS OF ENFORCEMENT.** Appeals of notice and orders (other than Imminent Danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the appeals board. **(111.8)**

**ARTICLE II - DEFINITIONS**

**DIVISION I - GENERAL**

**29-2-1**        **SCOPE.** Unless otherwise expressly stated, the following terms shall, for the purposes of this Code, have the meanings shown in this Chapter. **(201.1)**

**29-2-2**        **INTERCHANGEABILITY.** Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular. **(201.2)**

**29-2-3**        **TERMS DEFINED IN OTHER CODES.** Where terms are not defined in this Code and are defined in the *International Building Code, International Fire Code, Village Zoning Code, Illinois Plumbing Code, International Mechanical Code, International Existing Building Code* or the National Electric Code, such terms shall have the meanings ascribed to them as in those codes. **(201.3)**

**29-2-4**        **TERMS NOT DEFINED.** Where terms are not defined through the methods authorized by this Section, such terms shall have ordinarily accepted meanings such as the context implies. **(201.4)**

**29-2-5**        **PARTS.** Whenever the words "dwelling unit", "dwelling", "premises", "building", "rooming house", "rooming unit", "housekeeping unit", or "story" are stated in this Code, they shall be construed as though they were followed by the words "or any part thereof". **(201.5)**

**DIVISION II - GENERAL DEFINITIONS**

**29-2-6**        **DEFINITIONS.**

**"APPROVED":** Approved by the Code Official.

**"BASEMENT":** That portion of a building which is partly or completely below grade.

**"BATHROOM":** A room containing plumbing fixtures including a bathtub or shower.

**"BEDROOM":** Any room or space used or intended to be used for sleeping purposes.

**"CODE OFFICIAL":** The official who is charged with the administration and enforcement of this Code, or any duly authorized representative.

**"CONDEMN":** To adjudge unfit for occupancy.

**"DWELLING UNIT":** A single unit providing complete, independent living facilities for **one (1)** or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

**"EASEMENT":** That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on or above a said lot or lots.

**"EXTERIOR PROPERTY":** The open space on the premises and on adjoining property under the control of owners or operators of such premises.

**"EXTERMINATION":** The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, trapping or by any other approved pest elimination methods.

**"GARBAGE":** The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

**"GUARD":** A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

**"HABITABLE SPACE":** Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

**"HOUSEKEEPING UNIT":** A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

**"IMMINENT DANGER":** A condition which could cause serious or life-threatening injury or death at any time.

**"INFESTATION":** The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

**"INOPERABLE MOTOR VEHICLE":** A vehicle which cannot be driven upon the public streets for reasons including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

**"LABELED":** Devices, equipment, appliances, or materials to which has been affixed a label, seal symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and by whose label the manufacturer attests to compliance with applicable nationally recognized standards.

**"LET FOR OCCUPANCY OR LET":** To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premises or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

**"OCCUPANCY":** The purpose for which a building or portion thereof is utilized or occupied.

**"OCCUPANT":** Any individual living or sleeping in a building, or having possession of a space within a building.

**"OPENABLE AREA":** The part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

**"OPERATOR":** Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

**"OWNER":** Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

**"PERSON":** An individual, corporation, partnership or any other group acting as a unit.

**"PREMISES":** A lot, plot or parcel of land, easement or public way, including any structures thereon.

**"PUBLIC WAY":** Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

**"ROOMING HOUSE":** A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

**"ROOMING UNIT":** Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

**"RUBBISH":** Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

**"STRICT LIABILITY OFFENSE":** An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

**"STRUCTURE":** That which is built or constructed or a portion thereof.

**"TENANT"**: A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

**"TOILET ROOM"**: A room containing a water closet or urinal but not a bathtub or shower.

**"VENTILATION"**: The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

**"WORKMANLIKE"**: Executed in a skilled manner, e.g., generally plumb, level, square, in line, undamaged, and without marring adjacent work.

**"YARD"**: An open space on the same lot with a structure.

**(202)**

**ARTICLE III - GENERAL REQUIREMENTS**

**DIVISION I - GENERAL**

**29-3-1**        **SCOPE.** The provisions of this Chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property. **(301.1)**

**29-3-2**        **RESPONSIBILITY.** The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this Code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this Chapter. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control. **(301.2)**

**29-3-3**        **VACANT STRUCTURES AND LAND.** All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety. **(301.3)**

**29-3-4**        **RESERVED.**

**DIVISION II - EXTERIOR PROPERTY AREAS**

**29-3-5**        **SANITATION.** All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition. **(302.1)**

**29-3-6**        **GRADING AND DRAINAGE.** All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon. **(302.2)**

(A)            **Exception:** Approved retention areas and reservoirs.

**29-3-7**        **SIDEWALKS AND DRIVEWAYS.** All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions. **(302.3)**

**29-3-8**        **WEEDS.** All premises and exterior property shall be maintained free from weeds or plant growth in excess of **twelve (12) inches**. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice violation, they shall be subject to prosecution in accordance with **Section 29-1-36** and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property. **(302.4)**

**29-3-9 RODENT HARBORAGE.** All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation. **(302.5)**

**29-3-10 EXHAUST VENTS.** Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate waste directly upon abutting or adjacent public or private property or that of another tenant. **(302.6)**

**29-3-11 ACCESSORY STRUCTURES.** All accessory structures, including detached garages, fence and walls, shall be maintained structurally sound and in good repair. **(302.7)**

**29-3-12 MOTOR VEHICLES.** Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth. **(302.8)**

**Exception:** A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

**29-3-13 DEFACEMENT OF PROPERTY.** No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair. **(302.9)**

**29-3-14 RESERVED.**

### **DIVISION III – SWIMMING POOLS, SPAS AND HOT TUBS**

**29-3-15 SWIMMING POOLS.** Swimming pools shall be maintained in a clean and sanitary condition, and in good repair. **(303.1)**

**29-3-16 ENCLOSURES.** Private swimming pools, hot tubs and spas, containing water more than **twenty-four (24) inches (610 mm)** in depth shall be completely surrounded by a fence or barrier at least **forty-eight (48) inches (1219 mm)** in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than **fifty-four (54) inches (1372 mm)** above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of **six (6) inches (152 mm)** from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier. **(303.2)**

**29-3-17 RESERVED.**

**DIVISION IV - EXTERIOR STRUCTURE**

**29-3-18**      **GENERAL.** The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare. **(304.1)**

**29-3-19**      **PROTECTIVE TREATMENT.** All exterior surfaces, including but not limited to, doors door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement. **(304.2)**

**29-3-20**      **PREMISES IDENTIFICATION.** Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of **four (4) inches (102 mm)** high with a minimum stroke width of **one-half (0.5) inch (12.7 mm)**. **(304.3)**

**29-3-21**      **STRUCTURAL MEMBERS.** All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads. **(304.4)**

**29-3-22**      **FOUNDATION WALLS.** All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests. **(304.5)**

**29-3-23**      **EXTERIOR WALLS.** All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration. **(304.6)**

**29-3-24**      **ROOFS AND DRAINAGE.** The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampers or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspout shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance. **(304.7)**

**29-3-25**      **DECORATIVE FEATURES.** All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition. **(304.8)**

**29-3-26**      **OVERHANG EXTENSIONS.** All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes, exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed



surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment. **(304.9)**

**29-3-27**      **STAIRWAYS, DECKS, PORCHES AND BALCONIES.** Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads. **(304.10)**

**29-3-28**      **CHIMNEYS AND TOWERS.** All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment. **(304.11)**

**29-3-29**      **HANDRAILS AND GUARDS.** Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition. **(304.12)**

**29-3-30**      **WINDOW, SKYLIGHT AND DOOR FRAMES.** Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight. **(304.13)**

(A)              **Glazing.** All glazing materials shall be maintained free from cracks and holes. **(304.13.1)**

(B)              **Openable Windows.** Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware. **(304.13.2)**

**29-3-31**      **INSECT SCREENS.** During the period from April to October, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than **16 mesh per inch (16 mesh per 25 mm)** and every swinging door shall have a self-closing device in good working condition. **(304.14)**

(A)              **Exception:** Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

**29-3-32**      **DOORS.** All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guestrooms shall tightly secure the door. Locks on means of egress doors shall be in accordance with **Section 29-7-6.**

**29-3-33**      **BASEMENT HATCHWAYS.** Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water. **(304.16)**

**29-3-34**      **GUARDS FOR BASEMENT WINDOWS.** Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents. **(304.17)**

**29-3-35**      **BUILDING SECURITY.** Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within. **(304.18)**

(A) **Doors.** Doors providing access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a deadbolt lock meeting specifications set forth herein. Such deadbolt locks shall be operated only by the turning of a knob or a key and shall have a lock throw of not less than **one (1) inch**. For the purpose of this Section, a sliding bolt shall not be considered an acceptable deadbolt lock. Such deadbolt locks shall be installed according to manufacturer's specifications and maintained in good working order. All deadbolt locks required by this Section shall be designed and installed in such a manner so as to be operable inside of the dwelling unit, rooming unit or housekeeping unit without the use of a key, tool, combination thereof or any other special knowledge or effort. **(304.18.1)**

(B) **Windows.** Operable windows located in whole or in part within **six (6) feet (1828 mm)** above ground level or a walking surface below that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a window sash locking devices. **(304.18.2)**

(C) **Basement Hatchways.** Basement hatchways that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry. **(304.18.3)**

**29-3-36** **RESERVED.**

## **DIVISION V - INTERIOR STRUCTURE**

**29-3-37** **GENERAL.** The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which the occupy control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, **two (2)** or more dwelling units or **two (2)** or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property. **(305.1)**

**29-3-38** **STRUCTURAL MEMBERS.** All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads. **(305.2)**

**29-3-39** **INTERIOR SURFACES.** All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected. **(305.3)**

**29-3-40** **STAIRS AND WALKING SURFACES.** Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair. **(305.4)**

**29-3-41** **HANDRAILS AND GUARDS.** Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition. **(305.5)**

**29-3-42** **INTERIOR DOORS.** Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware. **(305.6)**

**29-3-43** **RESERVED.**

## DIVISION VI – HANDRAILS AND GUARDRAILS

**29-3-44**      **GENERAL.** Every exterior and interior flight of stairs having more than **four (4) risers** shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than **thirty (30) inches (762 mm)** above the floor or grade below shall have guards. Handrails shall not be less than **thirty (30) inches (762 mm)** high or more than **forty-two (42) inches 1067 mm)** high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than **thirty (30) inches (762 mm)** high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

**Exception:** Guards shall not be required where exempted by the adopted Building Code. **(306.1)**

**29-3-45**      **RESERVED.**

## DIVISION VII - RUBBISH AND GARBAGE

**29-3-46**      **ACCUMULATION OF RUBBISH OR GARBAGE.** All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage. **(307.1)**

**29-3-47**      **DISPOSAL OF RUBBISH.** Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers. **(307.2)**

(A)      **Rubbish Storage Facilities.** The occupant of every occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish. **(307.2.1)**

(B)      **Refrigerators.** Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises without first removing the doors. **(307.2.2)**

**29-3-48**      **DISPOSAL OF GARBAGE.** Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers. **(307.3)**

(A)      **Garbage Facilities.** The owner of every dwelling shall supply one of the following: an approved mechanical food waste grinder in each dwelling unit; an approved incinerator unit in the structure available to the occupants in each dwelling unit; or an approved leakproof, covered, outside garbage container. **(307.3.1)**

(B)      **Containers.** The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leakproof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal. **(307.3.2)**

**29-3-49**      **RESERVED.**

**DIVISION VIII - EXTERMINATION**

**29-3-50**      **INFESTATION.** All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation. **(308.1)**

**29-3-51**      **OWNER.** The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure. **(308.2)**

**29-3-52**      **SINGLE OCCUPANT.** The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for extermination on the premises. **(308.3)**

**29-3-53**      **MULTIPLE OCCUPANCY.** The owner of a structure containing **two (2)** or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for extermination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant shall be responsible for extermination. **(308.4)**

**29-3-54**      **OCCUPANT.** The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure.

(A)            **Exception:** Where rat infestations are caused by defects in the structure, the owner shall be responsible for extermination. **(308.5)**

## ARTICLE IV - LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

## DIVISION I - GENERAL

**29-4-1**        **SCOPE.** The provisions of this Chapter shall govern the minimum conditions and standards for light, ventilation and space for occupying a structure. **(401.1)**

**29-4-2**        **RESPONSIBILITY.** The owner of the structure shall provide and maintain light, ventilation and space conditions in compliance with these requirements. A person shall not occupy as owner-occupant, or permit another person to occupy, any premises that do not comply with the requirements of this Chapter. **(401.2)**

**29-4-3**        **ALTERNATIVE DEVICES.** In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the *International Building Code* shall be permitted. **(401.3)**

**29-4-4**        **RESERVED.**

## DIVISION II - LIGHT

**29-4-5**        **HABITABLE SPACES.** Every habitable space shall have at least **one (1) window** of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be **eight percent (8%)** of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than **three (3) feet (914 mm)** from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

**Exception:** Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least **eight percent (8%)** of the floor area of the interior room or space, but not less than **twenty-five (25) square feet (2.33 m<sup>2</sup>)**. The exterior glazing area shall be based on the total floor area being served. **(402.1)**

**29-4-6**        **COMMON HALLS AND STAIRWAYS.** Every common hall and stairway in residential occupancies, other than in one-and two-family dwellings, shall be lighted at all times with at least a **sixty (60) watt** standard incandescent light bulb for each **two hundred (200) square feet (19 m<sup>2</sup>)** of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than **thirty (30) feet (9144 mm)**. In other than residential occupancies, means of egress, including exterior means of egress stairways shall be illuminated at all times the building space served by the means of egress is occupied with a minimum of **one (1) footcandle (11 lux)** at floors, landings and treads. **(402.2)**

**29-4-7**        **OTHER SPACES.** All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliance, equipment and fixtures. **(402.3)**

**29-4-8**        **RESERVED.**

**DIVISION III - VENTILATION**

**29-4-9**        **HABITABLE SPACES.** Every habitable space shall have at least **one (1)** openable window. The total openable area of the window in every room shall be equal to at least **forty-five percent (45%)** of the minimum glazed area required in **Section 29-4-5.**

**Exception:** Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least **eight percent (8%)** of the floor area of the interior room or space, but not less than **twenty-five (25) square feet (2.33 m<sup>2</sup>)**. The ventilation openings to the outdoors shall be based on a total floor area being ventilated. **(403.1)**

**29-4-10**       **BATHROOMS AND TOILET ROOMS.** Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by **Section 29-4-9**, except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be recirculated. **(403.2)**

**29-4-11**       **COOKING FACILITIES.** Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in a rooming unit or dormitory unit. **(403.3)**

**Exception:** Where specifically approved in writing by the Code Official.

**29-4-12**       **PROCESS VENTILATION.** Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space. **(403.4)**

**29-4-13**       **CLOTHES DRYER EXHAUST.** Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted in accordance with the manufacture's instructions. **(403.5)**

**29-4-14**       **RESERVED.**

**DIVISION IV - OCCUPANCY LIMITATIONS**

**29-4-15**       **PRIVACY.** Dwelling units, hotel units, housekeeping units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces. **(404.1)**

**29-4-16**       **MINIMUM ROOM WIDTHS.** A habitable room, other than a kitchen, shall not be less than **seven (7) feet (2134 mm)** in any plan dimension. Kitchens shall have a clear passageway of not less than **three (3) feet (914 mm)** between counterfronts and appliances or counterfronts and walls. **(404.2)**

**29-4-17**       **MINIMUM CEILING HEIGHTS.** Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a clear ceiling height of not less than **seven (7) feet (2134 mm)**. **(404.3)**

**Exceptions:**

(A) In one- and two-family dwellings, beams or girders spaced not less than **four (4) feet (1219 mm)** on center and projecting not more than **six (6) inches (152 mm)** below the required ceiling height.

(B) Basement rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than **six (6) feet eight (8) inches (2033 mm)** with not less than **six (6) feet four (4) inches (1932 mm)** of clear height under beams, girders, ducts and similar obstructions.

(C) Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least **seven (7) feet (2134 mm)** over not less than **one-third (1/3)** of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of **five (5) feet (1524 mm)** or more shall be included.

**29-4-18 BEDROOM REQUIREMENTS.** Every bedroom shall comply with the requirements of **Sections 29-4-18(A)** through **29-4-18(E)**. **(404.4)**

(A) **Area for Sleeping Purposes.** Every bedroom occupied by **one (1) person** shall contain at least **seventy (70) square feet (6.5 m<sup>2</sup>)** of floor area, and every bedroom occupied by more than **one (1) person** shall contain at least **fifty (50) square feet (4.6 m<sup>2</sup>)** of floor area for each occupant thereof. **(404.4.1)**

(B) **Access From Bedrooms.** Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces. **(404.4.2)**

**Exception:** Units that contain fewer than **two (2) bedrooms**.

(C) **Water Closet Accessibility.** Every bedroom shall have access to at least **one (1) water closet** and **one (1) lavatory** without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least **one (1) water closet** and lavatory located in the same story as the bedroom or an adjacent story. **(404.4.3)**

(D) **Prohibited Occupancy.** Kitchens and nonhabitable spaces shall not be used for sleeping purposes. **(404.4.4)**

(E) **Other Requirements.** Bedrooms shall comply with the applicable provisions of this Code including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this Chapter; the plumbing facilities and water-heating facilities requirements of **Article V**; the heating facilities and electrical receptacle requirements of **Article VI**; and the smoke detector and emergency escape requirements of **Article VII**. **(404.4.5)**

**29-4-19 OVERCROWDING.** Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of **Table 29-4-19**. **(404.5)**

**Table 29-4-19  
MINIMUM AREA REQUIREMENTS**

Space	Minimum area in square feet		
	1-2 occupants	3-5 occupants	6 or more
Living room(a,b)	No requirements	120	150
Dining room (a,b)	No requirements	80	100
Bedrooms	Shall comply with Section 29-4-18		

**For SI: 1 square foot = 0.0929m<sup>2</sup>**

**Note a.** See Section 29-4-19(B) for combined living room/dining room spaces.

**Note b.** See Section 29-4-19(A) for limitations on determining the minimum occupancy area for

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sleeping purposes.



(A) **Sleeping Area.** The minimum occupancy area required by **Table 29-4-19** shall not be included as a sleeping area in determining the minimum occupancy area for sleeping purposes. All sleeping areas shall comply with **Section 29-4-18. (404.5.1)**

(B) **Combined Spaces.** Combined living room and dining room spaces shall comply with the requirements of **Table 29-4-19** if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room. **(404.5.2)**

**29-4-20 EFFICIENCY UNIT.** Nothing in this Section shall prohibit an efficiency living unit from meeting the following requirements:

(A) A unit occupied by not more than **two (2) occupants** shall have a clear floor area of not less than **two hundred twenty (220) square feet (20.4 m<sup>2</sup>)**. A unit occupied by **three (3) occupants** shall have a clear floor area of not less than **three hundred twenty (320) square feet (29.7 m<sup>2</sup>)**. These required areas shall be exclusive of the areas required by paragraphs (B) and (C).

(B) The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than **thirty (30) inches (762 mm)** in front. Light and ventilation conforming to this Code shall be provided.

(C) The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.

(D) The maximum number of occupants shall be **three (3)**.  
**(404.6)**

**29-4-21 FOOD PREPARATION.** All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage. **(404.7)**

**ARTICLE V - PLUMBING FACILITIES AND FIXTURE REQUIREMENTS**

**DIVISION I - GENERAL**

**29-5-1**        **SCOPE.** The provisions of this Chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided. **(501.1)**

**29-5-2**        **RESPONSIBILITY.** The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises which does not comply with the requirements of this Chapter. **(501.2)**

**29-5-3**        **RESERVED.**

**DIVISION II - REQUIRED FACILITIES**

**29-5-4**        **DWELLING UNITS.** Every dwelling unit shall contain its own bathroom or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory. **(502.1)**

**29-5-5**        **ROOMING HOUSES.** At least **one (1)** water closet, lavatory and bathtub or shower shall be supplied for each **four (4)** rooming units. **(502.2)**

**29-5-6**        **HOTELS.** Where private water closets, lavatories and baths are not provided, **one (1)** water closet, **one (1)** lavatory and **one (1)** bathtub or shower having access from a public hallway shall be provided for each **ten (10) occupants.** **(502.3)**

**29-5-7**        **EMPLOYEES' FACILITIES.** A minimum of **one (1)** water closet, **one (1)** lavatory and **one (1)** drinking facility shall be available to employees. **(502.4)**

(A)        **Drinking Facilities.** Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms. **(502.4.1)**

**29-5-8**        **RESERVED.**

**DIVISION III - TOILET ROOMS**

**29-5-9**        **PRIVACY.** Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms in a multiple dwelling. **(503.1)**

**29-5-10**       **LOCATION.** Toilet rooms and bathrooms serving hotel units, rooming units or dormitory units or housekeeping units, shall have access by traversing not more than **one (1)** flight of stairs

and shall have access from a common hall or passageway. **(503.2)**

**29-5-11**      **LOCATION OF EMPLOYEE TOILET FACILITIES.** Toilet facilities shall have access from within the employees' working area. The required toilet facilities shall be located not more than **one (1) story** above or below the employees' working area and the path of travel to such facilities shall not exceed a distance of **five hundred (500) feet (152 m)**. Employee facilities shall either be separate facilities or combined employee and public facilities. **(503.3)**

**Exception:** Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of **five hundred (500) feet (152 m)** from the employees' regular working area to the facilities.

**29-5-12**      **FLOOR SURFACE.** In other than dwelling units, every toilet room floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition. **(503.4)**

**29-5-13**      **RESERVED.**

#### **DIVISION IV – PLUMBING SYSTEMS AND FIXTURES**

**29-5-14**      **GENERAL.** All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition. **(504.1)**

**29-5-15**      **FIXTURE CLEARANCES.** Plumbing fixtures shall have adequate clearance for usage and cleaning. **(504.2)**

**29-5-16**      **PLUMBING SYSTEM HAZARDS.** Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, backsiphonage, improper installation, deterioration or damage or for similar reasons, the Code Official shall require the defects to be corrected to eliminate the hazard. **(504.3)**

**29-5-17**      **RESERVED.**

#### **DIVISION V - WATER SYSTEM**

**29-5-18**      **GENERAL.** Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixtures shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the *Illinois Plumbing Code*. **(505.1)**

**29-5-19**      **CONTAMINATION.** The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sinks faucets and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker. **(505.2)**

**29-5-20**      **SUPPLY.** The water supply system shall be installed and maintained provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixture to function properly, safely, and free from defects and leaks. **(505.3)**

**29-5-21**      **WATER HEATING FACILITIES.** Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than **one hundred ten (110) degrees F. (43 degrees C.)**. A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters. **(505.4)**

**29-5-22**      **RESERVED.**

**DIVISION VI – SANITARY DRAINAGE SYSTEM**

**29-5-23**      **GENERAL.** All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system. **(506.1)**

**29-5-24**      **MAINTENANCE.** Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects. **(506.2)**

**29-5-25**      **RESERVED.**

**DIVISION VII - STORM DRAINAGE**

**29-5-26**      **GENERAL.** Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance. **(507.1)**

## ARTICLE VI - MECHANICAL AND ELECTRICAL REQUIREMENTS

## DIVISION I - GENERAL

**29-6-1**        **SCOPE.** The provisions of this Chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided. **(601.1)**

**29-6-2**        **RESPONSIBILITY.** The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises which does not comply with the requirements of this Chapter. **(601.2)**

**29-6-3**        **RESERVED.**

## DIVISION II - HEATING FACILITIES

**29-6-4**        **FACILITIES REQUIRED.** Heating facilities shall be provided in structures as required by this Division. **(602.1)**

**29-6-5**        **RESIDENTIAL OCCUPANCIES.** Dwellings shall be provided with heating facilities capable of maintaining a room temperature of **sixty-eight (68) degrees F. (20 degrees C.)** in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature required for the locality indicated in **Appendix D** of the *Illinois Plumbing Code*. Cooking appliances shall not be used to provide space heating to meet the requirements of this Division. **(602.2)**

**Exception:** In areas where the average monthly temperature is above **thirty (30) degrees F. (-1 degrees C.)**, a minimum temperature of **sixty-five (65) degrees F. (18 degrees C.)** shall be maintained.

**29-6-6**        **HEAT SUPPLY.** Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either express or implied, to furnish heat to the occupants thereof shall supply heat to the occupants thereof shall supply heat during the period from October to April to maintain a room temperature of not less than **sixty-eight (68) degrees F. (20 degrees C.)** in all habitable rooms, bathrooms, and toilet rooms. **(602.3)**

**Exceptions:**

(A)            When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in **Appendix D** of the *Illinois Plumbing Code*.

(B)            In areas where the average monthly temperature is above **thirty (30) degrees F. (-1 degrees C.)** a minimum temperature of **sixty-five (65) degrees F. (18 degrees C.)** shall be maintained.

**29-6-7**        **OCCUPIABLE WORK SPACES.** Indoor occupiable work spaces shall be supplied with heat during the period from October to April to maintain a temperature of not less than **sixty-five (65) degrees F. (18 degrees C.)** during the period the spaces are occupied. **(602.4)**

**Exceptions:**

- (A) Processing, storage and operation areas that require cooling or special temperature conditions.
- (B) Areas in which persons are primarily engaged in vigorous physical activities.

**29-6-8** **ROOM TEMPERATURE MEASUREMENT.** The required room temperatures shall be measured **three (3) feet (914 mm)** above the floor and near the center of the room and **two (2) feet (610 mm)** inward from the center of each exterior wall. **(602.5)**

**29-6-9** **RESERVED.**

**DIVISION III - MECHANICAL EQUIPMENT**

**29-6-10** **MECHANICAL APPLIANCES.** All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function. **(603.1)**

**29-6-11** **REMOVAL OF COMBUSTION PRODUCTS.** All fuel-burning equipment and appliances shall be connected to an approved chimney or vent. **(603.2)**

**Exception:** Fuel-burning equipment and appliances which are labeled for unvented operation.

**29-6-12** **CLEARANCES.** All required clearances to combustible materials shall be maintained. **(603.3)**

**29-6-13** **SAFETY CONTROLS.** All safety controls for fuel-burning equipment shall be maintained in effective operation. **(603.4)**

**29-6-14** **COMBUSTION AIR.** A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment. **(603.5)**

**29-6-15** **ENERGY CONSERVATION DEVICES.** Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless labeled for such purpose and the installation is specifically approved. **(603.6)**

**29-6-16** **RESERVED.**

**DIVISION IV - ELECTRICAL FACILITIES**

**29-6-17** **FACILITIES REQUIRED.** Every occupied building shall be provided with an electrical system in compliance with the requirements of this Section and **Article VI Division V.** **(604.1)**

**29-6-18**      **SERVICE.** The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the National Electric Code. Dwelling units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a rating of not less than **sixty (60) amperes. (604.2)**

**29-6-19**      **ELECTRICAL SYSTEM HAZARDS.** Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the Code Official shall require the defects to be corrected to eliminate the hazard. **(604.3)**

**29-6-20**      **RESERVED.**

### DIVISION V - ELECTRICAL EQUIPMENT

**29-6-21**      **INSTALLATION.** All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner. **(605.1)**

**29-6-22**      **RECEPTACLES.** Every habitable space in a dwelling shall contain at least **two (2)** separate and remote receptacle outlets. Every laundry area shall contain at least **one (1)** ground-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least **one (1)** receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection. **(605.2)**

**29-6-23**      **LIGHTING FIXTURES.** Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain at least **one (1)** electric lighting fixture. **(605.3)**

**29-6-24**      **RESERVED.**

### DIVISION VI – ELEVATORS, ESCALATORS AND DUMBWAITERS

**29-6-25**      **GENERAL.** Elevators, dumbwaiters and escalators shall be maintained to sustain safely all imposed loads, to operate properly, and to be free from physical and fire hazards. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter; or the certificate shall be available for public inspection in the office of the building operator. **(606.1)**

**29-6-26**      **ELEVATORS.** In buildings equipped with passenger elevators, at least **one (1)** elevator shall be maintained in operation at all times when the building is occupied. **(606.2)**  
**Exception:** Buildings equipped with only **one (1)** elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

**29-6-27**      **RESERVED.**



**DIVISION VII – DUCT SYSTEMS**

**29-6-28**      **GENERAL.** Duct systems shall be maintained free of obstructions and shall be capable of performing the required function. **(607.1)**

**ARTICLE VII - FIRE SAFETY REQUIREMENTS**

**DIVISION I - GENERAL**

**29-7-1**        **SCOPE.** The provisions of this Chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided. **(701.1)**

**29-7-2**        **RESPONSIBILITY.** The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that do not comply with the requirements of this Chapter. **(701.2)**

**29-7-3**        **RESERVED.**

**DIVISION II - MEANS OF EGRESS**

**29-7-4**        **GENERAL.** A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the *International Fire Code*. **(702.1)**

**29-7-5**        **AISLES.** The required width of aisles in accordance with the *International Fire Code* shall be unobstructed. **(702.2)**

**29-7-6**        **LOCKED DOORS.** All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the *International Building Code*. **(702.3)**

**29-7-7**        **EMERGENCY ESCAPE OPENINGS.** Required emergency escape openings shall be maintained in accordance with the Code in effect at the time of construction, and the following. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the Code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening. **(702.4)**

**29-7-8**        **RESERVED.**

**DIVISION III - FIRE-RESISTANCE RATINGS**

**29-7-9**        **FIRE-RESISTANCE-RATED ASSEMBLIES.** The required fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained. **(703.1)**

**29-7-10**      **OPENING PROTECTIVES.** Required opening protectives shall be maintained in an operative condition. All fire and smokestop doors shall be maintained in operable condition. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable. **(703.2)**

**29-7-11**      **RESERVED.**

**DIVISION IV - FIRE PROTECTION SYSTEMS**

**29-7-12**      **GENERAL.** All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the *International Fire Code*. **(704.1)**

**29-7-13**      **SMOKE ALARMS.** Single or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and in dwellings not regulated in Group R occupancies, regardless of occupant load at all of the following locations:

- (A)            On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
- (B)            In each room used for sleeping purposes.
- (C)            In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than **one (1)** full story below the upper level.

Single or multiple-station smoke alarms shall be installed in other groups in accordance with the *International Fire Code*. **(704.2)**

**29-7-14**      **POWER SOURCE.** In Group R occupancies and in dwellings not regulated as Group R occupancies, single-station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection. **(704.3)**

**Exception:** Smoke alarms are permitted to be solely battery operated in buildings where no construction is taking place, buildings that are not served from a commercial power source and in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for building wiring without the removal of interior finishes.

**29-7-15**      **INTERCONNECTION.** Where more than **one (1)** smoke alarm is required to be installed within an individual dwelling unit in Group R-2, R-3, R-4 and in dwellings not regulated as Group R occupancies, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed. **(704.4)**

**Exception:**

- (A)            Interconnection is not required in buildings which are not undergoing alterations, repairs, or construction of any kind.
- (B)            Smoke alarms in existing areas are not required to be interconnected where alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for interconnection without the removal of interior finishes.

**ARTICLE VIII - REFERENCED STANDARDS**

This Article lists the standards that are referenced in various sections of this document. The standards are listed herein by the promulgating agency of the standard, the standard identification, the effective date and title, and the section or sections of this document the reference the standard. The application of referenced standards shall be as specified in **Section 29-1-11**.

**ICC**                      **International Code Council**  
**5203 Leesburg Pike, Suite 600**  
**Falls Church, VA 22041**

Standard reference number	Title	Referenced in code Section Number
CC ED-03	National Electric Code® - Administrative Provisions .....	29-2-3, 29-6-18
IBC-03	International Building Code®.....	29-2-3, 29-3-11, 29-4-3, 29-7-6, 29-7-7
IEBC-03	International Existing Building Code® .....	29-1-3, 29-1-7, 29-2-3
IFC-03	International Fire Code® .....	29-1-3, Article VII
IMC-03	International Mechanical Code® .....	29-2-3
2004	Illinois Plumbing Code® .....	29-2-3, 29-5-18, 29-6-5, 29-6-6
IZC-03	Village Zoning Code® .....	29-1-7, 29-2-3

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CHAPTER 30

PUBLIC SAFETY

ARTICLE I – LOCAL STATE OF EMERGENCY

**30-1-1**        **DEFINITIONS.** The following words, terms and phrases, when used in this Section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

(A)            **Emergency.**

- (1)            A riot or unlawful assembly characterized by the use of actual force or violence or any threat to use force if accompanied by immediate power to execute by **three (3)** or more persons acting together without authority of law; or
- (2)            Any natural disaster, epidemic, or man-made calamity, including outbreak of disease, flood, conflagration, cyclone, tornado, earthquake or explosion, or eminent threat of any of those events within the corporate limits of the Village, resulting in or threatening the death or injury of persons or the destruction of property to such an extent that extraordinary measures must be taken to protect the public health, safety and welfare.

(B)            **Curfew.** A prohibition against any person walking, running, loitering, standing or motoring upon any alley, street, highway, public property or vacant premises within the corporate limits of the Village except officials of any governmental unit and persons officially designated to duty with reference to the civil emergency.

**30-1-2**        **DECLARATION.** Whenever an emergency, as defined in **Section 30-1-1(A)** exists, the Mayor is authorized to declare the existence of a Local State of Emergency by means of a written *declaration* of the Mayor, under oath, setting forth the facts which constitute the emergency, describing the nature of the emergency and declaring that a Local State of Emergency exists in accordance with the definitions set forth in this Section. This declaration must be filed with the Village Clerk as soon as practicable after issuance.

**30-1-3**        **CURFEW AUTHORIZED.** After proclamation of a Local State of Emergency by the Mayor he or she may order a general curfew applicable to such geographical areas of the Village or to the Village as a whole, as he or she deems reasonable and advisable, and applicable during such hours of the day or night as he or she deems necessary in the interest of the public safety and welfare.

**30-1-4**        **ORDERS AUTHORIZED.** After the proclamation of a Local State of Emergency, the Mayor may also, in the interest of public safety and welfare, and to address this issue caused threatened by the emergency, may take any or all of the following actions by executive order during the state of emergency.

- (A)            All actions reasonably necessary to respond to the emergency;
- (B)            Approve previously appropriated expenditures of the Village for the purpose of continuing the operations of the Village; and
- (C)            In the event the Local State of Emergency extends beyond the current fiscal year and a new budget has not been approved, the Mayor shall be authorized to approve new spending by the Village during the existence of the Local State of Emergency.
- (D)            Order the closing of all retail liquor stores, including taverns and private clubs or portions thereof wherein the consumption of intoxicating liquor and beer is permitted.

(E) Order the discontinuance of the sale of alcoholic liquor by any wholesaler or retailer.

(F) Order the discontinuance of selling, distributing or giving away of gasoline or other liquid flammable or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle.

(G) Order the discontinuance of selling, distributing, dispensing or giving away of any firearms or ammunition of any character whatsoever.

**30-1-5** **DURATION.** The declaration herein authorized shall be effective for a period of **fourteen (14) days** or until the adjournment of the next regular or special meetings of the Village Board, whichever comes first, unless sooner terminated by a proclamation of the Mayor, or his or her interim emergency successor, indicating that the civil emergency no longer exists. The Mayor or his or her interim emergency successor shall have the power to reproclaim the existence of an emergency at the end of each **fourteen (14) day** period during the time said emergency exists.

**30-1-6** **NOTICE.** Upon issuing the proclamation herein authorized, the Village Clerk shall notify the news media situated within the Village, and shall cause **four (4) copies** of the proclamation *declaring* the existence of the emergency and any curfew to be posted at the following places within the Village:

- (A) The Village Hall.
- (B) The Police Station.
- (C) The Post Office.
- (D) In the area of any curfew.

**30-1-7** **VIOLATIONS.** Any person violating the provisions of this Section or executive orders issued pursuant hereto shall be guilty of an offense against the Village and shall be punished as provided by **Section 1-1-20** of the Village Code.

**30-1-8** **EFFECT ON OTHER ORDINANCES.** Nothing contained in this Section shall be construed to impair the powers contained in this Code, giving powers to the Police and Fire Departments, but shall be construed together with existing ordinances now in effect for the safety and welfare of the citizens of the Village.

**(65 ILCS 5/11-1-6)**

**(20 ILCS 3305/11)**



**ARTICLE II - POLICE DEPARTMENT**

**ARTICLE I – GENERAL REGULATIONS**

**30-2-1**        **DEPARTMENT ESTABLISHED.** There may be established a Police Department. The Police Department shall consist of the Chief of Police and of such number of patrolmen as may be provided from time to time by the Village Board.

**30-2-2**        **OFFICE OF CHIEF CREATED.** There may be established the office of the Chief of Police. The Chief of Police shall be appointed by the Mayor with the advice and consent of the Village Board.

**30-2-3**        **DUTIES OF CHIEF.** The Chief of Police shall keep records and make reports concerning the activities of his department as may be required. The Chief shall be responsible for the performance of the Police Department, of all its functions, and all persons who are members of the department shall serve subject to the orders of the Chief of Police.

**30-2-4**        **APPOINTMENT OF PATROLMEN.** A sufficient number of patrolmen shall be appointed by the Mayor, by and with the advice and consent of the Village Board to serve for **one (1) year** or until his successor is appointed and qualified. A police officer may be appointed to office by the Mayor and Village Board if he meets the necessary qualifications notwithstanding the fact that the policeman is not a resident of the Village when appointed or when he is to serve as such an official.

**30-2-5**        **SALARY.** The police department shall receive such compensation as may be provided by Village ordinance or by resolution of the Village Board.

**30-2-6**        **DUTIES.** The policeman shall devote his entire time to the performance of the duties of his office and is hereby charged with the preservation of the peace, order and safety of the Village and with the duty of protecting the rights of persons and property and of enforcing all laws and also all orders of the Village Board. He shall take notice of all nuisances, obstructions and defects on the highways or other public places and shall cause the same to be abated or removed, or immediate notice thereof given to the proper officer whose duty it may be to take action in relation thereto. When requested by the Mayor he shall attend, either in person or by deputy, all meetings of the Village Board, execute all its orders and close the Board Chamber upon the adjournment of that body. He shall also execute all warrants or other legal process required to be executed by him under any ordinance of the Village or laws of the State of Illinois.

**30-2-7**        **MUTUAL AID CONTRACT.** The Police Department, with the approval of the Village Board, may enter into an agreement to provide police protection to neighboring municipalities.

**30-2-8**        **LEGAL PROCESSES.** All police shall have the power and authority to execute Village warrants or other similar legal processes outside the corporate limits of the Village and within such distance therefrom as authorized by law in all cases when any ordinance of the Village Board made pursuant to law shall prescribe a penalty for the violation of any of its provisions by persons residing, acting or doing any business within the limits of the Village.

**30-2-9**            **ASSISTING POLICE OFFICER.** Every police officer of the Village may, at any time, call upon any able-bodied person(s) above the age of **eighteen (18) years** to aid him in the arresting, retaking or holding in custody of any person guilty of having committed any unlawful act or charged therewith, or to aid such officer in preventing the commission of any unlawful act.

**30-2-10**           **AIDING FIRE DEPARTMENT.** Every police officer shall aid the fire department by giving the alarm in case of fire and in clearing the streets or grounds in the immediate vicinity of any fire so that the firemen shall not be hindered or obstructed in the performance of their duties.

**30-2-11**           **FAILURE TO PERFORM.** Any member of the Police Department who shall neglect or refuse to perform any duty required of him by this Code or the rules and regulations of the Department, or who shall be, in the discharge of his official duties, guilty of any fraud, favoritism, extortion, oppressions or willful wrong or injustice, shall be subject to removal from office.

**30-2-12**           **AIDING IN ESCAPE.** It shall be unlawful for any person in this Village to resist or obstruct any member of the Police Force in the discharge of his duty or to endeavor to do so, in any manner, assist any person in the custody of any member of the Police Department to escape or to attempt to escape from such custody or to attempt to rescue any such person in custody.

**30-2-13**           **USE OF INTOXICATING LIQUOR.** No member on an active tour of duty or while wearing the official policeman's badge of the Village shall indulge in the use of intoxicating liquor of any kind and intoxication at any time shall be sufficient cause for removal.

**30-2-14**           **WITNESS FEES.** Any member of the Police Department shall appear as witness whenever this is necessary in a prosecution for a violation of an ordinance or of any state or federal law. No such member shall retain any witness fee for service as witness in any action or suit to which the Village is a party; and fees paid for such services shall be turned over to the Chief of Police who shall deposit the same with the Village Treasurer.

**30-2-15**           **RULES AND REGULATIONS.** The Chief of Police may make or prescribe such rules and regulations for the conduct and guidance of the members of the Police Department as he shall deem advisable and such rules, when approved by the Mayor, shall be binding on such members.

**30-2-16**           **TRAINING.** All police officers, prior to entering upon any of their duties, shall receive a course of training in the use of weapons by the proper authorities as established by the State of Illinois. All full-time and part-time police officers shall complete a course on police procedures by the proper authorities as established by the State of Illinois Law Enforcement Training and Standards Board within the prescribed time period as established by such board. Upon completion of the course of training, the officer shall file with the Mayor a certificate attesting to the completion of the course.

**30-2-17**           **COMPENSATION.** Auxiliary policemen shall receive such hourly compensation for their services as determined by the corporate authorities, provided such services are performed at the direction of the Chief of Police.

**30-2-18**           **STOLEN PROPERTY.** The Chief of Police shall be the custodian of all lost and abandoned or stolen property in the Village.

**30-2-19 - 30-2-24**    **RESERVED.**

**(65 ILCS 5/11-1-2)**

**DIVISION II – PART-TIME STANDARDS**

**30-2-25      PART-TIME POLICE.**

(A)      **Employment.** The Village may employ part-time police officers from time to time as they deem necessary.

(B)      **Duties.** A part-time police officer shall have all the responsibilities of a full-time police officer and such specific duties as delineated in the General Orders of the Police Department, but the number of hours a part-time officer may work within a calendar year is restricted to **one thousand five hundred sixty (1,560) hours**. Part-time police officers shall not be assigned to supervise or direct full-time police officers. Part-time police officers shall be trained in accordance with the Illinois State Police Training Act (**50 ILCS 705/1 et seq.**) and the rules and requirements of the Illinois Law Enforcement Training and Standards Board.

(C)      **Hiring Standards.** Any person employed as a part-time police officer must meet the following standards.

- (1)      Be of good moral character, of temperate habits, of sound health, and physically and mentally able to perform assigned duties.
- (2)      Be at least **twenty-one (21) years** of age.
- (3)      Possess a high school diploma or GED certificate.
- (4)      Possess a valid State of Illinois driver's license.
- (5)      Possess no prior felony convictions.
- (6)      Any individual who has served in the U.S. military must have been honorably discharged.

(D)      **Discipline.** Part-time officers shall be under the disciplinary jurisdiction of the Chief of Police. Part-time police officers serve at the discretion of the Village authorities, shall not have any property rights in said employments, and may be removed by the Village authorities at any time. Part-time police officers shall comply with all applicable rules and General Orders issued by the Police Department.

**(Ord. No. 2012-05; 08-13-12)**

**ARTICLE III - FIRE DEPARTMENT**

**DIVISION I - ADMINISTRATION**

**30-3-1**        **DEPARTMENT ESTABLISHED.** There is hereby established a Fire Department consisting of a Fire Chief and volunteers who shall be appointed by the Mayor with the advice and consent of the Village Board. Whenever a vacancy occurs in the number of volunteers, the remaining members shall select a new member.

**30-3-2**        **MEETINGS.** The Fire Department shall hold monthly meetings and at the December meeting, shall elect a Secretary and a Treasurer. The officers so elected shall qualify and take office at the first meeting in January.

**30-3-3**        **DUTIES OF FIRE CHIEF.** The Fire Chief shall, upon taking office, make appointments and prescribe such duties as may be necessary and proper in the organization and effective operation of the Fire Department during that year. The Fire Chief shall have the control and supervision of the Fire Department and all fire apparatus and equipment belonging to the Village, subject to the order and direction of the Mayor.

In case of fire, the Fire Chief and all Assistants, in their order of rank, shall take command at such fire and the officer highest in rank shall take command of the Fire Department and direct the management thereof for the suppression of the fire in the best manner possible; and when it may be necessary for the protection of, other property to prevent the spread of the fire, the officer in command may cause buildings to be removed, torn down or destroyed in the best manner possible.

**30-3-4**        **SECRETARY'S DUTIES.** The Secretary shall keep a record of all meetings of the Fire Department and the attendance of the members, a record of all fires and the attendance of the members of such fires. During the last week of March of each year, the Secretary shall file with the Village Clerk a full report of such records of attendance and fires, which report shall be made under oath. The Secretary shall keep such other records, make such reports and keep and furnish such statistics as may be required of him by law.

**30-3-5**        **TREASURER'S DUTIES.** The Treasurer, before taking office, shall execute and file with the Village Clerk a sufficient bond to the Village, to be approved by the Mayor and Village Board, conditioned for the faithful performance of his duties under this Article. The Treasurer shall receive all moneys collected for and on behalf of the Fire Department, including the tax or license fee for foreign fire insurance companies and shall pay the same upon the order of the Fire Department for the purposes of maintenance, use and benefit of such department. Such Treasurer shall make monthly reports to the Fire Department on the condition of the funds in his hands and shall, on the first Tuesday of December in each year, make a sworn report and statement to the Mayor and Village Board of all moneys received and disbursed by him as such Treasurer and the balance of moneys in his hands. The books, records, and accounts of such Treasurer shall be faithfully kept and shall, at all times, be open to inspection and an audit of the Mayor and Village Board. He shall, at the expiration of his term of office, surrender, pay and deliver to his successor in office, all books, records, accounts and moneys in his hands as such Treasurer.

**30-3-6**        **ENFORCEMENT OF LAWS.** It shall be the function and duty of the Fire Department and every member thereof to extinguish accidental or destructive fires, to prevent the occurrence or spread of fires and to enforce all ordinances relating to the occurrence or spread of such fires.

**30-3-7**        **OBEYING ORDERS AT FIRE.** No fireman in attendance at a fire shall neglect or refuse to obey the orders of the officer in command at such fires.

**30-3-8**        **FAILURE TO FOLLOW ORDERS.** Every male person above the age of **twenty-one (21) years** who shall be present at a fire shall be subject to the orders of the officer in command at such fire and shall render all the assistance in his power, and in such manner as he may be directed, in the extinguishment of the fire and in the removal of and protection of property, and any person refusing to obey such orders shall, upon conviction, be fined as provided in **Chapter 1 -- Administration** of this Code, provided no person shall be bound to obey any such officer, unless such officer's official character shall be known or made known to such person.

**30-3-9**        **DUTY TO ENFORCE.** It shall be the duty of all officers of the Fire Department and all police officers of the municipality to see that the provisions of this Code are enforced and to arrest on view any person who shall be found violating any of the provisions of this Article or who shall hinder, resist or refuse to obey any such officer in the discharge of his duty, and to that end, all such officers are hereby vested with the usual power and authority of police officers.

**30-3-10**       **ILLEGAL USE OF EQUIPMENT.** No person shall use any fire engine or any other apparatus belonging to the municipality for any private purpose, other than the extinguishment of fires; nor shall any person remove the same or any part thereof from its place of deposit or, having the control thereof, shall permit such engine or other apparatus to be used for any private purpose other than the extinguishment of fires.

**30-3-11**       **OUTSIDE SERVICE.** Members of the Fire Department are authorized, though not required absent contractual obligation to go outside the corporate limits of the Village for the purpose of rendering aid to other fire departments, or of extinguishing fires or rendering aid in the case of accidents. At all times there shall be **one (1) fire truck** left in the Village for fire protection purposes. **(Ord. No. 424; 04-11-88)**

**30-3-12**       **MABAS AGREEMENT.** The President and the Board of Trustees and the Clerk be and are hereby authorized to execute an Agreement for participation in the Mutual Aid Box Alarm System, a copy of said Agreement being attached hereto and being made a part thereof. **(See Appendix "A") (Ord. No. 519; 06-29-01)**

**30-3-13 - 30-3-15**   **RESERVED.**

**(65 ILCS 5/11-6-1)**

**DIVISION II – OUTSIDE REGULATIONS**

**30-3-16**       **OUTSIDE SERVICES.** The Fire Department, Fire Chief and members of the Fire Department shall have the authority to prevent and extinguish the fires occurring outside the corporate limits of the Village, the authority to respond to the request for assistance in the prevention and extinguishment to fires from the fire departments of neighboring communities and the authority to engage in rescue operations occurring outside the corporate limits of the Village.

**30-3-17      SUBSCRIPTION FEES.**

(A)      The Fire Chief and Commissioner of Public Health and Safety shall be authorized to assess and collect subscription fees for the fire protection by written agreement with any and all property owners of lands outside the Village with the advice and consent of the Board of Trustees.

(B)      The amount of fees and terms of such agreements shall be reviewed and revised, if necessary, from time to time by ordinance of the Board of Trustees.

**30-3-18      NO SUBSCRIPTION AGREEMENT FEE.** If no subscription agreement exists pursuant to the terms of **Section 30-3-17** above, and the Fire Department provides services to prevent or extinguish fires to premises outside the corporate limits of the Village, the owner of the premises shall pay to the Village an initial call-out fee of **One Thousand Two Hundred Fifty Dollars (\$1,250.00)**, including the first hour, and additional fees in the sum of **Two Hundred Fifty Dollars (\$250.00)** per quarter-hour, or portion thereof, for which services are required.

**30-3-19      NON-RESIDENT VEHICLE OWNER FEE.** Whenever the Fire Department provides services necessary to prevent or extinguish fires or engages in rescue operations within the corporate limits of the Village to a non-resident owner of a motor vehicle the party receiving benefit of the services shall be jointly and severally responsible for the payment to the Village in the initial call-out fee for **One Thousand Two Hundred Fifty Dollars (\$1,250.00)**, including the first hour, and additional fees of **Two Hundred Fifty Dollars (\$250.00)** per quarter-hour, or portion thereof, for which services are required; provided that, no subscription agreement exists with said owner.

**30-3-20      VEHICLE RESCUE – NON-RESIDENT.** Whenever the Fire Department engages in rescue operations outside the corporate limits of the Village, the owner of the motor vehicle and the party receiving the benefit of the services shall be jointly and severally responsible for payment to the Village in the initial call-out fee of **One Thousand Two Hundred Fifty Dollars (\$1,250.00)**, including first hour, and additional fees in the sum of **Two Hundred Fifty Dollars (\$250.00)** per quarter-hour, or portion thereof, for which services are required; provided that, no subscription agreement exists with said owner.

**(Ord. No. 2022-03; 07-11-22)**

**ARTICLE IV - EMERGENCY MANAGEMENT AGENCY (EMA)****30-4-1      POLICY AND PROCEDURES.**

(A) Because of the possibility of the occurrence of disasters of unprecedented size and destructiveness resulting from the explosion in this or in a neighboring municipality of atomic or other means from without, or by means of sabotage or other disloyal actions within, or from fire, flood, earthquake, or other natural or man-made causes, and in order to insure that this municipality will be prepared to and will adequately deal with any such disasters, preserve the lives and property of the people of this municipality and protect the public peace, health and safety in the event of such a disaster, it is found and declared to be necessary:

- (1) To create a municipal emergency management agency;
- (2) To confer upon the Mayor the extraordinary power and authority set forth under Article I of this Chapter (**65 ILCS 5/11-1-6**).
- (3) To provide for the rendering of mutual aid to other cities and political subdivisions with respect to the carrying out of emergency services and disaster operations.
- (4) To work in coordination with the Randolph County E.M.A.

(B) Whenever the Mayor determines after an investigation that a dangerous situation or a potentially dangerous situation exists which could cause death to individuals or serious injury to property or the health and welfare of public, the Mayor may declare that a state of emergency exists. The extraordinary powers may not be exercised until an ordinance shall have been adopted which shall establish standards for the determination by the Mayor of when the state of emergency exists and shall provide that the Mayor may not exercise such extraordinary power and authority except after signing under oath a statement finding that such standards have been met, setting forth facts to substantiate such findings, describing the nature of the emergency and declaring that a state of emergency exists. This statement shall be filed with the Clerk of the municipality as soon as practical. A state of emergency shall expire not later than the adjournment of the first regular meeting of the corporate authorities after the state of emergency is declared. A subsequent state of emergency may be declared if necessary.

(C) It is further declared to be the purpose of this Code and the policy of the municipality that all emergency management programs of this municipality be coordinated to the maximum extent with the comparable functions of the federal and state governments, including their various departments and agencies, of other municipalities and localities and private agencies of every type, to the end that the most effective preparation and use may be made of the nation's manpower, resources, and facilities for dealing with any disaster that may occur.

**30-4-2      LIMITATIONS. Nothing in this Code shall be construed to:**

(A) Interfere with the course or conduct of a private labor dispute, except that actions otherwise authorized by this Code or other laws may be taken when necessary to forestall or mitigate imminent or existing danger to public health or safety;

(B) Interfere with dissemination of news or comment of public affairs; but any communications facility or organization (including but not limited to radio and television stations, wire services, and newspapers) may be requested to transmit or print public service messages furnishing information or instructions in connection with a disaster;

(C) Affect the jurisdiction or responsibilities of police forces, fire fighting forces, units of the armed forces of the United States, or of any personnel thereof, when on active duty; but state and local emergency operations plans shall place reliance upon the forces available for performance of functions related to disaster emergencies;

(D) Limit, modify, or abridge the authority of the Mayor and the Village Board to exercise any other powers vested in them under the constitution, statutes, or common law of this State, independent of or in conjunction with any provisions of this Code.

**30-4-3** **DEFINITIONS.** As used in this Code, unless the context clearly indicates otherwise, the following words and terms shall have the definitions hereinafter ascribed:

(A) **Coordinator** means the staff assistant to the Mayor with the duty of carrying out the requirements of this Code.

(B) **Disaster** means an occurrence or threat of widespread or severe damage, injury or loss of life or property resulting from any natural or man-made cause, including but not limited to fire, flood, earthquake, wind, storm, hazardous materials spill or other water contamination requiring emergency action to avert danger or damage, epidemic, air contamination, blight, extended periods of severe and inclement weather, drought, infestation, explosion, critical shortages of essential fuels and energy, riot, or hostile military or paramilitary action.

(C) **Emergency Management** means the efforts of this municipality to develop, plan, analyze, conduct, implement and maintain programs for disaster mitigation.

(D) **Emergency Operations Plan** means the written plan of the municipality describing the organization, mission and functions of the government and supporting services for responding to and recovery from disasters.

(E) **Emergency Services** means the preparation for and the carrying out of such functions, other than functions for which military forces are primarily responsible, as may be necessary or proper to prevent, minimize, repair and alleviate injury and damage resulting from disasters caused by fire, flood, earthquake, or other man-made or natural causes. These functions including, without limitation, fire-fighting services, police services, emergency aviation services, medical and health services, rescue, engineering, warning services, communications, radiological, chemical and other special weapons defense, evacuation of persons from stricken areas, emergency assigned functions of plant protection, temporary restoration of public utility services and other functions related to civilian protection, together with all other activities necessary or incidental to protecting life or property.

(F) **Political Subdivision** means any county, city, village, or incorporated town.

(G) All references to the Emergency Management Agency shall mean the "Emergency Management Agency and Office of Homeland Security" or E.M.A.-OHS.

**30-4-4** **EMERGENCY MANAGEMENT AGENCY.**

(A) There is hereby created an emergency management agency and a coordinator of the emergency management agency, herein called the "coordinator", who shall be the head thereof. The coordinator shall be appointed by the Mayor with the advice and consent of the Board. He shall serve at the pleasure of the Mayor.

(B) The Emergency Management Agency shall obtain, with Board approval, such technical, clerical, stenographic and other administrative personnel, and may make such expenditures within their appropriation therefor as may be necessary to carry out the purpose of this Code.

(C) The coordinator, subject to the direction and control of the Mayor, shall be the executive head of the Municipal Emergency Service and Disaster Agency, and shall be responsible under the direction of the Mayor for carrying out the program for emergency services and disaster operations of this municipality. He shall coordinate the activities of all organizations for emergency services and disaster operations within this municipality and shall maintain liaison, and cooperate with, the civil defense and emergency management agencies and organization of the county, other counties and municipalities, and of the federal and state government.

In the event of the absence, resignation, death, or inability to serve by the coordinator, the Mayor or any persons designated by him, shall be and act as coordinator until a new appointment is made as provided in this Code.

(D) The Municipal Emergency Management Agency shall take an integral part in the development and revision of the local emergency operations plan.

(E) In the development of the emergency operations plan, the municipal emergency management agency shall interrelate with business, labor, industry, agriculture, civic and volunteer organizations, and community leaders.

(F) The Municipal Emergency Management Agency shall:



- (1) Determine the requirements of the municipality for food, clothing and other necessities in the event of an emergency;
- (2) Develop an Emergency Operations Plan that meets the standards promulgated by the Illinois Emergency Management Agency;
- (3) Biannually review and revise the local Emergency Operations Plan;
- (4) Establish a register of persons with types of training and skills in emergency prevention, preparedness, response and recovery;
- (5) Establish a register of government and private response resources available for use in a disaster;
- (6) Prepare, for issuance by the Mayor, ordinances, proclamations and regulations as necessary or appropriate in coping with disasters.
- (7) Cooperate with the federal, state and county government and any public or private agency or entity in achieving any purpose of this Code and in implementing programs for disaster prevention, preparation, response and recovery;
- (8) Initiate and coordinate planning for:
  - (a) The establishment of an emergency operating center;
  - (b) The implementation of a 911 system.
- (9) Do all other things necessary, incidental or appropriate for the implementation of this Code.

**30-4-5**

**EMERGENCY SERVICES AND DISASTER POWERS OF THE MAYOR.**

(A) The Mayor shall have the general direction and control of the emergency management agency and shall be responsible for the carrying out of the provisions of this Code.

(B) In performing his duties under this Code, the Mayor is authorized to cooperate with state and federal governments and with other municipalities and political subdivisions in all matters pertaining to emergency services and disaster operations defined in this Code.

(C) In performing his duties under this Code, the Mayor is further authorized:

- (1) To make, amend and rescind all lawful necessary orders, rules and regulations of the local disaster plan to carry out the provisions of this Code within the limits of the authority conferred upon him.
- (2) To cause to be prepared a comprehensive plan and program for the emergency management of this municipality which plan, and program shall be integrated into and coordinated with disaster plans of the state and federal governments and other political subdivisions, and which plan and program may include:
  - (a) Prevention and minimization of injury and damage caused by disaster;
  - (b) Prompt and effective response to disaster;
  - (c) Emergency relief;
  - (d) Identification of areas particularly vulnerable to disasters;
  - (e) Recommendations for zoning, building and other land-use controls, safety measures for securing permanent structures and other preventive and preparedness measures designed to eliminate or reduce disasters or their impact;
  - (f) Assistance to local officials in designing local emergency action plans;
  - (g) Authorization and procedures for the erection or other construction of temporary works designed to protect against or mitigate danger, damage or loss from flood, conflagration or other disaster;
  - (h) Organization of municipal manpower and chains of command;
  - (i) Coordination of local emergency management activities;

- (j) Other necessary matters.
  - (3) In accordance with such plan and program for the emergency management of this municipality, and out of funds appropriated for such purposes, to procure and preposition supplies, medicines, materials and equipment to institute training programs and public information programs, and to take all other preparatory steps, including the partial or full mobilization of emergency services and disaster organizations in advance of actual disaster to insure the furnishing of adequately trained and equipped forces for disaster operations.
  - (4) Out of funds appropriated for such purposes, to make such studies and surveys of the industries, resources and facilities in this municipality as may be necessary to ascertain the capabilities of the municipality for the emergency management phases of preparedness, response, and recovery, and to plan for the most efficient emergency use thereof.
- (D) The Mayor is authorized to designate space in a municipal building, or elsewhere for the emergency management agency as its office.

**30-4-6      FINANCING.**

- (A) It is the intent of the Village Board and declared to be the policy of the municipality that every effort shall be made to provide funds for disaster emergencies.
- (B) It is the Village Board's intent that the first recourse shall be to funds regularly appropriated to the agency. If the Mayor finds that the demands placed upon these funds in coping with a particular disaster are unreasonably great, and the Governor has proclaimed the municipality a disaster, he may make application for funds from the state disaster relief fund. If monies available from the fund are insufficient, and if the Mayor finds that other sources of money to cope with the disaster are not available or are insufficient, he shall issue a call for an immediate session of the Village Board for the purpose of enacting ordinances as the Village Board may deem necessary to transfer and expend monies appropriated for other purposes, or borrow monies from the United States Government or other public or private sources. If less than a quorum of the members of the Village Board is capable of convening in session to enact such ordinances for the transfer, expenditure or loan of such monies, the Mayor is authorized to carry out those decisions until such time as a quorum of the Village Board can convene.
- (C) Nothing contained in this Section shall be construed to limit the Mayor's authority to apply for, administer and expend grants, gifts, or payments in aid of disaster prevention, preparedness, response or recovery.

**30-4-7      LOCAL DISASTER EMERGENCIES.**

- (A) A local disaster emergency may be declared only by the Mayor or Village Board. If declared by the Mayor, it shall not be continued for a period in excess of **seven (7) days** except by or with the consent of the Village Board. Any order or proclamation declaring, continuing or terminating a local disaster emergency shall be given prompt and general publicity, and shall be filed promptly with the municipal clerk.
- (B) The effect of a declaration of a local disaster emergency is to activate any and all applicable local emergency operations plans and to authorize the furnishing of aid and assistance thereunder.
- (C) During a local disaster emergency, the Mayor may suspend the provisions of any municipal ordinance prescribing procedures for the conduct of municipal business, or the orders, rules and regulations of any municipal agency, if strict compliance with the provisions of any ordinance, rule or regulation would in any way prevent, hinder or delay necessary action in coping with the emergency, as authorized by "**The Illinois Emergency Management Agency Act**", provided that, if the Village Board meets at such time, he shall act subject to the directions and restrictions imposed by that body.

**30-4-8**        **TESTING OF DISASTER WARNING DEVICES.**    The testing of disaster devices including outdoor warning sirens shall be held only on the first Tuesday of each month at **10 o'clock** in the morning.

**30-4-9**        **MUTUAL AID ARRANGEMENTS BETWEEN POLITICAL SUBDIVISIONS.**  
The coordinator for emergency services and disaster operations may, in collaboration with other public agencies within his immediate vicinity, develop or cause to be developed mutual aid arrangements with other political subdivisions, municipal corporations or bodies politic within this state for reciprocal disaster response and recovery in case a disaster is too great to be dealt with unassisted. The mutual aid shall not, however, be effective unless and until approved by each of such political subdivisions, municipal corporations or bodies politic as are parties thereto, in the manner provided by law, and unless and until filed with and approved in writing by the state director. Such arrangements shall be consistent with the state and local emergency management operations plan and program, and in the event of such disaster as described in **Section 30-4-3** of this Code, it shall be the duty of each local and department for emergency services and disaster operations to render assistance in accordance with the provisions of such mutual aid arrangements.

**30-4-10**       **COMMUNICATIONS.**    The local Emergency Management Agency shall ascertain what means exist for rapid and efficient communications in times of disaster emergencies. The agency shall consider the desirability of supplementing these communications resources or of integrating them into a comprehensive system or network. In studying the character and feasibility of any system or its several parts, the agency shall evaluate the possibility of multipurpose use thereof for general municipal and local governmental purposes. The agency shall make recommendations to the Mayor as appropriate.

**30-4-11**       **IMMUNITY.**    Neither the municipality, the agency or any member thereof or any person acting at their direction, engaged in any emergency services and disaster operations or disaster activities, while complying with or attempting to comply with this Code or any rule or regulations promulgated pursuant to this Code is liable for the death of or any injury to persons, or damage to property, as a result of such activity. This section does not, however, affect the right of any person to receive benefits to which he would otherwise be entitled under this act under the Worker's Compensation Act or the Worker's Occupational Diseases Act, or under any pension law, and this Section does not affect the right of any such person to receive any benefits or compensation under any Act of Congress.

**30-4-12**       **PROFESSIONS, TRADES AND OCCUPATIONS.**    If such disaster as is described in **Section 30-4-3** occurs in this municipality and the services of persons who are competent to practice any profession, trade or occupation are required in this municipality to cope with the disaster situation and it appears that the number of persons licensed or registered in this municipality to practice such profession, trade or occupation may be insufficient for such purpose, then any persons who are licensed elsewhere to practice any such profession, trade or occupation may, if a member of another political subdivision rendering aid in this municipality pursuant to the order of the head of that political subdivision and upon the request of the municipality, or if otherwise requested so to do by the Mayor or the coordinator of this municipality, during the time the disaster condition continues, practice such profession, trade or occupation in this municipality without being licensed or registered in this municipality.

**30-4-13**       **APPROPRIATIONS AND LEVY OF TAX.**    The Village Board may make appropriations for emergency services and disaster operations in the manner provided by law for making appropriations for the ordinary expenses of such political subdivision. The Village Board may also levy for

emergency services and disaster operations a tax not to exceed **.05%** of the full, fair cash value as equalized or assessed by the Department of Revenue on all taxable property in the municipality for the current year. However, the amount collectible under such a levy shall in no event exceed **Twenty-Five Cents (\$0.25)** per capita. The annual tax shall be in addition to and in excess of the amount authorized to be levied for general corporate purposes.

**30-4-14 AUTHORITY TO ACCEPT SERVICES, GIFTS, GRANTS OR LOANS.**

Whenever the federal or state governments, or any agency or officer thereof, or whenever any person, firm or corporation shall offer to the municipality services, equipment, supplies, materials or funds by way of gift or grant for purposes of emergency management, the municipality, acting through the Mayor or through its Village Board, may accept such offer and upon such acceptance the Mayor or the Village Board may authorize any officer of the municipality to receive such services, equipment, supplies, materials or funds on behalf of the municipality.

**30-4-15 ORDERS, RULES AND REGULATIONS.**

(A) The Mayor shall file a copy of every rule, regulation or order and any amendment thereof made by him pursuant to the provisions of this Code in the office of the Municipal Clerk. No such rule, regulation or order, or any amendment thereof, shall be effective until **ten (10) days** after such filing; provided, however, that upon the declaration of such a disaster emergency by the Mayor as is described in **Section 30-4-7**, the provision relating to the effective date of any rule, regulation order or amendment issued pursuant to this Code and during the state of such disaster emergency, is abrogated, and said rule, regulation, order or amendment shall become effective immediately upon being filed with the Municipal Clerk, accompanied by a certificate stating the reason for the emergency.

(B) The Emergency Management Agency established pursuant to this Code, and the coordinator thereof, shall execute and enforce such orders, rules and regulations as may be made by the Governor under authority of the Illinois Emergency Management Agency Act. The local Emergency Services and Disaster Agency shall have available for inspection at its office all orders, rules and regulations made by the Governor, or under this authority. The State Emergency Management Agency shall furnish such orders, rules and regulations to the agency.

**30-4-16 UTILIZATION OF EXISTING AGENCY, FACILITIES AND PERSONNEL.**

In carrying out the provisions of this Code, the Mayor and the coordinator of the emergency management agency are directed to utilize the services, equipment, supplies and facilities of existing departments, offices and agencies of the municipality to the maximum extent practicable, and the officers and personnel of all such departments, offices and agencies are directed, upon request, to cooperate with and extend such services and facilities to the coordinator and the emergency management agency.

**30-4-17 SEVERABILITY.** If any provision of this Code or the application thereof to any person or circumstances be held invalid, such invalidity shall not affect such other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Code are hereby declared to be severable.

**30-4-18 NO PRIVATE LIABILITY.**

(A) Any person owning or controlling real estate or other premises who voluntarily and without compensation grants a license or privilege, or otherwise permits the designation or use of the whole or any part or parts of such real estate or premises for the purpose of sheltering persons during an actual or impending disaster, or a mock or practice disaster response activity together with his successors in interest, if any, shall not be civilly liable for negligently causing the death of, or injury to,

any person on or about such real estate or premises under such license, privilege or other permission, or for negligently causing loss of, or damage to, the property of such person.

(B) Any private person, firm or corporation and employees and agents of such person, firm or corporation in the performance of a contract with, and under the direction of, the municipality under the provisions of this Code, shall not be civilly liable for causing death of, or injury to, any person or damage to any property except in the event of willful misconduct.

(C) Any private person, firm or corporation, and any employee or agency of such person, firm or corporation, who renders assistance or advice at the request of the municipality, shall not be civilly liable for causing the death of, or injury to, any person or damage to any property except in the event of willful misconduct. The immunities provided in Subsection (C) shall not apply to any private person, firm or corporation, or to any employee or agent of such person, firm or corporation whose act or omission caused in whole or in part such actual or impending disaster and who would otherwise be liable, therefore.

**30-4-19**      **SUCCESSION.** In the event of the death, absence from the municipality or other disability of the Mayor preventing him from acting under this Code or for any other municipal purpose, and until the office is filled in the manner prescribed by law, the coordinator of the emergency management agency shall succeed to the duties and responsibilities of the Mayor.

**30-4-20**      **COMPENSATION.** The Village Board, by its annual appropriations ordinance, may provide for the payment of the salary of the coordinator and such other office staff and personnel as may be expressly provided for in the ordinance. Nothing herein contained shall prohibit any member of the agency from receiving compensation from the State of Illinois Emergency Management Agency under any provisions of that agency.

**30-4-21**      **PERSONNEL OATH.** Each person, whether compensated or non-compensated, who is appointed to serve in any capacity in the municipal Emergency Service and Disaster Agency, shall, before entering upon his duties, take an oath, in writing, before the coordinator of the municipal Emergency Service and Disaster Agency before a person authorized to administer oaths in this municipality, which oath shall be filed with the coordinator of the Emergency management agency, and which oath shall be substantially as follows:

"I, \_\_\_\_\_ do solemnly swear (or affirm) that I will support and defend and bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of Illinois, and the territory, institutions and facilities thereof, both public and private, against all enemies, foreign and domestic; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter. And I do further swear (or affirm) that I do not advocate, nor am I, nor have I been a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence; and that during such time I am affiliated with the Village, I will not advocate nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence."

**30-4-22**      **EMERGENCY TERMINATION OR REDUCTION OF ELECTRICAL SERVICE.**  
(A) **Declaration of Emergency Condition.** When in the judgment of the Mayor or Village Board, as provided herein in **Section 30-4-7(A)**, a local disaster emergency requires the termination or reduction of electrical service, the Mayor or Village Board shall forthwith declare in writing the existence of the emergency condition and order the termination or reduction.

**30-4-23**      **PENALTY.** Any person convicted of violating this Code or any order thereunder shall be punished by a fine of not exceeding **Seven Hundred Fifty Dollars (\$750.00)**.

**(20 ILCS 3305/1 et seq.)**

**APPENDIX "A"**

**MUTUAL AID BOX ALARM SYSTEM  
AGREEMENT**

**SECTION ONE - PURPOSE**

It is recognized and acknowledged that in certain situations, such as, but not limited to, emergencies, natural disasters and man-made catastrophes, the use of an individual Member Unit's personnel and equipment to perform functions outside the territorial limits of the Member Unit is desirable and necessary to preserve and protect the health, safety and welfare of the public. It is further expressly acknowledged that in certain situations, such as the aforementioned, the use of other Member Unit's personnel and equipment to perform functions within the territorial limits of a Member Unit is desirable and necessary to preserve and protect the health, safety and welfare of the public. Further, it is acknowledged that coordination of mutual aid through the Mutual Aid Box Alarm System is desirable for the effective and efficient provision of mutual aid.

**SECTION TWO - DEFINITIONS**

For the purpose of this Agreement, the following terms as used in this agreement shall be defined as follows:

- A. "Mutual Aid Box Alarm System" (hereinafter referred to as "MABAS"). A definite and prearranged plan whereby response and assistance is provided to a Stricken Unit by the Aiding Unit(s) in accordance with the system established and maintained by the MABAS Member Units and amended from time to time.
- B. "Member Unit". A unit of local government including but not limited to a city, village or fire protection district having a fire department recognized by the State of Illinois, or an intergovernmental agency and the units of which the intergovernmental agency is comprised which is a party to the MABAS Agreement and has been appropriately authorized by the governing body to enter into such agreement, and to comply with the rules and regulations of MABAS.
- C. "Stricken Unit". A Member Unit which requests aid in the event of an emergency.
- D. "Aiding Unit". A Member Unit furnishing equipment, personnel, and/or services to a Stricken Unit.
- E. "Emergency". An occurrence or condition in a Member Unit's territorial jurisdiction which results in a situation of such magnitude and/or consequence that it cannot be adequately handled by the Stricken Unit and such that a Member Unit determines the necessity and advisability of requesting aid.
- F. "Division". The geographically associated Member Units or unit which have been grouped for operational efficiency and representation of those Member Units.
- G. "Training". The regular scheduled practice of emergency procedures during non-emergency drills to implement the necessary joint operations of MABAS.
- H. "Executive Board". The governing body of MABAS comprised of Division representatives.

**SECTION THREE - AUTHORITY AND ACTION TO EFFECT MUTUAL AID**

A. The Member Units hereby authorize and direct their respective Fire Chief or his designee to take necessary and proper action to render and/or request mutual aid from the other Member Units in accordance with the policies and procedures established and maintained by the MABAS Member Units. The aid rendered shall be to the extent of available personnel and equipment not required for adequate protection of the territorial limits of the Aiding Unit. The judgment of the Fire Chief, or his designee, of the Aiding Unit shall be final as to the personnel and equipment available to render aid.

B. Whenever an emergency occurs and conditions are such that the Fire Chief, or his designee, of the Stricken Unit determines it advisable to request aid pursuant to this Agreement he shall notify the Aiding Unit of the nature and location of the emergency and the type and amount of equipment and personnel and/or services requested from the Aiding Unit.

C. The Fire Chief, or his designee, of the Aiding Unit shall take the following action immediately upon being requested for aid:

1. Determine what equipment, personnel and/or services is requested according to the system maintained by MABAS;
2. Determine if the requested equipment, personnel, and/or services can be committed in response to the request from the Stricken Unit;

3. Dispatch immediately the requested equipment, personnel and/or services, to the extent available to the location of the emergency reported by the Stricken Unit in accordance with the procedures of MABAS;
4. Notify the Stricken Unit if any or all of the requested equipment, personnel and/or services cannot be provided.

#### **SECTION FOUR - JURISDICTION OVER PERSONNEL AND EQUIPMENT**

Personnel dispatched to aid a party pursuant to this Agreement shall remain employees of the Aiding Unit. Personnel rendering aid shall report for direction and assignment at the scene of the emergency to the Fire Chief or Senior Officer of the Stricken Unit. The party rendering aid shall at all times have the right to withdraw any and all aid upon the order of its Fire Chief or his designee; provided, however, that the party withdrawing such aid shall notify the Fire Chief or Senior Officer of the party requesting aid of the withdrawal of such aid and the extent of such withdrawal.

#### **SECTION FIVE - COMPENSATION FOR AID**

Equipment, personnel, and/or services provided to this Agreement shall be at no charge to the party requesting aid for the first **eight (8) consecutive hours** of aid provided to the Stricken Unit. However, any expenses recoverable from third parties shall be equitably distributed among responding parties. Day to day mutual aid should remain free of charge and the administrative requirements of reimbursement make it unfeasible to charge for day-to-day mutual aid. Nothing herein shall operate to bar any recovery of funds from any state or federal agency under any existing statute.

Any Aiding Unit is empowered to and may charge a Stricken Unit for reimbursement for costs of equipment, personnel and/or services provided under this Agreement for terms of more than **eight (8) consecutive hours** under the following terms and conditions:

- (A) The amount of charges assessed by an Aiding Unit to a Stricken Unit may not exceed the amount necessary to make the Aiding Unit whole and should only include costs that are non-routine in nature.
- (B) The Aiding Unit must assess no more than "usual and customary" charges for personnel costs pursuant to a collective bargaining agreement, benefit, ordinance or compensation policy.
- (C) The fee structure for apparatus and equipment shall be based on FEMA or OSFM rate schedules. If a particular piece of apparatus or equipment is not listed within the FEMA/OSFM rate schedules, a market rate for reimbursement shall be established.
- (D) In no event shall the amount assessed by an Aiding Unit to a Stricken Unit exceed the amount of fees permitted to be assessed under Illinois law.
- (E) Aiding Units must invoice the Stricken Unit within **thirty (30) days** after the completion of the emergency: Once **thirty (30) days** pass, the aid shall be considered to be a donation of service.
- (F) Mutual Aid and assessing costs for mutual aid cannot in any way be conditioned upon any declaration of a federal disaster.

#### **SECTION SIX - INSURANCE**

Each party hereto shall procure and maintain, at its sole and exclusive expense, insurance coverage, including comprehensive liability, personal injury, property damage, worker's compensation, and, if applicable, emergency medical service professional liability, with minimum limits of \$1,000,000 auto and \$1,000,000 combined single limit general liability and professional liability. No party hereto shall have any obligation to provide or extend insurance coverage for any of the items enumerated herein to any other party hereto or its personnel. The obligations of the Section may be satisfied by a party's membership in a self-insurance pool, a self-insurance plan or arrangement with an insurance provider approved by the state of jurisdiction. The MABAS may require that copies or other evidence of compliance with the provisions of this Section be provided to the MABAS. Upon request, Member Units shall provide such evidence as herein provided to the MABAS members.

**SECTION SEVEN - INDEMNIFICATION**

Each party hereto agrees to waive all claims against all other parties hereto for any loss, damage, personal injury or death occurring in consequence of the performance of this Mutual Aid Agreement; provided, however, that such claim is not a result of gross negligence or willful misconduct by a party hereto or its personnel.

Each party requesting or providing aid pursuant to this Agreement hereby expressly agrees to hold harmless, indemnify and defend the party rendering aid and its personnel from any and all claims, demands, liability, losses, suits in law or in equity which are made by a third party. This indemnity shall include attorney fees and costs that may arise from providing aid pursuant to this Agreement. Provided, however, that all employee benefits, wage and disability payments, pensions, worker's compensation claims, damage to or destruction of equipment and clothing, and medical expenses of the party rendering aid shall be the sole and exclusive responsibility of the respective party for its employees, provided, however, that such claims made by a third party are not the result of gross negligence or willful misconduct on the part of the party rendering aid.

**SECTION EIGHT - NON-LIABILITY FOR FAILURE TO RENDER AID**

The rendering of assistance under the terms of this Agreement shall not be mandatory if local conditions of the Aiding Unit prohibit response. It is the responsibility of the Aiding Unit to immediately notify the Stricken Unit of the Aiding Unit's inability to respond; however, failure to immediately notify the Stricken Unit of such inability to respond shall not constitute evidence of noncompliance with the terms of this Section and no liability may be assigned.

No liability of any kind or nature shall be attributed to or be assumed, whether expressly or implied, by a party hereto, its duly authorized agents and personnel, for failure or refusal to render aid. Nor shall there be any liability of a party for withdrawal of aid once provided pursuant to the terms of this Agreement.

**SECTION NINE - TERM**

This Agreement shall be in effect for a term of one year from the date of signature hereof and shall automatically renew for successive one-year terms unless terminated in accordance with this Section.

Any party hereto may terminate its participation in this Agreement at any time, provided that the party wishing to terminate its participation in this Agreement shall give written notice to the Board of their Division and to the Executive Board specifying the date of termination, such notice to be given at least 90 calendar days prior to the specified date of termination of participation. The written notice provided herein shall be given by personal delivery, registered mail or certified mail.

**SECTION TEN – EFFECTIVENESS**

This Agreement shall be in full force and effective upon approval by the parties hereto in the manner provided by law and upon proper execution hereof.

**SECTION ELEVEN - BINDING EFFECT**

This Agreement shall be binding upon and inure to the benefit of any successor entity which may assume the obligations of any party hereto. Provided, however, that this Agreement may not be assigned by a Member Unit without prior written consent of the parties hereto; and this Agreement shall not be assigned by MABAS without prior written consent of the parties hereto.

**SECTION TWELVE – VALIDITY**

The invalidity of any provision of this Agreement shall not render invalid any other provision. If, for any reason, any provision of this Agreement is determined by a court of competent jurisdiction to be invalid or unenforceable, that provision shall be deemed severable, and this Agreement may be enforced with that provision severed or modified by court order.



**SECTION THIRTEEN - NOTICES**

All notices hereunder shall be in writing and shall be served personally, by registered mail or certified mail to the parties at such addresses as may be designated from time to time on the MABAS mailing lists or, to other such addresses as shall be agreed upon.

**SECTION FOURTEEN - GOVERNING LAW**

This Agreement shall be governed, interpreted and construed in accordance with the laws of the State of Illinois.

**SECTION FIFTEEN - EXECUTION IN COUNTERPARTS**

This Agreement may be executed in multiple counterparts or duplicate originals, each of which shall constitute and be deemed as one and the same document.

**SECTION SIXTEEN - EXECUTIVE BOARD OF MABAS**

An Executive Board is hereby established to consider, adopt and amend from time to time as needed rules, procedures, by-laws and any other matters deemed necessary by the Member Units. The Executive Board shall consist of a member elected from each Division within MABAS who shall serve as the voting representative of said Division on MABAS matters and may appoint a designee to serve temporarily in his stead. Such designee shall be from within the respective divisions and shall have all rights and privileges attendant to a representative of that Member Unit.

A President and Vice President shall be elected from the representatives of the Member Units and shall serve without compensation. The President and such other officers as are provided for in the by-laws shall coordinate the activities of the MABAS.

**SECTION SEVENTEEN - DUTIES OF THE EXECUTIVE BOARD**

The Executive Board shall meet regularly to conduct business and to consider and publish the rules, procedures and by-laws of the MABAS, which shall govern the Executive Board meetings and such other relevant matters as the Executive Board shall deem necessary.

**SECTION EIGHTEEN - RULES AND PROCEDURES**

Rules, procedures and by-laws of the MABAS shall be established by the Member Units via the Executive Board as deemed necessary from time to time for the purpose of administrative functions, the exchange of information and the common welfare of the MABAS.

**SECTION NINETEEN - AMENDMENTS**

This Agreement may only be amended by written consent of all the parties hereto. This shall not preclude the amendment of rules, procedures and by-laws of the MABAS as established by the Executive Board to this Agreement. The undersigned unit of local government or public agency hereby has adopted, and subscribes to, and approves this Mutual Aid Box Alarm System Agreement to which this signature page will be attached and agrees to be a party thereto and be bound by the terms thereof.

**(Ord. No. 519; 06-29-01)**

## CHAPTER 32 – SOIL EROSION CODE

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## CHAPTER 32

### SOIL EROSION CODE

#### ARTICLE I – FINDINGS AND PURPOSE

**32-1-1**            **FINDINGS.** The Village Board hereby finds that:

(A)            The soil types found in the Village are susceptible to erosion and if left unprotected could cause severe loss of soil with resultant damage to property, and

(B)            The topography of the Village contains areas with steep slopes upon which, if clearing of trees and/or inappropriate construction takes place, could result in severe erosion and slope stability problems which could result in damage to property.

Excessive quantities of soil may erode from areas undergoing development for certain non-agricultural uses including but not limited to the construction of dwelling units, commercial buildings and industrial plants, the building of roads and highways, the modification of stream channels and drainageways, and the creation of recreational facilities;

The washing, blowing, and falling of eroded soil across and upon roadways endangers the health and safety of users thereof, by decreasing vision and reducing traction of road vehicles;

Soil erosion necessitates the costly repairing of gullies, washed-out fills, and embankments;

Sediment from soil erosion tends to clog sewers and ditches and to pollute and silt rivers, streams, lakes, wetlands, and reservoirs;

Sediment limits the use of water and waterways for most beneficial purposes, promotes the growth of undesirable aquatic weeds, destroys fish and other desirable aquatic life, and is costly and difficult to remove; and

Sediment reduces the channel capacity of waterways and the storage capacity of flood plains and natural depressions, resulting in increased chances of flooding at risk to public health and safety.

**32-1-2**            **PURPOSE.** The Village Board therefore declares that the purpose of this Code is to safeguard persons, protect property, prevent damage to the environment, and promote the public welfare by guiding, regulating and controlling the design, construction, use and maintenance of any development or other activity which disturbs or breaks the topsoil or otherwise results in the movement of earth on land situated in the Village. It is the intention of this Code that the delivery of sediment from sites affected by land disturbing activities be limited, as closely as practicable, to that which would have occurred if the land had been left in its natural undisturbed state.

## ARTICLE II - DEFINITIONS

**32-2-1**            **DEFINITIONS.** For the purpose of this Code terms used herein are defined as set forth below:

**Building Permit:** A permit issued by the Village for the construction, erection or alteration of a structure or building.

**Certify or Certification:** Formally attesting that the specific inspections and tests where required have been performed, and that such tests comply with the applicable requirements of this Code.

**Clearing:** Any activity which removes vegetative ground cover.

**Cubic Yards:** The amount of material in excavation and/or fill measured by the method of "average end areas".

**Excavation:** Any act by which organic matter, earth, sand, gravel, rock or any other similar material, is cut into, dug, quarried, uncovered, removed, displaced, relocated or bulldozed and shall include the conditions resulting therefrom.

**Existing Grade:** The vertical location of the existing ground surface prior to excavation or filling.

**Fill:** Any act by which earth, sand, gravel, rock or any other material, is deposited, placed, replaced, pushed, dumped, pulled, transported or moved by man to a new location and shall include the conditions resulting therefrom.

**Final Grade:** The vertical location of the ground or pavement surface after the grading work is completed in accordance with the site development plan.

**Grading:** Excavation or fill or any combination thereof and shall include the conditions resulting from any excavation or fill.

**Lot:** An individual platted lot in an approved subdivision.

**Natural Drainage:** Channels formed in the existing surface topography of the earth prior to changes made by unnatural causes.

**Parcel:** All contiguous land in one ownership.

**Permittee:** Any person to whom a site development permit is issued.

**Person:** Any individual, firm or corporation, public or private, the State of Illinois and its agencies or political subdivisions, and the United States of America, its agencies and instrumentalities, and any agent, servant, officer or employee of any of the foregoing.

**Removal:** Cutting vegetation to the ground or stumps, complete extraction, or killing by spraying.

**Site:** A parcel of land, or a contiguous combination thereof, where grading work is performed as a single unified operation.

**Site Development:** Altering terrain and/or vegetation and constructing improvements.

**Site Development Permit:** A permit issued by the Village for the construction or alteration of ground improvements and structures for the control of erosion, runoff and grading.

**Slope Disturbance Line:** The line as shown on Village plats which delineates relatively level building areas and sloped areas where slopes exceed **twenty percent (20%)** and where special precautions must be taken.

**Stream:** Any river, creek, brook, branch, flowage, ravine, or natural or man-made drainageway which has a definite bed and banks or shoreline, in or into which surface or groundwater flows, either perennially or intermittently.

**Stripping:** Any activity which removes the vegetative surface cover including tree removal, clearing, and storage or removal of top soil.

**Vacant:** Land on which there are no structures or only structures which are secondary to the use or maintenance of the land itself.

**Village:** The Village of Evansville, Randolph County, Illinois.

**Wetlands:** Areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

## ARTICLE III - GENERAL PRINCIPLES

**32-3-1**      **OBJECTIVE.** It is the objective of this Code to control soil erosion and sedimentation caused by development activities, including clearing, grading, stripping, excavating, and filling of land, in the Village. Measures taken to control soil erosion and off-site sediment runoff should be adequate to assure that sediment is not transported from the site by a storm event of ten-year frequency or less. The following principles shall apply to all development activities within the Village and to the preparation of the submissions required under **Article IV** of this Code.

(A)            Development should be related to the topography and soils of the site so as to create the least potential for erosion. Areas of steep slopes greater than **twenty percent (20%)** where high cuts and fills may be required are to be avoided wherever possible, and natural contours should be followed as closely as possible.

(B)            Natural vegetation should be retained and protected wherever possible. Areas immediately adjacent to natural watercourses, lakes, ponds, and wetlands are to be left undisturbed wherever possible. Temporary crossings of watercourses, when permitted, must include appropriate stabilization measures.

(C)            Special precautions should be taken to prevent damages resultant from any necessary development activity within or adjacent to any stream, lake, pond, or wetland. Preventive measures should reflect the sensitivity of these areas to erosion and sedimentation.

(D)            The smallest practical area of land should be exposed for the shortest practical time during development.

(E)            Sediment basins or traps, filter barriers, diversions, and any other appropriate sediment or runoff control measures shall be installed prior to site clearing and grading and maintained to remove sediment from run-off waters from land undergoing development.

(F)            The selection of erosion and sedimentation control measures shall be based on assessment of the probable frequency of climatic and other events likely to contribute to erosion, and on evaluation of the risks, costs, and benefits involved.

(G)            In the design of erosion control facilities and practices, aesthetics and the requirements of continuing maintenance must be considered.

(H)            Provision shall be made to accommodate the increased run-off caused by changed soil and surface conditions during and after development. Drainageways should be designed so that their final gradients and the resultant velocities and rates of discharge will not create additional erosion on-site or downstream.

(I)            Permanent vegetation and structures should be installed and functional as soon as practical during development.

(J)            Those areas being converted from agricultural purposes to other land uses should be vegetated with an appropriate protective cover prior to development.

(K)            All waste generated as a result of site development activity should be properly disposed of and should be prevented from being carried off the site by either wind or water.

(L)            All construction sites should provide measures to prevent sediment from being tracked onto public or private roadways.

## ARTICLE IV - SITE DEVELOPMENT PERMIT

**32-4-1 PERMIT REQUIRED.** Except as otherwise provided in this Code, no person shall commence or perform any clearing, grading, stripping, excavating, or filling of land which meets the following provisions without having first obtained a site development permit from the Building and Zoning Administrator of the Village.

(A) Any land disturbing activity (i.e., clearing, grading, stripping, excavation, fill, or any combination thereof) that will affect an area in excess of **two thousand five hundred (2,500) square feet**;

(B) Any land disturbing activity that will affect an area in excess of **five hundred (500) square feet** if the activity is within **twenty-five (25) feet** of a lake, pond, stream, or wetland; or

(C) Excavation, fill, or any combination thereof that will exceed **one hundred (100) cubic yards**.

(D) Any land disturbing activity on the sloping side of the slope-disturbance line.

(E) Any tree cutting where tree is in excess of **four (4) inches** in diameter or any clearing activity within **five (5) feet** of the slope disturbance line.

**32-4-2 EXCEPTIONS.** A permit shall not be required for any of the following provided that the person responsible for any such development shall implement necessary soil erosion and sediment control measures to satisfy the principles set forth in **Section 32-3-1** of this Code:

(A) Agricultural use of land, including the implementation of conservation measures included in a farm conservation plan approved by the Soil and Water Conservation District, and including the construction of agricultural structures.

**32-4-3 APPLICATION FOR PERMIT.** Application for a site development permit shall be made by the owner of the property or his authorized agent to the Building and Zoning Administrator on a form furnished for that purpose. Each application shall bear the name(s) and address(es) of the owner or developer of the site, the contractor(s) and of any consulting firm retained by the applicant together with the name of the applicant's principal contact at such firm, and shall be accompanied by a filing fee of **Ten Dollars (\$10.00)**. Each application shall include certification that any land clearing, construction, or development involving the movement of earth shall be in accordance with the plans approved upon issuance of the permit.

**32-4-4 SUBMISSIONS.**

(A) **Single Lot Development Permit.** Each application for a single lot development permit shall be accompanied by the following information:

- (1) A plat of the lot indicating lot lines, dimensions, building setback lines, the slope disturbance line (if any), and the location of any proposed structures.
- (2) The location and description of erosion and runoff control measures to be employed during construction.
- (3) For any disturbance of the slope and/or structures proposed to be located on the slope side of the slope disturbance line--a site development plan prepared by a registered professional engineer. Site plan shall include the following:
  - (a) Limits of disturbance including existing vegetation and tree removal.
  - (b) Runoff control measures during construction.
  - (c) Cross section view of any cut or fill proposed on the site.
  - (d) Erosion control measures during construction.
  - (e) Details of method(s) proposed for providing slope stability.
  - (f) Permanent measures to be employed for runoff control.

- (g) Permanent measures to be employed for erosion control.
  - (h) A slope stability analysis may be required if deemed necessary.
- (B) **Site Development Permit.** Each application for a Site Development Permit shall be accompanied by the following information:
- (1) A vicinity map at a minimum scale of **one (1) inch equals one hundred (100) feet** to enable easy location in the field of the site for which the permit is sought, and including the boundary line and approximate acreage of the site, existing zoning, and a legend and scale.
  - (2) A development plan of the site showing:
    - (a) Existing topography of the site and adjacent land within approximately **one hundred (100) feet** of the boundaries, drawn at no greater than **two (2) foot** contour intervals and clearly portraying the conformation and drainage pattern of the area.
    - (b) The location of existing buildings, structures, utilities, streams, lakes, flood plains, wetlands and depressions, drainage facilities, vegetative cover, paved areas, and other significant natural or man-made features on the site and adjacent land within **one hundred (100) feet** of the boundary.
    - (c) A general description of the predominant soil types on the site, their location, and their limitations for the proposed use.
    - (d) Proposed use of the site, including present development and planned utilization; areas of clearing, stripping, grading, excavation and filling; proposed contours, finished grades, and street profiles; provision for storm drainage, including storm sewers, swales, detention basins and any other measures to control the rate of runoff, with a drainage area map, indications of flow directions, and computations; kinds and locations of utilities; and areas and acreages proposed to be paved, covered, sodded or seeded, vegetatively stabilized, or left undisturbed. This shall include plans to mitigate for any site limitations which may exist.
  - (3) An erosion and sediment control plan showing all measures necessary to meet the objectives of this Code throughout all phases of construction and permanently after completion of development of the site, including:
    - (a) Location and description, including standard details, of all sediment control measures and design specifics of sediment basins and traps, including outlets details.
    - (b) Location and description of all soil stabilization and erosion control measures, including seeding mixtures and rates, types of sod, method of seedbed preparation, expected seeding dates, type and rate of lime and fertilizer application, kind and quantity of mulching for both temporary and permanent vegetative control measures, and types of non-vegetative stabilization measures.
    - (c) Location and description of all runoff control measures, including diversions, waterways, and outlets.
    - (d) Location and description of methods to prevent tracking of sediment off-site, including construction entrance details, as appropriate.
    - (e) Description of dust and traffic control measures.
    - (f) Locations of stockpiles and description of stabilization methods.
    - (g) Description of off-site fill or borrow volumes, locations, and methods of stabilization.
    - (h) Provisions for maintenance of control measures, including type and frequency of maintenance, easements, and estimates of the cost of maintenance.



- (i) Identification (name, address, and telephone) of the person(s) or entity which will have legal responsibility for maintenance of erosion control structures and measures during development and after development is completed.
- (4) The proposed phasing of development of the site, including stripping and clearing, rough grading and construction, and final grading and landscaping. Phasing should identify the expected date on which clearing will begin, the estimated duration of exposure of cleared area, and the sequence of installation of temporary sediment control measures (including perimeter controls), clearing and grading, installation of temporary soil stabilization measures, installation of storm drainage, paving streets and parking areas, final grading and the establishment of permanent vegetative cover, and the removal of temporary measures. It shall be the responsibility of the applicant to notify the Building and Zoning Administrator of any significant changes which occur in the site development schedule after the initial erosion and sediment control plan has been approved.

These submissions shall be prepared in accordance with the requirements of this Code and the standards and requirements contained in "**Standards and Specifications for Soil Erosion and Sediment Control**" (the Yellow Book) published by the Illinois Environmental Protection Agency and the "**Illinois Procedures and Standards for Urban Soil Erosion and Sedimentation Control**" (the Green Book) prepared by the Northeastern Illinois Soil Erosion and Sedimentation Control Steering Committee and adopted by the Randolph County Soil and Water Conservation District, which standards and requirements are hereby incorporated into this Code by reference.

The Building and Zoning Administrator may waive specific requirements for the content of submission upon finding that the information submitted is sufficient to show that the work will comply with the objectives and principles of this Code.

**32-4-5 BONDS.** The applicant for a site development permit is required to file with the Village a faithful performance bond or bonds, letter of credit, or other improvement security satisfactory to the Village Attorney in an amount deemed sufficient by the Building and Zoning Administrator to cover all costs of improvements, landscaping, maintenance of improvements and landscaping, and soil erosion and sediment control measures for such period as specified by the Village, and engineering and inspection costs to cover the cost of failure or repair of improvements installed on the site.

**32-4-6 REVIEW AND APPROVAL.** Each application for a site development permit shall be reviewed and acted upon according to the following procedures:

(A) The Building and Zoning Administrator will review each application for a development permit to determine its conformance with the provisions of this Code. The Officer may also refer any application to the Randolph County Soil and Water Conservation District and/or any other local government or public agency within whose jurisdiction the site is located for review and comment. Within **thirty (30) days** after receiving an application, the Building and Zoning Administrator shall in writing:

- (1) Approve the permit application if it is found to be in conformance with the provisions of this Code, and issue the permit;
- (2) Approve the permit application subject to such reasonable conditions as may be necessary to secure substantially the objectives of this Code, and issue the permit subject to these conditions; or
- (3) Disapprove the permit application, indicating the deficiencies and the procedure for submitting a revised application and/or submission.

(B) No site development permit shall be issued for an intended development site unless:

- (1) the development, including but not limited to subdivisions and planned unit development, has been approved by the Village where applicable, or

- (2) such permit is accompanied by or combined with a valid building permit issued by the Village, or
- (3) the proposed earth moving is coordinated with any overall development program previously approved by the Village for the area in which the site is situated; and
- (4) all relevant federal and state permits (i.e., for flood plains and wetlands) have been received for the portion of the site subject to soil disturbance.

(C) Failure of the Building and Zoning Administrator to act on an original or revised application within **thirty (30) days** of receipt shall authorize the applicant to proceed in accordance with the plans as filed unless such time is extended by agreement between the Building and Zoning Administrator and the applicant. Pending preparation and approval of a revised plan, development activities shall be allowed to proceed in accordance with conditions established by the Building and Zoning Administrator.

**32-4-7**      **EXPIRATION OF PERMIT.** Every site development permit shall expire and become null and void if the work authorized by such permit has not been commenced within **one hundred and eighty (180) days**, or if not completed by a date which shall be specified in the permit; except that the Building and Zoning Administrator may, if the permittee presents satisfactory evidence that unusual difficulties have prevented work being commenced or completed within the specified time limits, grant a reasonable extension of time if written application is made before the expiration date of the permit. The Building and Zoning Administrator may require modification of the erosion control plan to prevent any increase in erosion or off-site sediment runoff resulting from any extension.

**32-4-8**      **APPEALS.** The applicant, or any person or agency which received notice of the filing of the application, may appeal the decision of the Building and Zoning Administrator as provided in **Section 32-4-6**, to the Board of Appeals. Upon receipt of an appeal, the Board of Appeals shall schedule and hold a public hearing, after giving **fifteen (15) days** notice thereof. The Board shall render a decision within **thirty (30) days** after the hearing. Factors to be considered on review shall include, but need not be limited to, the effects of the proposed development activities on the surface water flow to tributary and downstream lands, any comprehensive watershed management plans, or the use of any retention facilities; possible saturation of fill and unsupported cuts by water, both natural and domestic; runoff surface waters that produce erosion and silting of drainageways; nature and type of soil or rock which when disturbed by the proposed development activities may create earth movement and produce slopes that cannot be landscaped; and excessive and unnecessary scarring of the natural landscape through grading or removal of vegetation.

**32-4-9**      **RETENTION OF PLANS.** Plans, specifications, and reports for all site developments shall be retained in original form or on microfilm by the Building and Zoning Administrator.

## ARTICLE V - DESIGN AND OPERATION STANDARDS AND REQUIREMENTS

**32-5-1**        **APPLICABILITY.** All clearing, grading, stripping, excavating, and filling which is subject to the permit requirements of this Code shall be subject to the application standards and requirements set forth in this Article.

**32-5-2**        **RESPONSIBILITY.** The permittee shall not be relieved of responsibility for damage to persons or property otherwise imposed by law, and the Village or its officers or agents will not be made liable for such damage, by:

- (A)            the issuance of a permit under this Code,
- (B)            compliance with the provisions of that permit or with conditions attached to it by the Building and Zoning Administrator,
- (C)            failure of Village officials to observe or recognize hazardous or unsightly conditions,
- (D)            failure of Village officials to recommend denial or to deny a permit, or
- (E)            exemptions from a permit requirements of this Code.

**32-5-3**        **SINGLE LOT SITE DESIGN REQUIREMENTS.**

(A)            On-site sediment control measures shall be constructed and functional prior to initiating clearing, grading, stripping, excavating or fill activities on the site.

(B)            Control measures shall be constructed to control runoff from the property to such an extent possible that sediment is retained on-site. The applicant may select one or more of the control measures as shown in Appendix.

(1)            For minimally sloping lots [slopes less than **eight percent (8%)**] or areas with limited disturbance must select control measures as shown in Category A in the Appendix.

(2)            For moderately sloping lots (slopes between **eight percent (8%)** and **twenty percent (20%)**) select control measures both in Category A and B as shown in the Appendix.

(C)            Disturbed areas shall be stabilized with temporary or permanent measures within **seven (7) calendar days** following the end of active disturbance, or re-disturbance consistent with the following criteria:

(1)            Appropriate temporary or permanent stabilization measures shall include seeding, mulching, sodding, and/or non-vegetative measures.

(2)            Areas having slopes greater than **twelve percent (12%)** shall be stabilized with sod, mat, or blanket in combination with seeding or equivalent.

(D)            All temporary and permanent erosion and sediment control practices must be maintained and repaired as needed to assure effective performance of their intended function.

(E)            All temporary erosion and sediment control measures shall be disposed of within **thirty (30) days** after final site stabilization is achieved with permanent soil stabilization measures. Trapped sediment and other disturbed soils resulting from the disposition of temporary measures should be permanently stabilized to prevent further erosion and sedimentation.

(F)            Site development design requirements - On-site sediment control measures, as specified by the following criteria, shall be constructed and functional prior to initiating clearing, grading, stripping, excavating or fill activities on the site.

(1)            For disturbed areas draining less than **one (1) acre**, filter barriers (including filter fences, straw bales, or equivalent control measures) shall be constructed to control all off-site runoff as specified in referenced handbooks. Vegetated filter strips, with a minimum width of **twenty-five (25) feet**, may be used as an alternative only where runoff in sheet flow is expected.

- (2) For disturbed areas draining more than **one (1)** but less than **five (5) acres**, a sediment trap or equivalent control measure shall be constructed at the downslope point of the disturbed area.
- (3) For disturbed areas draining more than **five (5) acres**, a sediment basin or equivalent control measure shall be constructed at the downslope point of the disturbed area.
- (4) Sediment basins and sediment traps designs shall provide for both detention storage and sediment storage. The detention storage shall be composed of equal volumes of "wet" detention storage and "dry" detention storage and each shall be sized for the **two (2) year, twenty-four (24) hour** runoff from the site under maximum runoff conditions during construction. The release rate of the basin shall be that rate required to achieve minimum detention times of at least **ten (10) hours**. The elevation of the outlet structure shall be placed such that it only drains the dry detention storage.
- (5) The sediment storage shall be sized to store the estimated sediment load generated from the site over the duration of the construction period with a minimum storage equivalent to the volume or sediment generated in **one (1) year**. For construction periods exceeding **one (1) year**, the **one (1) year** sediment load and a sediment removal schedule may be substituted.

(G) Stormwater conveyance channels, including ditches, swales, and diversions, and the outlets of all channels and pipes shall be designed and constructed to withstand the expected flow velocity from the 10-year frequency storm without erosion. All constructed or modified channels shall be stabilized within **forty-eight (48) hours**, consistent with the following standards:

- (1) For grades up to **four percent (4%)**, seeding in combination with mulch, erosion blanket, or an equivalent control measure shall be applied. Sod or erosion blanket or mat shall be applied to the bottom of the channel.
- (2) For grades of **four percent (4%)** to **eight percent (8%)**, sod or an equivalent control measure shall be applied in the channel.
- (3) For grades greater than **eight percent (8%)**, rock, riprap, or an equivalent control measure shall be applied over filter fabric or other type of soil protection, or the grade shall be effectively reduced using drop structures.

(H) Disturbed areas shall be stabilized with temporary or permanent measures within **seven (7) calendar days** following the end of active disturbance, or re-disturbance, consistent with the following criteria:

- (1) Appropriate temporary or permanent stabilization measures shall include seeding, mulching, sodding, and/or non-vegetative measures.
- (2) Areas having slopes greater than **twelve percent (12%)** shall be stabilized with sod, mat, or blanket in combination with seeding, or equivalent.

(I) Land disturbance activities in stream channels shall be avoided, where possible. If disturbance activities are unavoidable, the following requirements shall be met.

- (1) Construction vehicles shall be kept out of the stream channel to the maximum extent practicable. Where construction crossings are necessary, temporary crossings shall be constructed of non-erosive material, such as riprap or gravel.
- (2) The time and area of disturbance of stream channels shall be kept to a minimum. The stream channel, including bed and banks, shall be stabilized within **forty-eight (48) hours** after channel disturbance is completed, interrupted, or stopped.
- (3) Whenever channel relocation is necessary, the new channel shall be constructed in the dry and fully stabilized before flow is diverted.

(J) Storm sewer inlets and culverts shall be protected by sediment traps or filter barriers meeting accepted design standards and specifications.

(K) Soil storage piles containing more than **ten (10) cubic yards** of material shall not be located with a downslope drainage length of less than **twenty-five (25) feet** to a roadway or drainage channel. Filter barriers, including straw bales, filter fence, or equivalent, shall be installed immediately on the downslope side of the piles.

(L) If dewatering devices are used, discharge locations shall be protected from erosion. All pumped discharges shall be routed through appropriately designed sediment traps or basins, or equivalent.

(M) Each site shall have graveled (or equivalent) entrance roads, access drives, and parking areas of sufficient length and width to prevent sediment from being tracked onto public or private roadways. Any sediment reaching a public or private road shall be removed by shoveling or street cleaning (not flushing) before the end of each workday and transported to a controlled sediment disposal area.

(N) All temporary and permanent erosion and sediment control practices must be maintained and repaired as needed to assure effective performance of their intended function.

(O) All temporary erosion and sediment control measures shall be disposed of within **thirty (30) days** after final site stabilization is achieved with permanent soil stabilization measures. Trapped sediment and other disturbed soils resulting from the disposition of temporary measures should be permanently stabilized to prevent further erosion and sedimentation.

**32-5-4 HANDBOOKS ADOPTED BY REFERENCE.** The standards and specifications contained in "**Standards and Specifications for Soil Erosion and Sediment Control**" (the Yellow Book) and the "**Illinois Procedures and Standards for Urban Soil Erosion and Sedimentation Control**" (the Green Book) cited in **Article IV**, are hereby incorporated into **Article V** and made a part hereof by reference for the purpose of delineating procedures and methods of operation under site development and erosion and sedimentation control plans approved under **Article IV**. In the event of conflict between provisions of said manuals and of this Code, the Code shall govern.

**32-5-5 MAINTENANCE OF CONTROL MEASURES.** All soil erosion and sediment control measures necessary to meet the requirements of this Code shall be maintained periodically by the applicant or subsequent land owner during the period of land disturbance and development of the site in a satisfactory manner to ensure adequate performance.

**32-5-6 INSPECTION.** The Building and Zoning Administrator shall make inspections as hereinafter required and shall either approve that portion of the work completed or shall notify the permittee wherein the work fails to comply with the site development or erosion and sedimentation control plan as approved. Plans for grading, stripping, excavating, and filling work bearing the stamp of approval of the Building and Zoning Administrator shall be maintained at the site during progress of the work. In order to obtain inspections and to ensure compliance with the approved erosion and sediment control plan, the grading or building permit, and this Code, the permittee shall notify the Building and Zoning Administrator within **two (2) working days** of the completion of the construction stages specified below:

(A) Upon completion of installation of sediment and runoff control measures (including perimeter controls and diversions), prior to proceeding with any other earth disturbance with any other earth disturbance or grading,

(B) After stripping and clearing,

(C) After rough grading,

(D) After final grading,

(E) After seeding and landscaping deadlines, and

(F) After final stabilization and landscaping, prior to removal of sediment controls.

If stripping, clearing, grading and/or landscaping are to be done in phases or areas, the permittee shall give notice and request inspection at the completion of each of the above work stages in each phase or area. If an inspection is not made and notification of the results given within **five (5) working days** after notice is received by the Village from the permittee, the permittee may continue work at his/her own risk, without presuming acceptance by the Village. Notification of the results of the inspection shall be given in writing at the site.

**32-5-7            SPECIAL PRECAUTIONS.**

(A)            If at any stage of the grading of any development site the Building and Zoning Administrator determines by inspection that the nature of the site is such that further work authorized by an existing permit is likely to imperil any property, public way, stream, lake, wetland, or drainage structure, the Building and Zoning Administrator may require, as a condition of allowing the work to be done, that such reasonable special precautions to be taken as is considered advisable to avoid the likelihood of such peril. "Special precautions" may include, but shall not be limited to, a more level exposed slope, construction of additional drainage facilities, berms, terracing, compaction, or cribbing, installation of plant materials for erosion control, and recommendations of a registered soils engineer and/or engineering geologist which may be made requirements for further work.

(B)            Where it appears that storm damage may result because the grading on any development site is not complete, work may be stopped and the permittee required to install temporary structures or take such other measures as may be required to protect adjoining property or the public safety. On large developments or where unusual site conditions prevail, the Building and Zoning Administrator may specify the time of starting grading and time of completion or may require that the operations be conducted in specific stages so as to ensure completion of protective measures or devices prior to the advent of seasonal rains.

**32-5-8            AMENDMENTS OF PLANS.** Major amendments of the site development or erosion and sedimentation control plans shall be submitted to the Building and Zoning Administrator and shall be processed and approved or disapproved in the same manner as the original plans. Field modifications of a minor nature may be authorized by the Building and Zoning Administrator by written authorization to the permittee.

## ARTICLE VI - ENFORCEMENT

**32-6-1**        **EXCEPTIONS.** The Board of Appeals may, in accordance with the following procedures, authorize exceptions to any of the requirements and regulations set forth in this Code:

(A)            Application for any exception shall be made by a verified petition of the applicant for a site development permit, stating fully the grounds of the petition and the facts relied upon by the applicant. Such petition shall be filed with the site development permit application. In order for the petition to be granted, it shall be necessary that the Board of Appeals find all of the following facts with respect to the land referred to in the petition:

- (1)            That the land is of such shape or size or is affected by such physical conditions or is subject to such title limitations or record, that it is impossible or impractical for the applicant to comply with all of the requirements of this Code;
- (2)            That the exception is necessary for the preservation and enjoyment of a substantial property right of the applicant; and
- (3)            That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the vicinity of the subject property.

(B)            Each application for an exception shall be referred to the Building and Zoning Administrator for review. The Officer shall transmit its recommendations to the Board of Appeals, which shall review such recommendations prior to granting or denying the exception.

(C)            The Board of Appeals shall hold a public hearing on each application for exception, within **thirty (30) days** after receiving application, in the manner provided with respect to appeals. After public hearing, the Board may approve the site development permit application with the exceptions and conditions it deems necessary or it may disapprove such site development permit application and exception application or it may take such other action as appropriate.

**32-6-2**        **STOP-WORK ORDER; REVOCATION OF PERMIT.** In the event any person holding a site development permit pursuant to this Code violates the terms of the permit, or carries on-site development in such a manner as to materially adversely affect the health, welfare, or safety of persons residing or working in the neighborhood of the development site or so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, the Building and Zoning Administrator may suspend or revoke the site development permit.

(A)            Suspension of a permit shall be by a written stop-work order issued by the Building and Zoning Administrator and delivered to the permittee or his agent or the person performing the work. The stop-work order shall be effective immediately, shall state the specific violations cited, and shall state the conditions under which work may be resumed. A stop-work order shall remain in effect until the next regularly scheduled meeting of the Board of Appeals at which the conditions of **Section 32-6-2(B)** below can be met.

(B)            No site development permit shall be permanently suspended or revoked until a hearing is held by the Board of Appeals. Written notice of such hearing shall be served on the permittee, either personally or by registered mail, and shall state:

- (1)            the grounds for complaint or reasons for suspension or revocation, in clear and concise language; and
- (2)            the time when and place where such hearing will be held.

Such notice shall be served on the permittee at least **five (5) days** prior to the date set for the hearing. At such hearing, the permittee shall be given an opportunity to be heard and may call witnesses and present evidence on his behalf. At the conclusion of the hearing the Board of Appeals shall determine whether the permit shall be suspended or revoked.

**32-6-3**        **VIOLATIONS AND PENALTIES.** No person shall construct, enlarge, alter, repair or maintain any grading, excavation or fill, or cause the same to be done, contrary to or in violation of any terms of this Code. Any person violating any of the provisions of this Code shall be deemed guilty of a

misdemeanor, and each day during which any violation of any of the provisions of this Code is committed, continued, or permitted shall constitute a separate offense. Upon conviction of any such violation, such person, partnership, or corporation shall be punished by a fine of not more than **Seven Hundred Fifty Dollars (\$750)** for each offense. In addition to any other penalty authorized by this Section, any person, partnership, or corporation convicted of violating any of the provisions of this Code shall be required to restore the site to the condition existing prior to commission of the violation, or to bear the expense of such restoration.

**32-6-4**        **SEPARABILITY.** The provisions and sections of this Code shall be deemed to be separable, and the invalidity of any portion of this Code shall not affect the validity of the remainder.

**(Ord. No. 480; 02-13-95)**



**SOIL EROSION CODE**

**SOIL CONSERVATION SERVICE  
CONSERVATION PRACTICE  
STANDARD**

**APPENDIX "A"**

**TREE PROTECTION  
CODE 990**

**DEFINITION** – Methods to preserve and protect desirable trees from damage during project development.

**PURPOSE** – The purpose of this practice is to preserve and protect desirable trees that have present or future value for erosion protection for landscape and aesthetic value, or for other environmental benefits.

**CONDITIONS WHERE PRACTICE APPLIES** – This practice applies on development sites containing trees or stands of trees.

**CRITERIA** – The following general criteria should be considered when developing sites in wooded areas:

1. Leave critical areas (such as floodplains, steep slopes, and wetlands) with desirable trees in their natural condition or only partially cleared.
2. Locate roadways, storage areas, and parking pads away from valuable tree stands. Follow natural contours, where usable, to minimize cutting and filling in the vicinity of the trees.
3. Select trees to be preserved before siting roads, buildings or other structures.
4. Minimize trenching in areas with trees. Place several utilities in the same trench.
5. Designate groups of trees to be saved on the erosion and sedimentation control plan.
6. Do not excavate, traverse, or fill closer than the drip line or perimeter of the canopy of trees to be saved.

**CONSIDERATIONS** – Preserving and protecting trees and other natural plant groups often results in a more stable and aesthetically pleasing development. During site evaluation, note where valuable trees and other natural landscape features should be preserved, then consider these trees and plants when determining the location of roads, buildings, or other structures.

Trees that are near construction zones should be either protected or removed, because damage during construction activities may cause the death of the tree at a later time.

Trees should be considered for preservation for the following benefits:

1. Trees stabilize the soil and prevent erosion.
2. Trees reduce stormwater runoff by intercepting rainfall, promoting infiltration, and lowering the water table through transpiration.
3. Trees moderate temperature changes, provide shade and reduce the force of wind.
4. Trees provide buffers and screens against noise and visual disturbance, providing a degree of privacy.
5. Trees filter pollutants from the air, remove carbon dioxide from the air, and produce oxygen.
6. Trees provide a habitat for animals and birds.
7. Trees increase property values and improve site aesthetics.

Construction activities can significantly injure or kill trees unless protective measures are taken. Although direct contact by equipment is an obvious means of damaging trees, most serious damage is caused by root zone stress from compacting, filling, or excavating too close to the tree. Clearly mark boundaries to maintain sufficient undisturbed areas around the tree.

**PLANS AND SPECIFICATIONS** – The plans will show the trees to be protected and the location and type of barrier to be installed.

**OPERATION AND MAINTENANCE** – In spite of precautions, some damage to protected trees may occur. In such cases, repair any damage to the crown, trunk, or root system immediately.

1. Repair roots by cutting off the damaged areas and painting them with tree paint. Spread peat moss or moist topsoil over exposed roots.
2. Repair damage to bark by trimming around the damaged area. Taper the cut to provide drainage, and paint with tree paint.
3. Cut off all damaged tree limbs above the tree collar at the trunk or main branch. Use three separate cuts to avoid peeling bark from healthy areas of the tree.

**APPENDIX "B"**

**TOPSOILING  
CODE 981**

**DEFINITION** – Methods of preserving and using topsoil to enhance final site stabilization with vegetation.

**PURPOSE** – The purpose of this practice is to provide a suitable growth medium for final site stabilization with vegetation.

**CONDITIONS WHERE PRACTICE APPLIES**

1. Where the preservation or importation of topsoil is determined to be the most effective method of providing a suitable growth medium.
2. Where the subsoil or existing soil present any or all of the following problems:
  - a. The texture, bulk density, pH, or nutrient balance of the available soil cannot be modified by a reasonable means to provide an adequate growth medium for the desired vegetation.
  - b. The soil is too shallow to provide adequate rooting depth or will not supply necessary moisture and nutrients for growth of desired vegetation.
  - c. The soil contains substances toxic or potentially toxic to the desired vegetation.
3. Where high-quality turf or ornamental plants are desired.

**CRITERIA** – Determine if sufficient quantities of suitable topsoil (described in material specification 804 Material for Topsoiling) is available at the site or nearby. Topsoil will be spread at a lightly compacted depth of 2 to 4 inches. Depths of 4 inches or greater are recommended where fine-textured (clayey) subsoils or other root limiting factors are present.

If topsoil is to be stockpiled at the site, select a location so that it will not erode, block drainage, or interfere with work on the site.

During construction of the project, soil stockpiles shall be stabilized or protected with sediment trapping measures such as practice standards SILT FENCE 920 or TEMPORARY SEEDING 965. Perimeter controls shall be placed around the stockpile immediately; seeding of stockpiles shall be completed within 7 days of formation of the stockpile if it is to remain dormant for longer than 30 days.

Bonding – If topsoil and existing soil surface are not properly bonded, water will not infiltrate evenly, and it will be difficult to establish vegetation.

Care must be taken not to apply topsoil to existing soil surface if the two have contrasting textures. Clayey topsoil over sandy subsoil is a particularly poor combination, as water creeps along the junction between the two soil layers and may cause the topsoil to slough.

Do not apply topsoil to slopes greater than 2:1 to avoid slippage. Topsoiling of steep slopes should be discouraged unless good bonding of the soils can be achieved.

Depending on subsoil conditions, additional measures may be required for ornamental shrub and tree plantings. See practice standard TREE AND SHRUB PLANTING 985.

**CONSIDERATIONS** – Topsoil is the surface layer of the soil profile, generally characterized as darker than the subsoil due to the enrichment with organic matter. It is the major zone of root development and biological activity. Microorganisms that enhance plant growth thrive in this layer. Topsoil can usually be differentiated from subsoil by texture as well as color. Clay content usually increases in the subsoil. Where subsoils are high in clay, the topsoil layer may be significantly coarser in texture. The depth of natural topsoil may be quite variable. On severely eroded sites it may be gone entirely.

Advantages of topsoil include its higher organic matter content, friable consistence (soil aggregates can be easily crushed within only moderate pressure), its available water holding capacity, and its nutrient content. Most often it is superior to subsoil in these characteristics. The texture and friability of topsoil are usually much more conducive to seedling germination, emergence, and root growth.

## **SOIL EROSION CODE APPENDIX "B"**

In addition to being a better growth medium, topsoil is often less erodible than subsoils, and the coarser texture of topsoil increases infiltration capacity and reduces runoff.

Although topsoil may provide an improved growth medium, there may be disadvantages, too. Stripping, stockpiling, hauling, and spreading topsoil, or importing topsoil, may not be cost-effective. Handling may be difficult if large amounts of branches or rocks are present, or if the terrain is too rough. Most topsoil contains weed seeds, which compete with desirable species.

In site planning, compare the options of topsoiling with preparing a seedbed in the available subsoil. The clay content of many subsoils retains moisture. When properly limed and fertilized, subsoils may provide a satisfactory growth medium, which is generally free of weed seeds.

Topsoiling is normally recommended where ornamental plants or high-maintenance turf will be grown. It may also be required to establish vegetation on shallow soils, soils containing potentially toxic materials, stony soils, and soils of critically low pH (highly acid).

**PLANS AND SPECIFICATIONS** – The plans and specifications for installing topsoiling shall be in keeping with this standard and shall describe the requirements for applying the practice. At a minimum include the following items:

1. Topsoil source.
2. Stockpile location and method of stabilization prior to its use.
3. Topsoil/subsoil bonding procedures.
4. Site preparation plans and method of application, distribution and compaction.
5. Installation, inspection, and maintenance schedules with the responsible party clearly identified.

The application of topsoil shall meet the requirements as listed in the construction specification 752 STRIPPING, STOCKPILING SITE PREPARATION AND SPREADING TOPSOIL.

**OPERATION AND MAINTENANCE** – After topsoil application, follow procedures for seedbed preparation. Take care to avoid excessive mixing of topsoil into the subsoil. Permanently stabilize the site following appropriate practice standards as quickly as practicable. Periodically inspect the site until permanent stabilization is achieved. Make necessary repairs to eroded areas or areas of light vegetative cover.

**APPENDIX "C"**

**804 MATERIAL FOR TOPSOILING**

1. **SCOPE** – This specification covers the quality of material for use in topsoiling.  
The site shall be explored to determine if sufficient surface soil of good quality exists to justify stripping. Stripping of topsoil from areas where it will later be reapplied is not recommended if bedrock or other root limiting layer is within a depth of 20 inches.
  
2. **QUALITY** – Topsoil shall be friable and loamy (loam, sandy loam, silt loam, sandy clay loam, or clay loam). Sand content shall generally be less than 70% by weight, and clay content shall generally be less than 35% by weight.  
Organic soils, such as beat or muck, shall not be used as topsoil material.  
Organic matter content shall be not less than 1.5% by weight.  
pH shall be within the range 6.0 to 7.5. If pH is less than 6.0, lime shall be added in accordance with soil test results or in accordance with the recommendations of the vegetative establishment practice being used.  
Soluble salts shall not exceed 500 ppm. (Natural soils in Illinois rarely exceed this parameter.)  
Sodium adsorption ration shall be less than 12. (Natural soils in the northern one-half of Illinois rarely exceed this parameter.)  
It shall be free of debris, trash, stumps, rocks, and noxious weeds, and shall give evidence of being able to support healthy vegetation. It shall contain no substance that is potentially toxic to plant growth.  
The material meeting the above qualifications should be at least 2 inches thick. Soil factors such as rock fragments, slope, depth to water table, and layer thickness affect the ease of excavation and spreading of topsoil.  
Generally, the upper part of the soil profile, which is richest in organic matter, is most desirable; however, material excavated from deeper layers may be worth storing if it meets the other criteria listed above.

**APPENDIX "D"**

**752 STRIPPING, STOCKPILING, SITE PREPARATION, AND SPREADING TOPSOIL**

1. **SCOPE** – The work shall consist of stripping, stockpiling, site preparation, and spreading topsoil in accordance with the applicable specification.

2. **STRIPPING** – Strip topsoil only from those areas that will be disturbed by excavation, filling, road building, or compaction by equipment. A 4 to 6 inch stripping depth is common, but depth varies depending on site.

Determine depth of stripping by taking soil cores at several locations within each area to be stripped. Topsoil depth generally varies along a gradient from hilltop to toe of the slope.

All planned erosion and sediment control practices shall be in place and functioning properly prior to stripping.

3. **STOCKPILING** – Select a stockpile location to avoid slopes and natural drainageways, and to avoid traffic routes. On large sites, respreading is easier and more economical when topsoil is stockpiled in small piles located near areas where they will be used.

Perimeter controls shall be placed around the stockpile immediately. Examples of suitable control measures include DIVERSION DIKE 820, SILT FENCE 920, and STRAW BALE BARRIER 935.

Temporary stabilization of the stockpile shall be completed within seven (7) days of the formation of the stockpile, in accordance with practice standard TEMPORARY SEEDING 965, if it is to remain dormant (undisturbed) for longer than thirty (30) days.

Permanent stabilization of the stockpile shall be completed within seven (7) days of the formation of the stockpile, in accordance with practice standard PERMANENT SEEDING 880, if it is to remain dormant (undisturbed) for longer than 12 months.

4. **SITE PREPARATION** – Before spreading topsoil, assure that all necessary erosion and sediment control practices such as diversions, berms, dikes, waterways, and sediment basins are in place and functioning properly. These practices must be maintained until the site is permanently stabilized.

Grading – Maintain grades on the areas to be topsoiled according to the approved plan and do not alter them by adding topsoil.

Liming of subsoil – Where the pH of the existing subsoil is 6.0 or less, or the soil is composed of heavy clays, incorporate agricultural limestone in amounts recommended by soil tests or specified for the seeding mixture to be used (Practice 880 PERMANENT SEEDING). Incorporate lime to a depth of at least 2 inches by disking.

Roughening – Immediately prior to spreading the topsoil, loosen the subgrade by disking or scarifying to a depth of at least 4 inches, to ensure bonding of the topsoil and subsoil. If no amendments have been incorporated, loosen the soil to a depth of at least 6 inches before spreading the topsoil.

5. **SPREADING TOPSOIL** – Uniformly distribute topsoil to a minimum compacted depth of 2 inches 3:1 slopes and 4 inches on flatter slopes. To determine the volume of topsoil required for application to various depths, use Table 1.

Topsoil shall not be spread while it is frozen or muddy or when the subsoil is frozen or muddy.

Irregularities in the surface that result from topsoiling or other operations shall be corrected to prevent the formation of depressions or water pockets.

Compact the topsoil enough to ensure good contact with the underlying soil, but avoid excessive compaction, as it increases runoff and inhibits seed germination and seedling growth. Light packing with a roller is recommended where high-maintenance turf is to be established.

In areas that are not going to be mowed, the surface shall be left rough.

Table 1

**CUBIC YARDS OF TOPSOIL REQUIRED FOR APPLICATION TO VARIOUS DEPTHS**

Depth (inches)	Per 1,000 Square Feet	Per Acre
2	6.2	269
3	9.3	403
4	12.3	537
5	15.4	672
6	18.5	807

**APPENDIX "E"**

**TEMPORARY SEEDING  
CODE 965**

**DEFINITION** – Planting rapid-growing annual grasses, small grains, or to provide initial temporary cover for erosion control on disturbed areas.

**PURPOSE** – The purpose of this practice is to temporarily stabilize denuded areas that will not be brought to final grade or on which construction will be stopped for a period of more than 14 working days.

Temporary seeding helps reduce runoff and erosion until permanent vegetation or other erosion control measures can be established. In addition, it provides residue for soil protection during seedbed preparation and reduces problems of mud and dust production from bare soil surfaces during construction.

**CONDITIONS WHERE PRACTICE APPLIES** – This practice applies to all cleared, unvegetated, or sparsely vegetated soil surfaces where vegetative cover is needed for less than 1 year. Applications of this practice include diversion, dams, temporary sediment basins, temporary road banks, topsoil stockpiles and any other exposed areas of a construction site.

**CRITERIA**

Plant selection – Select plants appropriate to the season and site conditions from Table 1.

Site preparation – Prior to seeding, install necessary erosion control and sediment control practices if possible.

Remove large rocks or other debris that may interfere with seedbed preparation or seeding operations.

Seedbed preparation:

1. Liming: Where the pH of the soil is below 5.5, apply one and one-half to two tons per acre of finely ground agricultural limestone. If the seeding period is less than 30 days liming will not be required.
2. Fertilizer: Apply 500 pounds per acre of 10-10-10 fertilizer or equivalent. Incorporate lime and fertilizer into the top 2 – 4 inches of soil. If the seeding period is less than 30 days fertilizer will not be required.
3. Prepare a seedbed of loose soil to a depth of 3 to 4 inches. If recent tillage or grading operations have resulted in a loose surface, additional tillage or roughening may not be required except to break up large clods. If rainfall caused the surface to become sealed or crusted, loosen it just prior to seeding by disking, raking, harrowing, or other suitable methods. Groove or furrow slopes steeper than 3:1 on the contour before seeding.

Seeding – Seed shall be evenly applied with a cyclone seeder, drill, cultipacker seeder or hydroseeder. Small grains shall be planted no more than one inch deep. Grasses shall be planted no more than one-half inch deep.

Cover broadcast seedings by cultipacking, dragging a harrow, or raking.

Mulching – Seedings made during optimum spring and summer seeding dates, with favorable soil and site conditions, will not require mulch.

When temporary protection is needed see practice standard MULCHING 875.

**CONSIDERATIONS** – Temporary seedings should be used to protect earthen structures such as dikes, diversions, dams and other structures used for sediment control during construction. Temporary seedings can also reduce the amount of maintenance these structures may need. For example, the frequency of sediment basin clean-outs will be reduced if watershed areas, outside the active construction zone, are stabilized.

Proper seedbed preparation, selection of appropriate species, and use of quality seed are as important in this practice as in practice standard PERMANENT VEGETATION 880. Failure to follow established guidelines and recommendations carefully might result in an inadequate or short-lived stand of vegetation that will not control erosion.

## **SOIL EROSION CODE APPENDIX "E"**

Temporary seeding provides protection for no more than 1 year, during which time permanent stabilization should be initiated.



**PLANS AND SPECIFICATIONS** – Plans and specifications for temporary seeding shall be in keeping with this standard and shall describe the requirements for applying the practice to achieve its intended purpose. At a minimum include the following items:

1. Plant species to be used.
2. Dates of seeding.
3. Seedbed preparation.
4. Fertilization and seeding rates and methods.

All plans shall include the installation, inspection, and maintenance schedules with the responsible party identified.

**OPERATION AND MAINTENANCE** – Reseed areas where seedling emergency is poor, or where erosion occurs, as soon as possible. Protect from vehicular and foot traffic. Control weeds by mowing.

Species	Lbs./Acre	Lbs per 1000 sq. ft.	Seeding Dates
Oats	90 lbs.	2 lbs.	Early spring – July 1
Cereal Rye	90 lbs.	2 lbs.	Early spring – Sept. 30
Wheat	90 lbs.	2 lbs.	Early spring – Sept. 30
Perennial Ryegrass	25 lbs.	0.6 lbs	Early spring – Sept. 30

**APPENDIX "F"**

**PERMANENT SEEDING  
CODE 880**

**DEFINITION** – Establishing permanent vegetative cover to stabilize disturbed areas.

**PURPOSE** – The purpose of this practice is to reduce erosion and decrease sediment from disturbed areas, and to permanently stabilize such areas in a manner that adapts to site conditions and allows selection of the most appropriate plant materials.

**CONDITIONS WHERE PRACTICE APPLIES**

1. Disturbed areas where long-lived vegetative cover is needed to stabilize the soil.
2. On other areas where cover is desired.

**CRITERIA**

Selection of plant materials – Selection of plant materials will be based on climate, topography, soils, land use, available light, aesthetics and maintenance. See tables A, B and C for selection of grasses and legumes and ground covers. For trees and shrubs see practice standard 985, TREE AND SHRUB PLANTING.

Site preparation – The soil must meet minimum requirements as a good growth medium.

- a. Must have enough fine-grained (silt & clay) material to maintain adequate moisture and nutrient supply and sufficient pore space to permit root penetration. The bulk density should be 1.2 to 1.5 grams per cubic centimeter. Clay content should not exceed 35 percent.
- b. The depth of suitable rooting material to rock or impermeable layers shall be 12 inches or more, except on steep slopes where adding soil material is not feasible.
- c. A pH range of 5.5 to 6.5.
- d. Free of toxic amounts of materials harmful to plant growth.

If any of the above criteria cannot be met by the addition of modifying materials, ie: lime or organic material, then topsoil shall be applied in accordance with practice standard 981 TOPSOILING.

The following materials may be used where needed to improve the soil conditions for plant growth.

Peat-Appropriate types are sphagnum moss peat, hypnum moss peat, reedsedge peat, or peat humus from fresh water sources.

Sand-clean and free of toxic materials.

Vermiculite-horticultural grade and free of toxic substances.

Rotted manure-stable or cattle manure not containing undue amounts of straw or other bedding materials. Incorporate to reduce potential odor problems.

Thoroughly rotted sawdust-free of stones and debris.

Sludge-treated sewage and industrial sludges should be used only in accordance with local, State and Federal regulations.

Where extensive excavation is to be done and the subsoil materials will not be suitable for plant growth, remove and stockpile existing topsoil and re-apply when final grade is achieved.

Install necessary mechanical erosion and sedimentation control practices before seeding, and complete grading according to the approved plan.

Seedbed preparation:

1. Apply fertilizer and other required soil amendments prior to final seedbed preparation.
2. Prepare a seedbed to a minimum depth of 3 inches by disking or other suitable means. All tillage operations should be on the contour.

Fertilization – Lime and fertilizer needs should be determined by soil tests. When soil tests are not available, apply 1000 pounds per acre or 25 pounds per 1000 square feet of 12-12-12 fertilizer or equivalent.

Seed – Certified seed will be used for all permanent seedings whenever possible. All legumes will be inoculated with the proper inoculant prior to seeding.

Seeding – Seeding may be done by any of the following methods:

- A. Conventional.
  - 1. Prepare seedbed and incorporate lime and fertilizer.
  - 2. Apply seed uniformly at a depth of ¼ to ½ inch with a drill (band seed) or cultipacker seeder or broadcast seed uniformly and cover to ¼ to ½ inch depth with a cultipacker, or similar tool.
  - 3. Mulch following seeding.
- B. Hydroseeding.
  - 1. Final seedbed preparation should leave the soil surface in a roughened condition.
  - 2. Lime and fertilizer should be incorporated prior to seeding unless they are to be applied at the same time of the seed. (applying lime with a hydroseeder may be abrasive to the equipment).
  - 3. No less than 1000 gallons of water per acre will be used.
  - 4. When seeding legumes, increase the recommended rate for inoculant four times.
  - 5. If seed and fertilizer are mixed together they should be seeded within 2 hours of mixing. Beyond 2 hours, a full rate of new seed may be necessary.
  - 6. Cultipacking or harrowing following seeding will help insure a better stand.
- C. Dormant seeding may be between November 15 and March 1 by either of the following methods:
  - 1. Conventional Method – If soil conditions are suitable during the dormant seeding period, apply lime and fertilizer, prepare the seedbed and seed as specified in this specification. Increase the seeding rate at least 50%. Mulch following seeding.
  - 2. Overseeding Method – Liming, fertilizing, seedbed preparation and mulching may be done after August 31. The seed shall be broadcast uniformly over the mulch between November 15 and March 1. When this is done, increase the seeding rates 50%.

Sprigging – Some plants cannot be grown from seed and must be planted vegetatively. Sprigs are fragments of horizontal stems or roots which include at least one node (joint). Sprigs may be planted by either of the following methods.

- A. Broadcast sprigs and press into the top ½ to 2 inches of soil with a cultipacker or a disk set straight so that the sprigs are not brought back toward the surface.
- B. Make furrows 4-6 inches deep and 2 feet apart. On sloping areas, make furrows perpendicular to the slope (on the contour). Place sprigs in the furrows with one end at or above ground level. Close the furrow when plants have been placed.
- C. Plant sprigs in furrows with a tractor-drawn transplanter. Sprigging should be done during specified seeding periods.

Planting ground covers – Most shrub and vine type ground covers are available as bare root stock, balled and burlapped, or in containers or pots. On flat areas where erosion is not a problem, prepare the site by tilling to a depth of 10-12 inches. On sloping sites, till 2-3 inches deep to incorporate needed soil amendments.

When planting individual plants, prepare a hole slightly larger than the container or ball and deep enough that the roots can extend to the bottom. Most ground covers should be planted ½" to 1" deeper than they have grown in the pot or container.

Mulching – All permanent seedings and plantings will be mulched upon completion of seed application or planting. Refer to practice standard 875, MULCHING. When planting ground covers it may be advantageous to mulch prior to planting.

**PLANNING CONSIDERATIONS** - Protect the area from excess runoff as necessary with diversion, grass-lined channels, terraces, or sediment basins.

Evaluate the capabilities and limitations of the soil to be seeded or planted. Special attention needs to be given to soil pH, texture, internal water movement, steepness, and stability in order to plan the appropriate treatment.

Plant species should be selected on the basis of soil type, planned use of the area, and the amount or degree of maintenance that can be devoted to the area in the future. Land use and maintenance, whether residential, industrial, commercial, or recreational, can be divided into two general categories:

High-maintenance areas are mowed frequently, limed and fertilized regularly, and either (1) receive intensive use (e.g., athletic fields or golf courses) or (2) require maintenance to an aesthetic standard (e.g., home lawns). Grasses or ground covers used for these situations are long-lived perennials that form a tight sod and are fine-leaved and attractive in appearance. They must be well adapted to the geographic area where they are planted and able to endure the stress of frequent mowing. Sites where high-maintenance vegetative cover is desirable include homes, industrial parks, schools, churches, and recreational areas.

Low-maintenance areas are mowed infrequently or not at all, and do not receive lime and fertilizer on a regular basis. Plants must persist with little maintenance over long periods of time. Grass and legume mixtures are favored for these sites because legumes are a source of soil nitrogen. Mixed stands are also more resistant to adverse conditions. Prairie grass may be appropriate but are slow to establish. Sites suitable for low-maintenance vegetation include steep slopes, stream or channel banks, some commercial properties and roadbanks.

Fertilizer, lime, seedbed preparation, seed coverage, mulch, and irrigation should be used as necessary to promote quick plant growth.

Vegetation cannot be expected to provide erosion control cover and prevent soil slippage on a soil that is not stable due to its structure, water movement, or excessive slope.

The operation of equipment is restricted and may be unsafe on slopes steeper than 3:1. Where steepness prohibits the use of farm machinery, seedbed preparation, fertilization, and seeding or planting may need to be done by hand.

Mulching, in addition to preventing erosion during establishment, may make the difference in success or failure of the seeding. When selecting mulching materials, consider steepness and length of slopes, areas of concentrated runoff water flow, and materials that will provide protection to the site in case the seeding or planting fails.

Moisture is essential for seed germination and seedling establishment. Supplemental irrigation can be very helpful in assuring adequate stands in dry seasons or to speed development of full cover.

**PLANS AND SPECIFICATIONS** - The plans and specifications for seeding or planting and mulching shall include the following items:

1. Seeding mixtures and rates or plant species and density.
2. Site preparation.
3. Fertilization.
4. Seeding or planting methods.
5. Seeding or planting periods.
6. Mulching materials and application rates.
7. Schedule for installation, inspection and maintenance.

**OPERATION AND MAINTENANCE** - Generally, a stand of vegetation cannot be determined to be fully established until soil cover has been maintained for one full year from planting.

Protect the planted area from human, animal and vehicular traffic until the stand is adequately established.

Inspect all planted areas for failures and make necessary repairs, replacements, reseeding, and remulching within the planting season, if possible. If a stand has less than 40% cover, re-evaluate the choice of plant materials, quantities of lime and fertilizer, seeding or planting methods, time of seeding or planting and available light and moisture. Re-establish the stand following the original specifications, but with modifications based on the evaluation.

Where an adequate water supply is available, irrigate to keep the seedbed moist (not wet) for 7 to 10 days after seeding. This may require watering daily the first week, especially during hot weather, and less frequently thereafter. Water application rates must be carefully controlled to prevent runoff and erosion. Inadequate or excessive amounts of water can be more harmful than no supplemental water. Irrigation is seldom needed for low-maintenance seedings made at the appropriate time of the year.

## **SOIL EROSION CODE APPENDIX "F"**

Both low and high-maintenance seedings should be fertilized one year after planting to strengthen the plants and insure proper stand density. The following recommendations may be used:

**SOIL EROSION CODE APPENDIX "F"**

1. For grass only stands, apply 500 lbs./acre (12 lbs./1000 sq. ft.) of 10-20-10, or equivalent.
2. For grass-legume or pure legume stands, apply 500 lbs/ac. (12 lbs./1000 sq. ft.) of 10-20-20, or equivalent.
3. The best time to apply fertilizer is between March 1 and May 30 or August 1 and September 30.

Do not mow high-maintenance turf seedings until the stand is at least 6 inches tall. Do not mow closer than 3 inches during the year of establishment.

Low-maintenance stands should be mowed only as needed to control weeds. Mowing should be done before weeds go to seed. Keep mowing height above the height of the seeded plants. Vine and shrub type ground covers may need hand weeding until the area is well covered.

Herbicides may also be used for weed control. Apply all herbicides according to rates specified on the label.

Table A  
LOW MAINTENANCE GRASSES AND LEGUMES

Site Suitability			Sun Light Availability			Seed Mixture (PLS)	Seeding Rates	
D	WD	W	FS	PS	S		Lbs./Ac.	Lbs./1000 sq. ft.
X	X		X			Smooth bromegrass or Tall fescue	24	.55
						Plus Alfalfa or Birdsfoot trefoil	8	.20
X	X		X	X		Smooth bromegrass or Tall fescue	24	.55
						Plus Crownvetch	16	.20
X	X	X	X			Tall Fescue plus Timothy or redtop	12	.30
							2.5	.06
						Birdsfoot trefoil	12	.30
X	X	X	X			Switchgrass 1/	8	.20
X	X		X			Switchgrass 1/ plus Big Blue plus Indianagrass	2	.04
							6	.14
							6	.14

1/ Warm season grasses

D	=	Droughty	FS	=	Full Sun
WD	=	Well Drained	PS	=	Partial Sun
W	=	Wet	S	=	Shady

Table B  
HIGH MAINTENANCE SEED MIXTURES

D	Site Suitability		Sun Light Availability			Seed Mixture	Seeding Rates	
	WD	W	FS	PS	S		Lbs./Ac.	Lbs./1000 sq. ft.
X	X		X	X		Ky bluegrass Use at least 3 adapted varieties	88-130	2-3
X	X			X		Ky bluegrass plus Red fescue	110 44	2.5 1.0
X	X	X	X	X	X	Tall Fescue (turf type)	220-260	5-6
X	X			X	X	Red fescue plus Ky bluegrass	110 44	2.5 1
X	X		X	X		Ky bluegrass plus Perennial ryegrass	86 43	2.0 1.0
D	=	Droughty		FS	=	Full Sun		
WD	=	Well Drained			PS	=	Partial Sun	
W	=	Wet			S	=	Shady	

SEEDING DATES

SPRING

Northern Illinois  
Central Illinois  
Southern Illinois

Early Spring to June 1  
Early Spring to May 15  
Early Spring to May 15

FALL

Northern Illinois  
Central Illinois  
Southern Illinois

August 1 to September 1  
August 1 to September 10  
August 1 to September 20

DORMANT

Northern Illinois  
Central Illinois  
Southern Illinois

November 1 to March 15  
November 15 to March 1  
November 15 to March 1

Table C  
GROUND COVERS (Shrubs & Vines)

This table contains a list of ground covers commonly used in Illinois. When selecting species to use, check with a local nursery for availability of plants, growth characteristics and recommended spacings.

Bugle  
Wild Ginger  
Barberry  
Dwarf quince  
Crownvetch  
Creeping cotoneaster 4" – 2' prostrate  
Mock strawberry  
Euonymus – several species (Wintercreeper) Evergreen  
English ivy  
Daylily  
Evergreen candytuff  
Juniper (Creeping)  
Pachysandra (Japanese spurge)  
Creeping phlox  
Shrubby cinquefoil (Potentilla)  
Dwarf alpine current  
Stonedrop (Sedum)  
Creeping thyme  
Common periwinkle (Vinca)



**APPENDIX "G"**

**STRAW BALE BARRIER  
CODE 935**

**DEFINITION** – A temporary barrier consisting of a row of entrenched and anchored straw bales or similar material used to intercept sediment-laden runoff from small drainage areas of disturbed soil.

**PURPOSE** – The purpose of this practice is to cause deposition of transported sediment load from sheet flow leaving disturbed areas.

**CONDITIONS WHERE PRACTICE APPLIES** – A straw bale barrier may be used subject to the following conditions:

1. The maximum allowable slope lengths contributing runoff to a straw bale barrier are listed in the table below:

Slope (%)	Maximum Spacing (ft.)
25	25
20	50
15	75
10	100
Flatter than 10	125

2. The maximum drainage area for overland flow to a straw bale barrier shall not exceed ¼ acre per 100 feet of barrier; and

3. Erosion would occur in the form of sheet and rill erosion; and

4. There is no concentration of water flowing to the barrier; and

5. Where effectiveness is required for less than 3 months.

**CRITERIA** - Straw bale barriers do not require any formal design but the following requirements must be met:

1. Bales shall be placed in a single row, lengthwise on the contour, with the ends of adjacent bales tightly abutting one another. The end bales should extend upslope so that the trapped sediment laden water cannot flow around the ends of the barrier.

2. All bales shall be either wire-bound or string tied. Straw bales shall be installed so that bindings are oriented around the sides rather than along the tops and bottoms of the bales in order to prevent deterioration of the bindings. Hay or other baled material may be used in lieu of straw.

3. The barrier shall be entrenched and backfilled. A trench shall be excavated the width of a bale and the length of the proposed barrier to a minimum depth of 4 inches. After bales are staked and chinked, the excavated soil shall be backfilled and compacted against the barrier. Backfill soil shall conform to the ground level on the downhill side and shall be built up to 4 inches against the uphill side of the barrier.

4. Each bale shall be securely anchored by at least two stakes (minimum cross sectional area of 3.0 square inches or standard "T" or "U" steel posts (minimum weight of 1.0 pound per linear foot) or rebars driven through the bale. The first stake in each bale shall be driven toward the previously laid bale to force the bales together. Stakes or steel pickets shall be driven a minimum 18 inch deep into the ground to securely anchor the bales.

5. The gaps between bales shall be chinked (filled by wedging) with straw to prevent water from escaping between the bales. Loose straw scattered over the area immediately uphill from a straw bale barrier tends to increase efficiency.

6. Straw bale barriers shall be installed prior to the clearing of existing vegetation or any site grading.

**CONSIDERATIONS** - Straw bale barriers should be considered for trapping sediment where sheet and rill erosion is occurring in small drainage areas. Straw bale barrier should not be placed in areas of concentrated flow. The practice standard SILT FENCE 290 does the same job and is usually faster and cheaper to install.

Based on field observations in Illinois and other states, straw barriers have not been as effective as a sediment control measure as they could be. There are four major reasons for this. First, improper use of straw bales has been a major problem. Straw bale barriers have been used in streams and drainageways where high water velocities and/or volumes have destroyed them or significantly impaired their effectiveness. Second, improper placement and installation of the barriers, such as staking the bales directly to the ground with no soil seal or entrenchment, has allowed undercutting and flow around the end. This has resulted in additions of, rather than removal of, sediment from runoff waters. Third,

inadequate inspection and maintenance lowers the effectiveness of these barriers. Fourth, because straw bales decompose in the presence of moisture, they have a very limited life span.

**PLANS AND SPECIFICATIONS** - Plans and specifications for installing straw bale barriers shall be in keeping with this standard and shall describe the requirements for applying the practice and contain the following minimum requirements:

1. The depth of trench used to bed the bales.
2. The method(s) required to anchor the bales.
3. The installation, inspection and maintenance schedules with the responsible party clearly identified.

Standard drawing STRAW BALE BARRIER PLAN IL-635 may be used as the plan sheet.

**OPERATION AND MAINTENANCE**

1. Straw bale barriers shall be inspected immediately after each rainfall and at least daily during prolonged rainfall.
2. Close attention shall be paid to the repair of damaged bales, end runs and undercutting beneath bales.
3. Necessary repairs to barrier or replacement of bales shall be accomplished promptly.
4. Sediment deposits should be removed after each rainfall. They must be removed when the level of deposition reaches approximately one-half the height of the barrier.
5. Any sediment deposits remaining in place after the straw bale barrier is no longer required shall be dressed to conform to the existing grade, prepared and seeded.
6. Straw bale barriers shall be removed when they have served their usefulness, but not before the upslope areas have been permanently stabilized.

**APPENDIX "H"**

**SILT FENCE  
CODE 920**

**DEFINITION** – A temporary barrier of entrenched geotextile fabric (filter fabric) stretched across and attached to supporting posts used to intercept sediment-laden runoff from small drainage areas of disturbed soil.

**PURPOSE** – The purpose of this practice is to cause deposition of transported sediment load from sheet flows leaving disturbed areas.

**CONDITIONS WHERE PRACTICE APPLIES** – A silt fence may be used subject to the following conditions:

1. The maximum allowable slope lengths contributing runoff to a silt fence are listed in the table below:

Slope (%)	Maximum Spacing (ft.)
25	50
20	75
15	125
10	175
Flatter than 10	200

2. The maximum drainage area for overland flow to a silt fence shall not exceed ½ acre per 100 feet of fence; and

3. Erosion would occur in the form of sheet erosion; and
4. There is no concentration of water flowing to the barrier; and
5. Where effectiveness is required for more than one construction season or 6 months, whichever is less.
6. As protection for a storm drain inlet refer to practice standard INLET PROTECTION – FABRIC DROP

860.

**CRITERIA** - Design computations are not required. All silt fences shall be placed as close to the contour as possible, with the ends extending upslope. The area below the fence must be undisturbed or stabilized.

1. Silt fence fabric shall meet the requirements in material specification 592 GEOTEXTILE Table 1 or 2 class I with a minimum apparent opening size (AOS) of 30 for nonwoven and 50 for woven.

2. Fence posts shall be a minimum of 60 inches long. Wood posts will be of sound quality wood with a minimum cross sectional area of 3.0 square inches. Steel posts will be standard T and U sections weighing not less than 1.0 pound per linear foot. The maximum spacing will be 5 feet. When wire backing is used, the maximum spacing may be increased to 10 feet. The posts shall be driven a minimum of 24 inches into the ground. Spacing may need to be adjusted so that posts are located in low areas where water may pond.

3. Wire fence shall be a minimum 9 gauge top and bottom wires with a maximum 6 inch mesh opening, or as approved by the engineer inspector.

4. The filter fabric should be furnished in a continuous roll cut to the length of the silt fence needed to avoid splices. When splices are necessary, the fabric should be spliced at a support post with a minimum 6 inch overlap, folded over and securely fastened.

5. The height of a silt fence shall be a minimum of 24 inches above the original ground surface and shall not exceed a height of 36 inches above the ground surface. Wire supports shall be used on silt fences exceeding 24 inches in height.

6. The silt fence shall be entrenched to a minimum depth of 8 inches, with an additional 6 inches extending along the bottom of the trench in the upslope direction. The trench shall be backfilled and the soil compacted over the fabric.

7. The filter fabric and wire support, if used, must be securely fastened to the upslope side of the posts using heavy duty wire staples at least one inch long, tie wires or hog rings. The fabric shall not be stapled or wired to the wire support. The fabric shall not be stapled to existing trees.

8. Silt fences shall be used prior to the establishment of erosion controls and installed prior to the clearing of existing vegetation.

**CONSIDERATIONS** - Silt fences should be considered for trapping sediment where sheet and rill erosion may be expected to occur in small drainage areas. Silt fences should not be placed in areas of concentrated flows.

Research has shown that silt fences can trap a much higher percentage of suspended sediments than can straw bale barriers and in most cases are the preferred option. As with straw bale barriers, improper placement as well as improper installation and maintenance of silt fences have, in many instances, significantly decreased the effectiveness of this practice.

While both woven and non-woven fabrics are commercially available, the woven fabric generally displays higher strength than the non-woven fabrics. When tested under acid and alkaline water conditions, most of the woven fabrics increase in strength. There is a variety of reactions among non-woven fabrics. The same is true of testing under extensive ultra violet radiation. Permeability rates demonstrate very high filtering efficiencies for sandy sediments, there is considerable variation among both woven and non-woven fabrics when filtering the finer silt and clay particles.

**PLANS AND SPECIFICATIONS** - Plans and specifications for installing silt fences shall be in keeping with this standard and shall describe the requirements for applying the practice and contain the following minimum requirements:

1. Location where the silt fence is to be installed.
2. The type, size, and spacing of fence posts.
3. The size of woven wire support fences if used.
4. The type of filter fabric used.
5. The method of anchoring the filter cloth.
6. The method of fastening the filter cloth to the fencing support.
7. The installation, inspection and maintenance schedules with the responsible party clearly identified.

Standard drawing SILT FENCE PLAN IL-620 can be used as the plan sheet.

**OPERATION AND MAINTENANCE** - Silt fences shall be removed when they have served their usefulness, but not before the upslope areas have been permanently stabilized.

Silt fences shall be inspected immediately after each rainfall and at least daily during prolonged rainfall.

Should the fabric decompose or become ineffective prior to the end of the expected usable life and the fence still is necessary, the fabric or the entire system shall be replaced promptly.

Sediment deposits should be removed after each rainfall. They must be removed when the level of deposition reaches approximately one-half the height of the barrier.

Any sediment deposits remaining in place after the silt fence is no longer required shall be dressed to conform to the existing grade, a seedbed prepared and the site vegetated.

**APPENDIX "I"**

**LAND GRADING  
CODE 865**

**DEFINITION** – Reshaping the ground surface to planned grades as determined by engineering survey evaluation and layout.

**PURPOSE** – The purpose of this practice is to provide suitable topography for buildings, facilities, and other land uses, to control surface runoff, and to minimize soil erosion and sedimentation both during and after construction.

**CONDITIONS WHERE PRACTICE APPLIES** – This practice is applicable where grading to a planned elevation is necessary and practical for the proposed development of a site and for proper operation of sedimentation control practices.

**CRITERIA** - The grading plan and installation shall be based upon adequate surveys and investigations. The plan is to show the location, slope, cut, fill, and finish elevations of surfaces to be graded. It will also show the auxiliary practices for safe conveyance of runoff water, slope stabilization, soil erosion and sediment control, and stormwater management. These practices may include but are not limited to retaining walls, grass-lined swales, grade stabilization structures, lined ditches, sediment basins, detention ponds, diversions and surface and subsurface drains. The practices may be temporary or permanent, depending upon the need after construction is completed.

The development and establishment of the plan shall incorporate the following, as appropriate:

1. The cut face of the excavation, which is to be vegetated, shall be two horizontal to one vertical 2:1 or flatter. Cut slopes of materials not to be vegetated shall be at or below the safe angle or repose for the materials encountered. For maintenance reasons 4:1 or flatter slopes are preferable. Slopes steeper than 2:1 shall require special design and stabilization considerations that shall be adequately shown on the plans.
2. The permanent exposed faces of fills shall be two horizontal to one vertical 2:1 or flatter. For slope maintenance, 4:1 or flatter are recommended. Slopes exceeding 2:1 shall require special design and stabilization considerations that shall be adequately shown on the plans.
3. Provisions shall be made to safely conduct surface water to storm drains or to suitable natural water courses and to prevent surface runoff from damaging the cut faces and fill slopes.
4. Subsurface drainage shall be provided in areas having a high water table to intercept seepage that would affect building foundations, slope stability, or create undesirable wetness.
5. Excavations shall not be made so close to property lines as to endanger the adjoining property without supporting and protecting such property from erosion, sliding, settling, or cracking.
6. No fill shall be placed where it will slide or wash upon the premises of another, or so placed adjacent to the bank of a channel as to create bank failure or decrease the natural carrying capacity of the stream.  
At a minimum a setback of 25 feet should be provided as a buffer to sensitive areas.
7. Fills shall consist of material from cut areas, borrow pits, or other approved sources. Fill material shall be free of brush, rubbish, rocks, logs, stumps, building debris, and other objectionable material. It should be free of stones over two inches in diameter where compacted by hand or mechanical tampers or over eight inches in diameter where compacted by rollers or other equipment. Frozen material shall not be placed in the fill nor shall the fill material be placed on a frozen foundation.
8. Diversions shall be provided whenever the vertical interval of any slope exceeds 20 feet. Diversions shall be located to divide the slope face as equally as possible and shall convey the water to a stable outlet. Soils, seeps, rock outcrops, etc., shall also be taken into consideration when designing diversions.
  - a. Diversions shall be a minimum bottom width of six feet to provide for maintenance.
  - b. Diversions shall be designed with cut slope of 6:1 or flatter to the toe of the upper slope and with a minimum of one foot in depth. The gradient to the outlet shall be between 2% and 3%, unless accompanied by appropriate design and computations.
  - c. The flow length within a diversion shall not exceed 800 feet unless accompanied by an appropriate design and computations. See practice standards DIVERSION 815, DIVERSION DIKE 820 or TEMPORARY DIVERSION 955.
9. Surface water shall be diverted from the face of all cut and fill slopes by the use of diversions, ditches and waterways or conveyed downslope by the use of a designed structure, except where:
  - a. The face of the slope is or shall be stabilized and the face of all graded slopes shall be protected from surface runoff until they are stabilized.

## SOIL EROSION CODE APPENDIX "I"

- b. The face of the slope shall not be subject to any concentrated flows of surface water such as from natural drainageways, graded waterways, downspouts, etc.

c. The face of the slope will be protected by special erosion control materials, sod, gravel, riprap, or other stabilization method.

10. Cut slopes occurring in ripable rock shall be serrated. These serrations shall be made with conventional equipment as the excavation is made. Each step or serration shall be constructed on the contour and will have steps cut at nominal two-foot intervals with nominal three-foot horizontal shelves. These steps will vary depending on the slope ratio or the cut slope. These steps will weather and act to hold moisture, lime, fertilizer and seed thus producing a much quicker and longer lived vegetative cover and better slope stabilization. Overland flow shall be diverted from the top of all serrated cut slopes and carried to a suitable outlet.

11. Stockpiles, borrow areas, and spoil areas shall be shown on the plans and shall be subject to the provision of this standard.

12. All disturbed areas shall be stabilized in accordance with the practice standards MULCHING 875, PERMANENT SEEDING 880 or TEMPORARY SEEDING 915, as appropriate.

13. Use slope breaks, such as diversions or benches, as appropriate, to reduce the length of cut-and-fill slope to limit sheet and rill erosion and prevent gullying. A spacing guide is shown below.

	Horizontal Distance (ft.)	
Steep Slopes	2:1	20
	3:1	35
	4:0	45
Long Slopes	15-25%	50
	10-15%	80
	6-10%	125
	3-6%	200
	<3%	300

**CONSIDERATIONS** - Fitting a proposed development to the natural configurations of an existing landscape reduces the need for some erosion and sediment control measures. It may also result in a more desirable and less costly development.

Before grading begins, decisions must be made on the steepness of cut-and-fill slopes, how they will be protected from runoff, how they will be stabilized, and how they will be maintained. The grading plan establishes drainage areas, directs drainage patterns, and affects runoff velocities.

The grading plan forms the basis of the erosion and sediment control plan. Key considerations that affect erosion and sedimentation include deciding which slopes are to be graded, when the work will start and stop, the percent and length of finished slopes, where and how excess material will be disposed of, and where fill is needed.

Leaving undisturbed temporary and permanent buffer zones in the grading operation may provide an effective and low-cost erosion control measure that will help reduce runoff velocity and volume and off-site sedimentation. In developing the grading plan, always consider how to take advantage of undisturbed water disposal outlets before storm drains or other constructed outlets are installed.

**PLANS AND SPECIFICATIONS** - Plans and specifications for land grading shall be in keeping with this standard and shall describe the requirements for applying the practice. At a minimum include the following items:

1. The finished land slope grade and direction of land slope.
2. Location of other related structures, e.g. drains, curbs, etc.
3. Topsoil stockpile location.
4. Borrow areas if needed.
5. Installation, inspection and maintenance schedules with responsible party identified.

**MAINTENANCE** - Periodically check all graded areas and the supporting erosion and sediment control practices, especially after heavy rainfalls. Promptly remove all sediment from diversions, sediment trapping practices and other water-disposal practices. If washouts or breaks occur, repair them immediately. Prompt maintenance of small eroded areas before they become significant gullies is an essential part of an effective erosion and sediment control plan.

**APPENDIX "J"**

**DIVERSION  
CODE 815**

**DEFINITION** – A channel and supporting ridge constructed across the slope to collect and divert runoff.

**PURPOSE** – The purpose of this practice is to divert excess surface water from one area for use or safe disposal in other areas.

**CONDITIONS WHERE PRACTICE APPLIES** – This permanent site development practice applies to areas where runoff can be diverted and used or disposed of safely to prevent flood damage, erosion, or sedimentation damage.

Specific locations and conditions include:

1. Above steep slopes to limit surface runoff onto the slope;
2. Across long slopes to reduce slope length to prevent gully erosion;
3. Below steep grades where flooding, seepage problems, or sediment depositions may occur;
4. Around buildings or areas that are subject to damage from runoff.

**CRITERIA**

Capacity - Diversions designed to protect areas such as minor buildings and roads, shall have enough capacity to carry the peak runoff expected from a storm frequency consistent with the hazard involved but not less than a 25-year frequency, 24-hour duration storm. Durations designed to protect major structures, homes, school buildings and high capacity roads shall have enough capacity to carry the peak runoff from a 100-year frequency 24-hour duration storm.

Cross section – The channel may be parabolic, V-shaped, or trapezoidal, and shall accommodate the equipment to be used for maintaining the diversion. The diversion shall be designed to have stable side slopes. Channel cut slopes shall not be steeper than 3:1. The slope of a vegetated fill shall be 2:1 or flatter. The ridge height shall include an adequate settlement factor. Settlement allowance will be 10% of design fill height or 0.2 feet, whichever is greater. The ridge shall have a minimum top width of 4 feet at the design elevation. In the case of diversions with a ridge, the design height of the ridge should be 0.5 feet above the design water elevation. In the case of an excavated channel diversion, the lowest bank of the channel shall be 0.3 feet above the design water elevation. The minimum cross section shall meet the specified dimensions. The top of the constructed ridge shall not be lower than the design elevation plus the specified overfill for settlement.

Grade and velocity – Channel grades may be uniform or variable. Channel velocity shall not exceed that considered erosive for the soil and planned vegetation or lining. See table 1 for the maximum design velocities. Channel grades shall be sufficient to minimize standing water and wetness problems. If possible velocities 2 fps or higher should be used to avoid sedimentation. Compute velocity for bare earth channels using Mannings formula with or "n" value of 0.035.

Location – The location of a diversion and outlet must be in compliance with state drainage law, traditional case law precedent and local ordinances and regulations. Diversion location will be dictated by outlet condition, topography, land use, length of slope, and soil type. Diversions shall not outlet on the right-of-way of a public road, highway, or other public utility without the written approval of the appropriate authorities.

Sedimentation – Diversions should not be used below high sediment producing areas unless land treatment practices or structural measures, designed to prevent damaging accumulations of sediment in the channels, are installed with or before the diversions. If movement of sediment into the channel is a significant problem, a vegetated filter strip meeting the requirements of practice standard FILTER STRIP 835 shall be used where soil or climate does not preclude its use. Then, the design shall include extra capacity for sediment and be supported by supplemental structures, cultural or tillage practices, or special maintenance measures.

Outlets – Each diversion must have a safe and stable outlet with adequate capacity. Examples of acceptable outlets include are not limited to GRASS LINED CHANNELS 840, IMPOUNDMENT STRUCTURE – FULL FLOW 841, IMPOUNDMENT STRUCTURE – ROUTED 842, INFILTRATION TRENCH 847, LEVEL SPREADER 870, and ROCK OUTLET PROTECTION 910. The outlet must convey runoff to a point where outflow will not cause damage. Vegetative outlets shall be installed prior to and have vegetation adequately established in the outlet channel before diversion construction. Underground outlets consist of an inlet and underground conduit. Underground outlets shall meet the requirements of the practice standard



SUBSURFACE DRAIN 945. The release rate when combined with storage is to be such that the

design storm will not overtop the diversion ridge. On large watersheds, runoff flows are usually too large to outlet entirely through underground outlets.

The design elevation of the water surface in the diversion shall not be lower than the design elevation of the water surface in the outlet at their junction when both are operating at design flow.

Vegetation – Disturbed areas shall be established to vegetation as soon as practicable, generally within 15 days after construction is complete. If the soils or climatic conditions preclude the use of vegetation for erosion protection, non-vegetative linings such as gravel, rock riprap, or cellular block may be used. Seedbed preparation, seeding, fertilizing, and mulching shall comply with the practice standards PERMANENT VEGETATION 880 and MULCHING 875. The vegetation shall be maintained and trees and shrubs controlled by hand, machine, or chemicals.

Sediment-laden water should first be directed through an approved sediment-trapping device before entering receiving surface waters. Examples of acceptable sediment trapping facilities include but are not limited to practice standards IMPOUNDMENT STRUCTURE – ROUTED 842 and TEMPORARY SEDIMENT TRAP 960.

**CONSIDERATIONS** - Diversions should be planned as a part of initial site development. They are principally runoff control measures that subdivide the site into specific drainage areas. Permanent diversions can be installed as temporary diversions until the site is stabilized, then completed as a permanent measure, or they can be installed in final form during the initial construction operation. The amount of sediment anticipated and the maintenance required as a result of construction operations will determine which approach should be used. Stabilize permanent diversions with vegetation or materials such as riprap, paving stone, or concrete as soon as possible after installation. Base the location, type of stabilization, and diversion configuration on final site conditions. Evaluate function, need, velocity control, outlet stability, and site aesthetics. When properly located, landforms such as landscape islands, swales or ridges can be used effectively as permanent diversions. Base the capacity of a diversion on the runoff characteristics of the site and the potential damage after development. Consider designing an emergency overflow section or bypass area to limit damage from storms that exceed the design storm. The overflow section may be designed as a weir with riprap protection.

A typical diversion cross-section consists of a channel and a supporting ridge. In the case of an excavated type diversion, the natural ground serves as the diversion ridge. Diversion cross sections must be adapted to the equipment that will be used for their construction and maintenance. The channel may be natural, parabolic or trapezoidal in shape; use of "V" channels is generally discouraged due to erosion problems experienced.

At all points where diversion ridges or channels will be crossed by construction equipment, the diversion should be protected according to requirements of the practice standard STABILIZED CONSTRUCTION ENTRANCE 930. Bridges or culverts of adequate capacity may also be used.

Subsurface drainage should be used along permanent vegetated diversion channels when adequate grade cannot be achieved to prevent ponding water, when hillside seeps or soils with poor internal drainage keep the channel wet or when base flow is intercepted by the diversion.

**PLANS AND SPECIFICATIONS** - Plans and specifications for installing diversions shall be in keeping with this standard and shall describe the requirements for applying the practice to achieve its intended function. At a minimum include the following items:

1. Diversion location.
2. Channel grade.
3. Diversion cross-sections.
4. Seeding and fertility rates.

All plans shall include the installation, inspection, and maintenance schedules with the responsible party identified.

Construction of the diversion shall meet the requirements as listed in the construction specification 27 DIVERSIONS AND WATERWAYS. Standard drawing IL-515 DIVERSION PLAN may be used as the plan sheet.

**OPERATION AND MAINTENANCE** - A maintenance program shall be established to maintain diversion capacity, storage, ridge height, vegetation and outlet. Maintenance needs are to be discussed with the landowner or operator who is responsible for maintaining the practice. Diversion ridges can be hazardous for mowing. Any hazards must be brought to the attention of the responsible party. Diversions should be inspected after every major rainfall and any needed repairs made promptly.

TABLE 1  
MAXIMUM PERMISSIBLE DESIGN VELOCITIES

Soil Texture	Channel Vegetation Retardance and Cover	Permissible Velocity (ft./sec.) <sup>1/</sup>
Sand, silt, sandy loam, silt loam, loamy sand (ML, SM, SP, SW)	B - Tall fescue, smooth bromegrass	3.5
	C - Kentucky bluegrass, redtop, red fescue	3.0
	D - Annuals <sup>2/</sup> , small grain (rye, oats, wheat, ryegrass)	2.5
	E - Bare channel	1.5
Silty clay loam, sandy clay loam (ML-CL, SC)	B - Tall fescue, smooth bromegrass	4.5
	C - Kentucky bluegrass, redtop, red fescue	4.0
	D - Annuals <sup>2/</sup> , small grain (rye, oats, wheat, ryegrass)	3.5
	E - Bare channel	2.0
Clay (CL)	B - Tall fescue, smooth Bromegrass	5.5
	C - Kentucky bluegrass, redtop, red fescue	5.0
	D - Annuals <sup>2/</sup> , small grain (rye, oats, wheat, ryegrass)	4.0
	E - Bare channel	2.0

<sup>1/</sup> To be used only in stabilized protected areas.

<sup>2/</sup> Annuals - use only as temporary protection until permanent vegetation is established.

**APPENDIX "K"**

**CONSTRUCTION SPECIFICATIONS  
27. DIVERSIONS**

1. **SCOPE** – The work shall consist of constructing the diversions at locations shown on the drawings or as, stated in the field.
2. **MATERIAL** – The earth material used in constructing the earthfill portions of the diversion shall be obtained from the diversion channel, or other approved sources.
3. **FOUNDATION PREPARATION** – The base area of the ridge sections shall be stripped of unsuitable material and scarified prior to placing fill.
4. **PLACEMENT** – Fill material shall contain no frozen particles, rock particles greater than 6" diameter, sod, brush, or other objectionable material.

The earthfill materials used to construct the diversion shall be compacted by routing the hauling and spreading equipment over the fills in such a manner that the entire surface of the fills will be traversed by not less than one track tread of the loaded equipment. The completed diversion shall conform to the cross section shown on the drawings.

When an excess of earth material results from cutting the diversion to the cross section and grade it shall be deposited adjacent to the diversion at locations approved by the Engineer.
5. **MEASUREMENT AND PAYMENT** – For items of work for which specific unit prices are established in the contract, the length of diversions will be determined to the nearest linear foot by measurement of the diversion along the centerline of the channel.

Payment for diversions will be made at the contract unit price. Such payment will constitute full compensation for all labor, materials, equipment, and all other items necessary and incidental to the performance of the work.

Compensation for any item of work described in the contract but not listed in the bid schedule will be included in the payment for the item of work to which it is made subsidiary. Such items and the items to which they are made subsidiary are identified in Section 6 of this specification.

**APPENDIX "L"**

**DIVERSION DIKE  
CODE 820**

**DEFINITION** – A dike or dike and channel constructed along the perimeter of a disturbed construction area.

**PURPOSE** – The purpose of this practice is to prevent storm runoff from entering the work area or to prevent sediment-laden runoff from entering the construction site without first passing through a sediment trapping facility.

**CONDITIONS WHERE PRACTICE APPLIES** – Diversion dikes may be located at the upslope of a construction site to prevent surface runoff from entering the disturbed area or at the downslope side of the work area to divert sediment-laden runoff to on-site sediment traps or basins. Diversion dikes do not usually encircle the entire area.

**CRITERIA** – Diversion dikes with 3 acres drainage area or less shall be designed using the practice standard TEMPORARY DIVERSION 955 Diversion dikes with drainage areas greater than 3 acres shall be designed using the practice standard DIVERSION 815.

**CONSIDERATIONS** - A diversion dike is a special application of a temporary or permanent diversion. It differs from other diversions in that the location and grade are usually fixed, and the cross section and stabilization requirements are based on the existing grade of the work boundary. Hence, the design cross section may vary significantly throughout the length. Give special care to avoid erosive velocities in steep areas. Identify areas where sedimentation will occur since they are often subject to overtopping.

Diversion dikes should be protected from damage from ongoing construction activities. At all points where diversion ridges or channels will be crossed by construction equipment, the diversion should be protected according to requirements of the practice standard STABILIZED CONSTRUCTION ENTRANCE 930. Bridges or culverts of adequate capacity may also be used.

Immediately vegetate diversion dikes after construction, but make sure channel flow area is stabilized during the initial phase of construction. Exercise caution in diverting flow to be certain that the diverted water is released through a stable outlet and that the flow will not cause flood damage. Sediment laden water should first be directed through an approved sediment trapping device before entering receiving surface waters. Examples of acceptable sediment trapping devices include but are not limited to practice standards IMPOUNDMENT STRUCTURE-ROUTED 842, or TEMPORARY SEDIMENT TRAP 960.

**PLANS AND SPECIFICATIONS** - The plans and specifications for installing diversion dikes shall be in keeping with this standard and shall describe the requirements for applying the practice. At a minimum include the following items:

1. Dike location.
2. Minimum cross sections.
3. Channel grade.
4. Seeding requirements.
5. The installation, inspection and maintenance schedules with the responsible party clearly identified.

The diversion shall be constructed according to the requirements shown in construction specification 27 DIVERSIONS.

**OPERATION AND MAINTENANCE** - Inspect diversion dikes once a week and after every rainfall. Immediately remove sediment from the flow area and repair the dike. Protect the dike from construction equipment crossing.

**CHAPTER 33 – STORMWATER DRAINAGE CODE**

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## CHAPTER 33

### STORMWATER DRAINAGE CODE

#### ARTICLE I – GENERAL PROVISIONS

**33-1-1**        **AUTHORITY AND PURPOSE.** This Chapter is enacted pursuant to the police powers granted to the Village by the Illinois Compiled Statutes.

The purpose of this Chapter is to diminish threats to public health, safety and welfare caused by runoff of excessive stormwater from new development and redevelopment. This excessive stormwater could result in the inundation of damageable properties, the erosion and destabilization of downstream channels, and the pollution of valuable stream and lake resources. The cause of increases in stormwater runoff quantity and rate and impairment of quality is the development and improvement of land and as such this Chapter regulates these activities to prevent adverse impacts.

This Chapter is adopted to accomplish the following objectives:

- (A)            To assure that new development does not increase the drainage or flood hazards to others, or create unstable conditions susceptible to soil erosion;
- (B)            To protect new buildings and major improvements to buildings from flood damage due to increased stormwater runoff;
- (C)            To protect human life and health from the hazards of increased flooding on a watershed basis;
- (D)            To lessen the burden on the taxpayer for flood control projects, repairs to flood-damaged public facilities and utilities, correction of channel erosion problems, and flood rescue and relief operations caused by increased stormwater runoff quantities from new development;
- (E)            To protect, conserve, and promote the orderly development of land and water resources;
- (F)            To preserve the natural hydrologic and hydraulic functions of watercourses and flood plains and to protect water quality and aquatic habitats;
- (G)            To preserve the natural characteristics of stream corridors in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.

#### **33-1-2**        **DEFINITIONS.**

**Adverse Impacts:** Any deleterious impact on water resources or wetlands affecting their beneficial uses including recreation, aesthetics, aquatic habitat, quality, and quantity.

**Applicant:** Any person, firm, or governmental agency who executes the necessary forms to procure official approval of a development or permit to carry out construction of a development from the Village.

**Base Flood Elevation:** The elevation at all locations delineating the level of flooding resulting from the 100-year frequency flood event.

**Bypass Flows:** Stormwater runoff from upstream properties tributary to a property's drainage system but not under its control.

**Channel:** Any river, stream, creek, brook, branch, natural or artificial depression, ponded area, flowage, slough, ditch, conduit, culvert, gully, ravine, wash, or natural or manmade drainageway, which has a definite bed and bank or shoreline, in or into which surface or groundwater flows, either perennially or intermittently.

**Channel Modification:** Alteration of a channel by changing the physical dimensions or materials of its bed or banks. Channel modification includes damming, riprapping (or other armoring), widening, deepening,

straightening, relocating, lining, and significant removal of bottom or woody rooted vegetation. Channel modification does not include the clearing of debris or removal of trash.

**Compensatory Storage:** An artificially excavated, hydraulically equivalent volume of storage within the floodplain used to balance the loss of natural flood storage capacity when fill or structure are placed within the floodplain.

**Conduit:** Any channel, pipe, sewer or culvert used for the conveyance or movement of water, whether open or closed.

**Detention Basin:** A facility constructed or modified to provide for the temporary storage of stormwater runoff and the controlled release by gravity of this runoff at a prescribed rate during and after a flood or storm.

**Detention Time:** The mean residence time to stormwater in a detention basin.

**Development:** Any manmade change to real estate, including:

- (A) Preparation of a plot of subdivision;
- (B) Construction, reconstruction or placement of a building or any addition to a building;
- (C) Installation of a manufactured home on a site, preparing a site for a manufactured home, or installing a travel trailer on a site for more than **one hundred eighty (180) days**;
- (D) Construction of roads, bridges, or similar projects;
- (E) Redevelopment of a site;
- (F) Filling, dredging, grading, clearing, excavating, paving or other non-agricultural alterations of a ground surface;
- (G) Storage of materials or deposit of solid or liquid waste;
- (H) Any other activity that might alter the magnitude, frequency, deviation, direction, or velocity of stormwater flows from a property.

**Drainage Plan:** A plan, including engineering drawings and supporting calculations, which describes the existing stormwater drainage system and environmental features, as well as the drainage system and environment of a property.

**Dry Basin:** A detention basin designed to drain completely after temporary storage of stormwater flows and to normally be dry over the majority of its bottom area.

**Erosion:** The general process whereby earth is moved by flowing water or wave action.

**Excess Stormwater Runoff:** The volume and rate of flow of stormwater discharged from an urbanized drainage area which is or will be in excess of that volume and rate which pertained before urbanization.

**Flood Plain:** That land adjacent to a body of water with ground surface elevations at or below the base flood or the 100-year frequency flood elevation. The flood plain is also known as the Special Flood Hazard Area (SFHA).

**Flood Fringe:** That portion of the flood plain outside of the regulatory floodway.

**Floodway:** The channel and that portion of the floodplain adjacent to a stream or watercourse which is needed to store and convey the anticipated existing and future 100-year frequency flood discharge with no more than a **0.1 foot** increase in stage due to any loss of flood conveyance or storage and no more than a **ten percent (10%)** increase in velocities.

**Hydrograph:** A graph showing for a given location on a stream or conduit, the flow rate with respect to time.



**Infiltration:** The passage or movement of water into the soil surfaces.

**Major Drainage System:** That portion of a drainage system needed to store and convey flows beyond the capacity of the minor drainage system.

**Minor Drainage System:** That portion of a drainage system designed for the convenience of the public. It consists of street gutters, storm sewers, small open channels, and swales and, where manmade, is usually designed to handle the 10-year runoff event or less.

**Mitigation:** Mitigation includes those measures necessary to minimize the negative effects which stormwater drainage and development activities might have on the public health, safety and welfare. Examples of mitigation include compensatory storage, soil erosion and sedimentation control, and channel restoration.

**Natural:** Conditions resulting from physical, chemical, and biological processes without intervention by man.

**One Hundred-Year Event:** A rainfall, runoff, or flood event having a **one percent (1%)** chance of occurring in any given year.

**Peak Flow:** The maximum rate of flow of water at a given point in a channel or conduit.

**Positive Drainage:** Provision for overland paths for all areas of a property including depressional areas that may also be drained by storm sewer.

**Property:** A parcel of real estate.

**Regulatory Floodway:** The channel, including on-stream lakes, and that portion of the floodplain adjacent to a stream or watercourse as designated by the Illinois Department of Transportation, Division of Water Resources, which is needed to store and convey the existing and anticipated future 100-year frequency flood discharge with no more than a **0.1 foot** increase in stage due to the loss of flood conveyance or storage, and on more than a **ten percent (10%)** increase in velocities. The regulatory floodways are designated for the Mississippi River on the Flood Boundary and Floodway Map prepared by FEMA and dated **April 15, 1988**. The regulatory floodways or those parts of unincorporated Randolph County that are within the extraterritorial jurisdiction of the Village are designated for the Mississippi River on the Flood Boundary and Floodway Map prepared by FEMA and dated **April 15, 1988**. To locate the regulatory floodway boundary on any site, the regulatory floodway boundary should be scaled off the regulatory floodway map and located on a site plan, using reference marks common to both maps. Where interpretation is needed to determine the exact location of the regulatory floodway boundary, the Division should be contacted for the interpretation.

**Retention Basin:** A facility designed to completely retain a specified amount of stormwater runoff without release except by means of evaporation, infiltration, emergency bypass or pumping.

**Sedimentation:** The process that deposits soils, debris, and other materials either on other ground surfaces or in bodies of water or stormwater drainage systems.

**Storm Sewer:** A closed conduit for conveying collected stormwater.

**Stormwater Drainage System:** All means, natural and manmade, used for conducting stormwater to, through or from a drainage area to the point of final outlet from a property. The stormwater drainage system includes but is not limited to any of the following: conduits and appurtenance features, canals, channels, ditches, streams, culverts, streets, storm sewers, detention basins, swales and pumping stations.

**Stormwater Runoff:** The waters derived from melting snow or rain falling within a tributary drainage basin which are in excess of the infiltration capacity of the soils of that basin, which flow over the surface of the ground or are collected in channels or conduits.

**Ten-Year Event:** A runoff, rainfall, or flood event having a **ten percent (10%)** chance of occurring in any given year.

**Time of Concentration:** The elapsed time for stormwater to flow from the most hydraulically remote point in a drainage basin to a particular point of interest in that watershed.

**Tributary Watershed:** All of the land surface area that contributes runoff to a given point.

**Wet Basin:** A detention basin designed to maintain a permanent pool of water after the temporary storage of stormwater runoff.

**33-1-3**            **APPLICABILITY.** This Chapter shall apply to all development in the Village.

**33-1-4**            **DRAINAGE PLAN SUBMITTAL REQUIREMENTS.** Each applicant shall submit the following information, depending on development size, to ensure that the provisions of this Chapter are met. The submittal shall include sufficient information to evaluate the environmental characteristics of the property, the potential adverse impacts of the development on water resources both on-site and downstream, and the effectiveness of the proposed drainage plan in managing stormwater runoff. The applicant shall certify on the drawings that all clearing, grading, drainage, and construction shall be accomplished in strict conformance with the drainage plan. The following information shall be submitted for both existing and proposed property conditions.

Drainage basins smaller than **twenty (20) acres** shall submit only the Basic Drainage Plan called for in **Section 33-1-4(A)**. Drainage basins larger than **twenty (20) acres** shall comply with the submittal requirements of both the Basic Drainage Plan and the Advanced Drainage Plan of **Section 34-1-4(B)**.

(A)            **Basic Drainage Plan.**

- (1)            **Topographic Map.** A topographic survey of the property at **two (2) foot** contours unless otherwise approved by Village Engineer under existing and proposed conditions, and areas upstream and downstream, necessary to determine off-site impact of the proposed drainage plan. The map shall be keyed to a consistent datum specified by the Village.
- (2)            **Drainage System.** Mapping and descriptions, where relevant, of existing and proposed drainage system features of the property and immediate vicinity including:
  - (a)            the banks and centerline of streams and channels;
  - (b)            shoreline of lakes, ponds, and detention basins;
  - (c)            farm drains and tiles;
  - (d)            sub-watershed boundaries within the property;
  - (e)            watershed soils classifications;
  - (f)            the property's location within the larger watershed;
  - (g)            location, size and slope of stormwater conduits and drainage swales;
  - (h)            sanitary or combined sewer;
  - (i)            depressional storage areas;
  - (j)            delineation of upstream and downstream drainage features and watersheds which might be affected by the development;
  - (k)            detention facilities;
  - (l)            roads and streets and associated stormwater inlets;
  - (m)            base flood elevation, and regulatory floodway where identified for the property; and

- (n) basis of design for the final drainage network components.
- (3) **Environmental Features.** A depiction of environmental features of the property and immediate vicinity including the following:
  - (a) the limits of wetland areas;
  - (b) any designated natural areas; and
  - (c) any proposed environmental mitigation features.

(B) **Advanced Drainage Plan.** The same information as required in **Section 33-1-4** is required for properties larger than **ten (10) acres** along with the following additional information for the minor drainage system's design runoff event and the 100-year runoff event of critical duration:

- (1) elevations and maps of 100-year flooding;
- (2) cross-section data for open channel flow paths and designated overland flow paths;
- (3) direction of storm flows;
- (4) flow rates and velocities at representative points in the drainage system; and
- (5) a statement by the design engineer of the drainage system's provision for handling events greater than the 100-year runoff.

**33-1-5 MINIMIZATION OF INCREASES IN RUNOFF VOLUMES AND RATES.** In the selection of a drainage plan for a development, the applicant shall evaluate and implement site design features which minimize the increase in runoff volumes and rates from the site. The applicant's drainage plan submittal shall include evaluations of site design features which are consistent with the following hierarchy:

- (A) Minimize impervious surfaces on the property, consistent with the needs of the project;
- (B) Provide stormwater retention structures;
- (C) Provide stormwater detention structures; and
- (D) Construct storm sewers.

**33-1-6 WATER QUALITY AND MULTIPLE USES.** The drainage system should be designed to minimize adverse water quality impacts downstream and on the property itself. Detention basins shall incorporate design features to capture stormwater runoff pollutants. Retention of stormwater shall be promoted throughout the property's drainage system to reduce the volume of stormwater runoff and to reduce the quantity of runoff pollutants.

The drainage system should incorporate multiple uses where practicable. Uses considered compatible with stormwater management include open space, aesthetics, aquatic habitat, recreation (boating, trails, playing fields), wetlands and water quality mitigation. The applicant should avoid using portions of the property exclusively for stormwater management.

**33-1-7 DESIGN CRITERIA, STANDARDS, AND METHODS.**

(A) **Release Rates.** The drainage system for a property shall be designed to control the peak rate of discharge from the property for the ten-year, 24-hour and 100-year, 24-hour events to levels which will not cause an increase in flooding or channel instability downstream when considered in aggregate with other developed properties and downstream drainage capacities in basins less than **twenty (20) acres**, the modified rational method of design as specified in the IDOT drainage manual may be used to calculate release rates.

- (1) **Detention Basin Outlet Design.** Backwater on the outlet structure from the downstream drainage system shall be evaluated when designing the outlet.

(B) **Detention Storage Requirements.** The design maximum storage to be provided in the detention basin shall be based on the runoff from the 100-year, 24-hour event and reservoir (also called a modified puls or level pool) routing or equal. Detention storage for basins less than **twenty**

**(20) acres** shall be computed using the rational method. Detention storage for basins greater than **twenty (20) acres** shall be computed using hydrograph methods.

(C) **Drainage System Design and Evaluation.** The following criteria should be used in evaluating and designing the drainage system. The underlying objective is to provide capacity to pass the 10-year peak flow in the minor drainage system and an overload flow path for flows in excess of the design capacity.

- (1) **Design Methodologies.** Major and minor conveyance systems for areas up to **twenty (20) acres** may be designed using the rational formula. The rational formula may also be used in sizing the minor drainage system for larger sites. Runoff hydrograph methods as described in **Section 33-1-7(D)** must be used for major drainage system design for all systems with greater than **twenty (20) acres** of drainage area and for the design of all detention basins.
- (2) **Positive Drainage.** Whenever practicable, all areas of the property must be provided an overland flow path that will pass the 100-year flow at a stage at least **one (1) foot** below the lowest foundation grade in the vicinity of the flow path. Overland flow paths designed to handle flows in excess of the minor drainage system capacity shall be provided drainage easements. Street ponding and flow depths shall not exceed curb heights by more than **one (1) inch**.

(D) **Methods for Generating Runoff Hydrographs.** Runoff hydrographs shall be developed incorporating the following assumptions of rainfall amounts and antecedent moisture.

- (1) **Rainfall.** Unless a continuous simulation approach to drainage system hydrology is used, all design rainfall events shall be based on the Illinois State Water Survey's Bulletin 70. The first quartile point rainfall distribution shall be used for the design and analysis of conveyance systems with critical durations less than or equal to **twelve (12) hours**. The third quartile point rainfall distribution shall be used for the design and analysis of detention basins and conveyance system with critical durations greater than **twelve (12)** and less than or equal to **twenty-four (24) hours**. The fourth quartile distribution shall be used in the design and analysis of systems with durations greater than **twenty-four (24) hours**. The first, third, and fourth quartile distributions described by Huff are presented in Table 37 of Bulletin 70. The SCS Type II distribution may be used as an alternate to the Huff distributions.
- (2) **Antecedent Moisture.** Computations of runoff hydrographs which do not rely on a continuous accounting of antecedent moisture conditions shall assume a conservative wet antecedent moisture condition as a minimum.

(E) **Wet Detention Basin Design.** Wet detention basins shall be designed to remove stormwater pollutants, to be safe, to be aesthetically pleasing, and as such as feasible to be available for recreational use.

- (1) **Wet Basin Depths.** Wet basins shall be at least **three (3) feet** deep, excluding near-shore banks and safety ledges. If fish habitat is to be provided they shall be at least **six (6) feet** deep over **twenty-five percent (25%)** of the bottom area to prevent winter freeze-out.
- (2) **Wet Basin Shoreline Slopes.** The side slopes of wet basins at the normal pool elevation shall not be steeper than three to one (3 to 1 horizontal to vertical).
- (3) **Permanent Pool Volume.** The permanent pool volume in a wet basin at normal depth shall be equal to the runoff volume from its watershed for the two-year event.
- (4) **Inlet and Outlet Orientation.** To the extent feasible, the distance between detention inlets and outlets shall be maximized. If possible, they should be at opposite ends of the basin.

(F) **Dry Detention Basin Design.** In addition to the other requirements of this Chapter, dry basins shall be designed to remove stormwater pollutants, to be safe, to be aesthetically pleasing and as much as feasible to be available for multiple uses.

- (1) **Dry Basin Drainage.** Dry basins shall be designed so that **eighty percent (80%)** of their bottom area shall have standing water no longer than **seventy-two (72) hours** for any runoff event less than the 100-year event. Underdrains directed to the outlet control shall be used if necessary to accomplish this requirement.
- (2) **Velocity Dissipation.** Velocity dissipation measures shall be incorporated into dry basin designs to minimize erosion at inlets and outlets and to minimize resuspension of pollutants.
- (3) **Inlet and Outlet Orientation.** To the extent feasible, the distance between detention inlets and outlets shall be maximized. If possible, they should be at opposite ends of the basin.

(G) **Minimum Detention Outlet Size.** Where a single pipe outlet or orifice plate is to be used to control discharge, it shall have a minimum diameter of **four (4) inches**. If this minimum orifice size permits release rates greater than those specified in this Section, and regional detention is not a practical alternative, alternative outlet designs shall be utilized which incorporate self cleaning flow restrictions.

(H) **Detention in Flood Plains.** The placement of detention basins within the flood plain is strongly discouraged because of questions about their reliable operation during flood events. However, the stormwater detention requirements of this Chapter may be fulfilled by providing detention storage within flood fringe areas on the project site provided the following provisions are met.

- (1) **Detention in Flood Fringe Areas.** The placement of a detention basin in a flood fringe area shall require compensatory storage for 1.5 times the volume below the base flood elevation occupied by the detention basin including any berms. The release from the detention storage provided shall still be controlled consistent with the requirements of this Section. The applicant shall demonstrate its operation for all stream-flow and flood plain backwater conditions. Excavations for compensatory storage along watercourses shall be opposite or adjacent to the area occupied by detention. All flood plain storage lost below the existing ten-year flood elevation shall be replaced below the existing ten-year elevation. All flood plain storage lost above the existing ten-year flood elevation shall be replaced above the proposed ten-year flood elevation. All compensatory storage excavations shall be constructed to drain freely and openly to the watercourse.
- (2) **Detention in Floodways.** Detention basins shall be placed in the floodway only in accordance with **Section 33-1-7(H)(3)**.
- (3) **On-Stream Detention.** On-stream detention basins are discouraged but allowable if they provide regional public benefits and if they meet the other provisions of this Chapter with respect to water quality and control of the two-year and 100-year, 24-hour events from the property. Further criteria are presented in **Section 33-1-8** of this Chapter. If on-stream detention is used in watersheds larger than **one (1) square mile**, it is recommended that the applicant will use dynamic modeling to demonstrate that the design will not increase stage for any properties upstream or downstream of the property. Also, impoundment of the stream as part of on-stream detention:
  - (a) Shall not prevent the migration of indigenous fish species, which require access to upstream areas as part of their life cycle, such as for spawning;
  - (b) Shall not cause or contribute to the degradation of water quality or stream aquatic habitat;

- (c) Shall include a design calling for gradual bank slopes, appropriate bank stabilization measures, and a pre-sedimentation basin;
- (d) Shall not involve any stream channelization or the filling of wetlands;
- (e) Shall require the implementation of an effective non-point source management program throughout the upstream watershed;
- (f) Shall not occur downstream of a wastewater discharge; and
- (g) Shall comply with 92 Illinois Administrative Code Parts 702 and 708 and the Flood Plain Code of the Village.

(I) **Drainage Into Wetlands.** Wetlands shall be protected from damaging modifications and adverse changes in runoff quality and quantity associated with land developments. In addition to the other requirements of this Chapter, the following requirements shall be met for all developments whose drainage flows into wetlands:

- (1) **Detention in Wetlands.** Existing wetlands shall not be modified for the purposes of stormwater detention unless it is demonstrated that the existing wetland is low in quality and the proposed modifications will maintain or improve its habitat and ability to perform beneficial functions. Existing depressional storage in wetlands shall be maintained and the volume of detention storage provided to meet the requirements of this Section shall be in addition to this existing storage.
- (2) **Sediment Control.** The existing wetlands shall be protected during construction by appropriate soil erosion and sediment control measures and shall not be filled.
- (3) **Alteration of Drainage Patterns.** Site drainage patterns shall not be altered to substantially decrease or increase the existing area tributary to the wetlands.
- (4) **Detention/Sedimentation.** All runoff from the development shall be routed through a preliminary detention/ sedimentation basin designed to capture the two-year, 24-hour event and hold it for at least **twenty-four (24) hours**, before being discharged to the wetland. This basin shall be constructed before property grading begins. In addition, the drainage hierarchy defined in **Section 33-1-5** should be followed to minimize runoff volumes and rates being discharged to the wetland.
- (5) **Vegetated Buffer Strip.** A buffer strip of at least **twenty-five (25) feet** in width, preferably vegetated with native plant species, shall be maintained or restored around the periphery of the wetland.
- (6) **Loessal Soils.** Care must be taken to avoid open flow discharges of stormwater over silt (loessal) soils due to high potential for erosion.

(J) **Street, Parking Lot, and Culvert Drainage.**

- (1) **Streets.** If streets are to be used as part of the minor or major drainage system, ponding depths shall not exceed curb heights by more than **one (1) inch** and shall not remain flooded for more than **eight (8) hours** for any event less than or equal to the 100-year event.
- (2) **Parking Lots.** The maximum stormwater ponding depth in any parking area shall not exceed **six (6) inches** for more than **four (4) hours**.
- (3) **Culvert, Road and Driveway Crossings.** Sizing of culvert crossings shall consider entrance and exit losses as well as tailwater conditions on the culvert.

(K) **Safety Considerations.** The drainage system components, especially all detention basins, shall be designed to protect the safety of any children or adults coming in contact with the system during runoff events.

- (1) **Side Slopes.** The side slopes of all detention basins at 100-year capacity shall be as level as practicable to prevent accidental falls into the basin and for stability and ease of maintenance. Side slopes of detention basins and

open channels shall not be steeper than three to one (horizontal to vertical).

- (2) **Safety Ledge.** All wet detention basins shall have a level safety ledge at least **four (4) feet** in width **two and one-half (2 ½)** to **three (3) feet** below the normal water depth.
- (3) **Velocity.** Velocities throughout the surface drainage system shall be controlled to safe levels taking into consideration rates and depths of flow.
- (4) **Overflow Structures.** All stormwater detention basins shall be provided with an overflow structure capable of safely passing excess flows at a stage at least **one (1) foot** below the lowest foundation grade in the vicinity of the detention basin. The design flow rate of the overflow structure shall be equivalent to the 100-year inflow rate.

(L) **Maintenance Considerations.** The stormwater drainage system shall be designed to minimize and facilitate maintenance. Turfed side slopes shall be designed to allow lawn mowing equipment to easily negotiate them. Wet basins shall be provided with alternate outflows which can be used to completely drain the pool for sediment removal. (Pumping may be considered if drainage by gravity is not feasible.) Pre-sedimentation basins shall be included, where feasible, for localizing sediment deposition and removal. Access for heavy equipment shall be provided.

**33-1-8 ACCOMMODATING FLOWS FROM UPSTREAM TRIBUTARY AREAS.**

Stormwater runoff from areas tributary to the property shall be considered in the design of the property's drainage system. Wherever practicable, flows from upstream areas that are not to be detained should be routed around the basin being provided for the site being developed.

(A) **Upstream Areas Not Meeting Code Requirements.** When there are areas not meeting the storage and release rates of this Chapter, tributary to the applicant's property, regionalized detention on the applicant's property shall be explored by the applicant. The following steps shall be followed.

- (1) The applicant shall compute the storage volume needed for his property using the release rates of **Section 33-1-6**, the applicant's property area, and the procedures described in **Section 33-1-7**.
- (2) Areas tributary to the applicant's property, not meeting the storage and release rate requirements of this Chapter, shall be identified.
- (3) Using the areas determined above plus the applicant's property area, total storage needed for the combined properties shall be computed.
  - (a) Allowable release rates shall be computed using the combined property areas. Storage shall be computed as described in **Section 33-1-7**. If tributary areas are not developed, a reasonable fully developed land cover, based on local zoning, shall be assumed for the purposes of computing storage.
  - (b) Once the necessary combined storage is computed, the Village may choose to pay for over-sizing the applicant's detention basin to accommodate the regional flows. The applicant's responsibility will be limited to the storage for his property as computed above. If regional storage is selected by the Village, then the design produced above shall be implemented. If regional storage is rejected by the Village, the applicant shall bypass all tributary area flows around the applicant's basin whenever practicable. If the applicant must route upstream flows through his basin and the upstream areas exceed **one (1) square mile** in size, the applicant must meet the provisions of **Section 33-1-7(H)(3)** for on-stream basins.

(B) **Upstream Areas Meeting Code Requirements.** When there are areas which meet the storage and release rate requirements of this Chapter, tributary to the applicant's property, the upstream flows shall be bypassed around the applicant's detention basin if this is the only practicable

alternative. Storage needed for the applicant's property shall be computed as described in **Section 33-1-8(A)**. However, if the Village decides to route tributary area flows through an applicant's basin, the final design stormwater releases shall be based on the combined total of the applicant's property plus tributary areas. It must be shown that at no time will the runoff rate from the applicant's property exceed the allowable release rate for his/her property alone.

**33-1-9**            **EARLY COMPLETION OF DETENTION FACILITIES.**    Where detention, retention, or depressional storage areas are to be used as part of the drainage system for a property, they shall be constructed as the first element of the initial earthwork program. Any eroded sediment captured in these facilities shall be removed by the applicant before project completion in order to maintain the design volume of the facilities.

**33-1-10**           **FEE IN LIEU OF DETENTION.**    All single-family residential development under **five (5) acres** in size and all other developments under **one (1) acre** in size shall pay a fee of **Ten Thousand Dollars (\$10,000.00)** for each acre-foot of detention which would be required under this Chapter rather than installing detention facilities on the property, unless specifically directed to do otherwise by the appropriate local official. The Village also shall have the option for larger properties of requiring a fee of **Ten Thousand Dollars (\$10,000.00)** for each acre-foot of detention needed in lieu of the applicant building a basin on-site provided the property will discharge stormwater to the Village's storm sewer system.

In instances where regional benefits and economies of scale can be achieved, it will be permissible for adjacent properties to utilize a common regional detention basin. Applicants shall have the option of paying a fee of **Ten Thousand Dollars (\$10,000.00)** for each acre-foot of detention required so that the Village can build regional facilities or they can jointly build the necessary facilities themselves.

**33-1-11**           **MAINTENANCE RESPONSIBILITY.**    Maintenance of stormwater drainage facilities located on private property shall be the responsibility of the owner of that property. Before an appropriate permit is obtained from the Village the applicant shall execute a maintenance agreement with the Village guaranteeing that the applicant and all future owners of the property will maintain its stormwater drainage system. Such agreement shall be recorded with the Recorder of Deeds of Randolph County. The maintenance agreement shall include a schedule for regularly maintenance of each aspect of the property's stormwater drainage system and shall provide for access to the system for inspection by authorized personnel of the Village. The maintenance agreement shall also stipulate that if the appropriate personnel of the Village notify the property owner in writing of maintenance problems which require correction, the property owner shall make such corrections within **thirty (30) calendar days** of such notification. If the corrections are not made within this time period the Village may have the necessary work completed and assess the cost to the property owner.

The Village has the option of requiring a bond to be filed by the property owner for maintenance of the stormwater drainage system.

**33-1-12**           **ADMINISTRATION.**  
(A)                **Inspections.**

(1)                **Inspections During Construction.**    General site grading shall not begin until the appropriate official of the Village has certified in writing to the applicant that any necessary detention facilities are in place and operational. The appropriate official or his representative will also conduct periodic inspections of the work in progress to be certain that the drainage system is being built as designed. If any violations of the provisions or requirements of this Chapter are noted during such inspections, the appropriate official shall notify the property owner in writing of the items needing correction. The property owner shall have **ten (10) calendar**



**days** to make such corrections unless given a specific extension of time in writing by the appropriate official.

Failure to complete such corrections within the specified time period shall constitute a violation of this Chapter.

- (2) **Final Inspection.** Upon notification by the applicant that the drainage system is completed, the appropriate official of the Village or his representative shall conduct a final inspection. If the drainage system is found to contain deficiencies which require correction the appropriate official or his representative shall notify the property owner of the necessary corrections. The property owner shall correct such deficiencies within **ten (10) calendar days** unless given a specific extension of time.

**(Ord. No. 482; 02-20-95)**

## CHAPTER 34 – STREET REGULATIONS

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**CHAPTER 34**

**STREET REGULATIONS**

**ARTICLE I – DEPARTMENT ESTABLISHED**

**34-1-1**        **DEPARTMENT ESTABLISHED.** There is hereby established a Department of the municipal government which shall be known as the **Street Department**. It shall embrace the Street Committee, the Superintendent, and the employees. The Village Engineer shall serve as ex-officio officer.

**34-1-2**        **COMMITTEE ON STREETS.** The Village Board Standing Committee on Streets shall exercise a general supervision over the affairs of the Street Department. It shall ascertain the needs and conditions thereof and shall, from time to time, report the same to the Mayor and Village Board.

**ARTICLE II - GENERAL REGULATIONS**

**34-2-1**        **UNDERMINING.** No person shall undermine in any manner, any street or any other ground or real estate situated in the Village or belonging to any private person.

**34-2-2**        **OPEN DOORS.** No person shall open or allow to remain open, any door, any gate, or the grating of any vault belonging to the premises occupied by him, on any street, alley or sidewalk in the Village for any purpose, except the taking in and removing goods; and any person allowing such grating to remain open shall warn passersby of the danger.

**34-2-3**        **REPAIRING SIDEWALKS, ETC.** When any private sidewalk, pavement, or cellar door on the same becomes worn out or out of repair, or is torn up or broken and uneven, it shall be the duty of the Street Superintendent to immediately report such fact to the Mayor or Street and Alley Committee, and upon verbal or written order from either of them, to give notice to the party owning the adjoining property to repair such sidewalk or cellar door without delay.

**34-2-4**        **STAIRWAY - RAILING.** Steps or stairways leading into any building shall not extend from the wall of such building onto any pavement or sidewalk, and in such case, the person making or causing to be made such passage shall erect a railing on the side of the stairs toward the street to prevent persons from falling into the street.

**34-2-5**        **CLOSING STREET.** Whenever public safety or the improvement or repair of any street, alley or public place requires it, the Mayor may order any street, alley, or public place temporarily closed to traffic and the placing of signs indicating that the street, alley or public place is closed by order of the Mayor. Whenever such signs are so placed, no person shall ride or drive upon or cross such street, alley or public place, or in any manner, destroy, deface, or remove any such sign.

**34-2-6**      **SIGNS ACROSS STREET.** No person shall place any sign, advertisement or banner over any or across any street, alley or sidewalk in the Village, unless he has written approval of the Village Board. **(65 ILCS 5/11-80-17)**

**34-2-7**        **VEHICLES AND SKATEBOARDS ON SIDEWALKS.** No person shall operate any skateboard or motor vehicle on or over any sidewalk, except in crossing the same to go into a yard or parking lot.

**34-2-8**        **DEPOSITS ON SIDEWALKS AND STREETS.** It shall be unlawful to deposit on any public sidewalk, any material which may be harmful to the pavement thereof, or any waste material, or any glass or other articles which might cause injury to persons, animals or property.

Merchandise or other articles may be deposited on sidewalks preparatory to delivery, provided that the usable width is not thereby reduced to less than **four (4) feet**; and provided that no such article shall remain on such walk for more than **thirty (30) minutes**.

**34-2-9**        **OBSTRUCTING STREET.**

(A)            It shall be unlawful to deposit any material on any street which may be harmful to the pavement thereof, or any waste material, or any grass clippings, or to cause a lawn mower to blow grass clippings onto a street or any other articles such as glass which may cause injury to any person, animal or property.

(B)            No person shall place or cause to be placed or erected on any public ground, or in any public street, alley or sidewalk in the Village, any debris, materials, or obstruction, except as may be permitted by this Code.

(C)            It shall be the duty of the Police Department to exercise a vigilant supervision over such places and to notify any person found making such deposit or responsible for same to remove the offending matter at once. **(65 ILCS 5/11-80-3)**

**34-2-10**       **RAINWATER DRAINS.** It shall be unlawful to construct or permit the construction of any storm water drain or any drainage pipe in either a natural or man-made ditch without having first obtained a permit therefor. Applications for such permits shall be made to the Village Clerk and shall be accompanied by a statement as to the purpose of such drainage pipe, the premises to be served and the specification of such pipe to be installed. Such application shall be referred to the Street Superintendent and no such permit shall be issued unless he shall have found that the Village Code would be complied with by the installation of such storm water drain or drainage pipe and, that the installation of such storm water drain or drainage pipe would not interfere with, overload, obstruct or otherwise adversely affect the existing storm water drainage system within the Village.

It shall be unlawful to construct or permit the construction of any storm water drain which discharges water onto any sidewalk in the Village and it shall be unlawful to construct or permit the maintenance of any such drain which discharges into any public street or alley at a height greater than **eighteen (18) inches** above the ground or pavement.

**34-2-11**       **BUILDING MATERIALS IN STREET.** The Street Superintendent may move any obstruction on any street or sidewalk of the Village, but before doing so, he shall notify the person responsible therefore to remove such obstruction within a reasonable time after being notified. Any person engaged in erecting a building or fence or improving any lot on such street may deposit materials thereon and contiguous to such length of time as may be necessary for the work. The obstruction shall not extend to more than **one-half (1/2)** of the width of the sidewalk, street, or alley adjacent to such improvement and the gutter shall always be left free and unobstructed. At night, such person shall keep an illuminated warning light on such material. **(65 ILCS 5/11-80-3)**

**34-2-12**       **MERCHANDISE ON PUBLIC STREET.** It shall be unlawful for any person, firm or corporation to use any street, sidewalk, or other public place as space for the display of goods or

merchandise for sale; or to write or make any signs or advertisements on any such pavements, unless permission is granted by the Village Board. **(65 ILCS 5/11-80-3)**

**34-2-13**      **ENCROACHMENTS.** It shall be unlawful to erect or maintain any building or structure which encroaches upon any public street or property.

**34-2-14**      **POSTING BILLS.** It shall be unlawful for any person to paste, paint, print or nail any handbill, sign, poster, advertisement or notice of any kind on any curbstone, flagstone, or any other portion or part of any sidewalk, or upon any tree, lamppost, utility pole, hydrant, or upon any private wall, door or gate without the consent, in writing, of the owner of such curbstone, flagstone, sidewalk, tree, lamppost, utility pole, hydrant, private wall, door or gate.

**34-2-15**      **SIGNS ON POLES.** No person shall nail, tack, paste, paint or fasten, or cause to be nailed, tacked, painted or fastened, any sign or any other foreign substance or material onto any telephone, telegraph, electric light, police and/or fire alarm pole or post, or any street or traffic sign located on any sidewalk, street, alley or public grounds or injure or deface any such pole or post.

**34-2-16**      **INJURY TO NEW PAVEMENTS.** It shall be unlawful to walk upon or drive any vehicle or animal upon or destroy any newly-laid sidewalk pavement while the same is guarded by a warning sign or barricade, or to knowingly injure any soft, newly-laid pavement.

**34-2-17**      **BARBED-WIRE FENCES.** It shall be unlawful to maintain or construct any fence composed in whole or in part of barbed wire, or with any similar material designed to cause injury to persons, or any wire charged with electrical current, anywhere within **three (3) feet** of any public street, sidewalk, alley, park or other public way or place unless such barbs or charged wire are at least **eight (8) feet** above the level of such public place.

**34-2-18**      **BURNING ON PUBLIC STREETS.** It shall be unlawful for any person to burn any leaves, paper, rubbish or other substances upon any of the public streets, sidewalks or alleys in the Village.

**34-2-19**      **GRASS MOWING.** Property owners and/or their tenants shall be jointly and separately responsible for mowing the grass or weeds between the property lines and the adjoining street surfaces. The height of the grass or weeds shall not exceed **eight (8) inches**.



**ARTICLE III - TREES AND SHRUBS**

**34-3-1**        **PLANTING.** It shall be unlawful to plant any tree or bush in any public street or parkway or other public place without having first secured a permit therefore. Applications for such permits shall be made to the Street Superintendent and shall be referred by him to the Village Board. All trees and shrubs so planted shall be placed subject to the directions and approval of the Village Board.

**34-3-2**        **PLANTING TREES IN RIGHT-OF-WAY.** It shall be unlawful to plant any bushes, trees, shrubs or other plants on the right-of-way of any public street, including the space on the right-of-way between the sidewalk and the adjacent street pavement without having first secured a permit therefore, as outlined in **Section 34-3-1.**

**34-3-3**        **REMOVAL.** It shall be unlawful to remove or cut down any tree or shrub or portion thereof in any street, parkway or other public place without having first secured a permit therefore. Applications for such permits shall be made to the Street Superintendent and shall be referred by him to the Village board before permission shall be granted.

**34-3-4**        **INJURY.** It shall be unlawful to injure any tree or shrub planted in such public place.

**34-3-5**        **ADVERTISEMENTS OR NOTICES.** It shall be unlawful to attach any sign, advertisement or notice to any tree or shrub in any street, parkway, or other public place.

**34-3-6**        **DANGEROUS TREES.** Any tree or shrub which overhangs any sidewalk, street or other public place in the municipality at a height less than **eight (8) feet** or in such a way as to impede or interfere with traffic or travel on such public place shall be trimmed by the owner of the abutting premises or of the premises on which such tree or shrub grows so that the obstruction shall cease.

Any tree or limb of a tree which has become likely to fall on or across any public way or place shall be removed by the owner of the premises on which such tree grows or stands.

The Street Superintendent may, at the owner's expense, trim or remove any tree or shrub so that the obstruction or danger to traffic or passage shall be done away with.

**34-3-7**        **WIRES.** It shall be unlawful to attach any wires or rope to any tree or shrub in any public street, parkway or other public place without the permission of the Village Board.

Any person or company given the right to maintain the poles and wires in the streets, alleys, or other public places in the municipality shall, in the absence of provision in the franchise concerning the subject, keep such wires and poles free from and away from any trees or shrubs in such places so far as may be possible and shall keep all such trees and shrubs properly trimmed, subject to the supervision of the Street Superintendent so that no injury shall be done either to the poles or wires or the shrubs and trees by their conduct.

**34-3-8**        **GAS PIPES.** Any person or company maintaining any gas pipe in the municipality shall, in the absence of provision in the franchise concerning the subject, keep such pipes free from leaks so that no injury shall be done to any trees or shrubs.

## ARTICLE IV - CONSTRUCTION OF UTILITY FACILITIES IN THE RIGHTS-OF-WAY

**34-4-1 PURPOSE AND SCOPE.**

(A) **Purpose.** The purpose of this Article is to establish policies and procedures for constructing facilities on rights-of-way within the Village's jurisdiction, which will provide public benefit consistent with the preservation of the integrity, safe usage, and visual qualities of the Village rights-of-way and the Village as a whole.

(B) **Intent.** In enacting this Article, the Village intends to exercise its authority over the rights-of-way in the Village and, in particular, the use of the public ways and property by utilities, by establishing uniform standards to address issues presented by utility facilities, including without limitation:

- (1) prevent interference with the use of streets, sidewalks, alleys, parkways and other public ways and places;
- (2) prevent the creation of visual and physical obstructions and other conditions that are hazardous to vehicular and pedestrian traffic;
- (3) prevent interference with the facilities and operations of the Village's utilities and of other utilities lawfully located in rights-of-way or public property;
- (4) protect against environmental damage, including damage to trees, from the installation of utility facilities;
- (5) protect against increased stormwater run-off due to structures and materials that increase impermeable surfaces;
- (6) preserve the character of the neighborhoods in which facilities are installed;
- (7) preserve open space, particularly the tree-lined parkways that characterize the Village's residential neighborhoods;
- (8) prevent visual blight from the proliferation of facilities in the rights-of-way; and
- (9) assure the continued safe use and enjoyment of private properties adjacent to utility facilities locations.

(C) **Facilities Subject to this Article.** This Article applies to all facilities on, over, above, along, upon, under, across, or within the rights-of-way within the jurisdiction of the Village. A facility lawfully established prior to the effective date of this Article may continue to be maintained, repaired and operated by the utility as presently constructed and located, except as may be otherwise provided in any applicable franchise, license or similar agreement.

(D) **Franchises, Licenses, or Similar Agreements.** The Village, in its discretion and as limited by law, may require utilities to enter into a franchise, license or similar agreement for the privilege of locating their facilities on, over, above, along, upon, under, across, or within the Village rights-of-way. Utilities that are not required by law to enter into such an agreement may request that the Village enter into such an agreement. In such an agreement, the Village may provide for terms and conditions inconsistent with this Article.

(E) **Effect of Franchises, Licenses, or Similar Agreements.**

- (1) **Utilities Other Than Telecommunications Providers.** In the event that a utility other than a telecommunications provider has a franchise, license or similar agreement with the Village, such franchise, license or similar agreement shall govern and control during the term of such agreement and any lawful renewal or extension thereof.
- (2) **Telecommunications Providers.** In the event of any conflict with, or inconsistency between, the provisions of this Article and the provisions of any franchise, license or similar agreement between the Village and any telecommunications provider, the provisions of such franchise, license or similar agreement shall govern and control during the term of such agreement and any lawful renewal or extension thereof.

(F) **Conflicts With Other Articles or Chapters.** This Article supersedes all Articles or Chapters or parts of Articles or Chapters adopted prior hereto that are in conflict herewith, to the extent of such conflict.

(G) **Conflicts With State and Federal Laws.** In the event that applicable federal or State laws or regulations conflict with the requirements of this Article, the utility shall comply with the requirements of this Article to the maximum extent possible without violating federal or State laws or regulations.

(H) **Sound Engineering Judgment.** The Village shall use sound engineering judgment when administering this Article and may vary the standards, conditions, and requirements expressed in this Article when the Village so determines. Nothing herein shall be construed to limit the ability of the Village to regulate its rights-of-way for the protection of the public health, safety and welfare.

**34-4-2 DEFINITIONS.** As used in this Article and unless the context clearly requires otherwise, the words and terms listed shall have the meanings ascribed to them in this Section. Any term not defined in this Section shall have the meaning ascribed to it in 92 Ill. Adm. Code. § 520.30, unless the context clearly requires otherwise.

**"AASHTO":** American Association of State Highway and Transportation Officials.

**"ANSI":** American National Standards Institute.

**"Applicant":** A person applying for a permit under this Article.

**"ASTM":** American Society for Testing Materials.

**"Backfill":** The methods or materials for replacing excavated material in a trench or pit.

**"Bore" or "Boring":** To excavate an underground cylindrical cavity for the insertion of a pipe or electrical conductor.

**"Cable Operator":** That term as defined in 47 U.S.C. 522(5).

**"Cable Service":** That term as defined in 47 U.S.C. 522(6).

**"Cable System":** That term as defined in 47 U.S.C. 522(7).

**"Carrier Pipe":** The pipe enclosing the liquid, gas or slurry to be transported.

**"Casing":** A structural protective enclosure for transmittal devices such as: carrier pipes, electrical conductors, and fiber optic devices.

**"Clear Zone":** The total roadside border area, starting at the edge of the pavement, available for safe use by errant vehicles. This area may consist of a shoulder, a recoverable slope, a non-recoverable slope, and a clear run-out area. The desired width is dependent upon the traffic volumes and speeds, and on the roadside geometry. Distances are specified in the AASHTO Roadside Design Guide.

**"Coating":** Protective wrapping or mastic cover applied to buried pipe for protection against external corrosion.

**"Conductor":** Wire carrying electric current.

**"Conduit":** A casing or encasement for wires or cables.

**"Construction" or "Construct":** The installation, repair, maintenance, placement, alteration, enlargement, demolition, modification or abandonment in place of facilities.

**"Cover":** The depth of earth or backfill over buried utility pipe or conductor.

**"Crossing Facility":** A facility that crosses one or more right-of-way lines of a right-of-way.

**"Disrupt the Right-of-Way":** For the purposes of this Article, any work that obstructs the right-of-way or causes a material adverse affect on the use of the right-of-way for its intended use. Such work may include, without limitation, the following: excavating or other cutting; placement (whether temporary or permanent) of materials, equipment, devices, or structures; damage to vegetation; and compaction or loosening of the soil, and shall not include the parking of vehicles or equipment in a manner that does not materially obstruct the flow of traffic on a highway.

**"Emergency":** Any immediate maintenance to the facility required of the safety of the public using or in the vicinity of the right-of-way or immediate maintenance required for the health and safety of the general public served by the utility.

**"Encasement":** Provision of a protective casing.

**"Engineer"**: The Village Engineer or his or her designee.

**"Equipment"**: Materials, tools, implements, supplies, and/or other items used to facilitate construction of facilities.

**"Excavation"**: The making of a hole or cavity by removing material, or laying bare by digging.

**"Extra Heavy Pipe"**: Pipe meeting ASTM standards for this pipe designation.

**"Facility"**: All structures, devices, objects, and materials (including, but not limited to, track and rails, wires, ducts, fiber optic cable, antennas, vaults, boxes, equipment enclosures, cabinets, pedestals, poles, conduits, grates, covers, pipes, cables, and appurtenances thereto) located on, over, above, along, upon, under, across, or within rights-of-way under this Article. For purposes of this Article, the term "facility" shall not include any facility owned or operated by the Village.

**"Freestanding Facility"**: A facility that is not a crossing facility or a parallel facility, such as an antenna, transformer, pump, or meter station.

**"Frontage Road"**: Roadway, usually parallel, providing access to land adjacent to the highway where it is precluded by control of access on highway.

**"Hazardous Materials"**: Any substance or material which, due to its quantity, form, concentration, location, or other characteristics, is determined by the Village Engineer or Superintendent of Public Works to pose an unreasonable and imminent risk to the life, health or safety of persons or property or to the ecological balance of the environment, including, but not limited to explosives, radioactive materials, petroleum or petroleum products or gases, poisons, etiology (biological) agents, flammables, corrosives or any substance determined to be hazardous or toxic under any federal or state law, statute or regulation.

**"Highway Code"**: The Illinois Highway Code, 605 ILCS 5/1-101 et seq., as amended from time to time.

**"Highway"**: A specific type of right-of-way used for vehicular traffic including rural or urban roads, alleys or streets. "Highway" includes all highway land and improvements, including roadways, ditches and embankments, bridges, drainage structures, sign, guardrails, protective structures and appurtenances necessary or convenient for vehicle traffic.

**"Holder"**: A person or entity that has received authorization to offer or provide cable or video service from the ICC pursuant to the Illinois Cable and Video Competition Law, 220 ILCS 5/21-401.

**"IDOT"**: Illinois Department of Transportation.

**"ICC"**: Illinois Commerce Commission.

**"Jacking"**: Pushing a pipe horizontally under a roadway by mechanical means with or without boring.

**"Jetting"**: Pushing a pipe through the earth using water under pressure to create a cavity ahead of the pipe.

**"Joint Use"**: The use of pole lines, trenches or other facilities by two or more utilities.

**"J.U.L.I.E."**: The Joint Utility Locating Information for Excavators utility notification program.

**"Major Intersection"**: The intersection of two or more major arterial highways.

**"Occupancy"**: The presence of facilities on, over or under right-of-way.

**"Parallel Facility"**: A facility that is generally parallel or longitudinal to the centerline of a right-of-way.

**"Parkway"**: Any portion of the right-of-way not improved by street or sidewalk.

**"Pavement Cut"**: The removal of an area of pavement for access to facility or for the construction of a facility.

**"Permittee"**: That entity to which a permit has been issued pursuant to **Sections 34-4-4 and 34-4-5** of this Article.

**"Practicable"**: That which is performable, feasible or possible, rather than that which is simply convenient.

**"Pressure"**: The internal force acting radially against the walls of a carrier pipe expressed in pounds per square inch gauge (psig).

**"Petroleum Products Pipelines"**: Pipelines carrying crude or refined liquid petroleum products including, but not limited to, gasoline, distillates, propane, butane, or coal-slurry.

**"Prompt"**: That which is done within a period of time specified by the Village. If no time period is specified, the period shall be **thirty (30) days**.

**"Public Entity"**: A legal entity that constitutes or is part of the government, whether at local, state or federal level.

**"Restoration"**: The repair of a right-of-way, highway, roadway, or other area disrupted by the construction of a facility.

**"Right-of-Way" or "Rights-of-Way"**: Any street, alley, other land or waterway, dedicated or commonly used for pedestrian or vehicular traffic or other similar purposes, including utility easements, in which the Village has the right and authority to authorize, regulate or permit the location of facilities other than those of the Village. "Right-of-way" or "rights-of-way" shall not include any real or personal Village property that is not specifically described in the previous two sentences and shall not include Village buildings, fixtures and other structures or improvements, regardless of whether they are situated in the right-of-way.

**"Roadway"**: That part of the highway that includes the pavement and shoulders.

**"Sale of Telecommunications at Retail"**: The transmitting, supplying, or furnishing of telecommunications and all services rendered in connection therewith for a consideration, other than between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries, when the gross charge made by one such corporation to another such corporation is not greater than the gross charge paid to the retailer for their use or consumption and not for sale.

**"Security Fund"**: That amount of security required pursuant to **Section 34-4-10**.

**"Shoulder"**: A width of roadway, adjacent to the pavement, providing lateral support to the pavement edge and providing an area for emergency vehicular stops and storage of snow removed from the pavement.

**"Sound Engineering Judgment"**: A decision(s) consistent with generally accepted engineering principles, practices and experience.

**"Superintendent of Public Works"**: The Superintendent of Public Works or his or her designee.

**"Telecommunications"**: This term includes, but is not limited to, messages or information transmitted through use of local, toll, and wide area telephone service, channel services, telegraph services, teletypewriter service, computer exchange service, private line services, mobile radio services, cellular mobile telecommunications services, stationary two-way radio, paging service and any other form of mobile or portable one-way or two-way communications, and any other transmission of messages or information by electronic or similar means, between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite, or similar facilities. "Private line" means a dedicated non-traffic sensitive service for a single customer that entitles the customer to exclusive or priority use of a communications channel, or a group of such channels, from one or more specified locations to one or more other specified locations. "Telecommunications" shall not include value added services in which computer processing applications are used to act on the form, content, code and protocol of the information for purposes other than transmission. "Telecommunications" shall not include purchase of telecommunications by a telecommunications service provider for use as a component part of the service provided by such provider to the ultimate retail consumer who originates or terminates the end-to-end communications. "Telecommunications" shall not include the provision of cable services through a cable system as defined in the Cable Communications Act of 1984 (47 U.S.C. Sections 521 and following), as now or hereafter amended, or cable or other programming services subject to an open video system fee payable to the Village through an open video system as defined in the Rules of the Federal Communications Commission (47 C.F.R. §76.1500 and following), as now or hereafter amended.

**"Telecommunications Provider"**: Means any person that installs, owns, operates or controls facilities in the right-of-way used or designed to be used to transmit telecommunications in any form.

**"Telecommunications Retailer"**: Means and includes every person engaged in making sales of telecommunication at retail as defined herein.

**"Trench"**: A relatively narrow open excavation for the installation of an underground facility.

**"Utility"**: The individual or entity owning or operating any facility as defined in this Article.

**"Vent"**: A pipe to allow the dissipation into the atmosphere of gases or vapors from an underground casing.

**"Video Service"**: That term as defined in Section 21-201(v) of the Illinois Cable and Video Competition Law of 2007, 220 ILCS 21-201(v).

**"Village"**: The Village of Hecker.

**"Water Lines"**: Pipelines carrying raw or potable water.

**"Wet Boring":** Boring using water under pressure at the cutting auger to soften the earth and to provide a sluice for the excavated material.

**34-4-3 ANNUAL REGISTRATION REQUIRED.** Every utility that occupies right-of-way within the Village shall register on **January 1** of each year with the Superintendent of Public Works, providing the utility's name, address and regular business telephone and telecopy numbers, the name of one or more contact persons who can act on behalf of the utility in connection with emergencies involving the utility's facilities in the right-of-way and a **twenty-four (24) hour** telephone number for each such person, and evidence of insurance as required in **Section 34-4-8** of this Article, in the form of a certificate of insurance.

**34-4-4 PERMIT REQUIRED; APPLICATIONS AND FEES.**  
**(A) Permit Required.** No person shall construct (as defined in this Article) any facility on, over, above, along, upon, under, across, or within any Village right-of-way which:

- (1) changes the location of the facility;
- (2) adds a new facility;
- (3) disrupts the right-of-way (as defined in this Article), or
- (4) materially increases the amount of area or space occupied by the facility on, over, above, along, under, across or within the right-of-way, without first filing an application with the Superintendent of Public Works and obtaining a permit from the Village therefor, except as otherwise provided in this Article.

No permit shall be required for installation and maintenance of service connections to customers' premises where there will be no disruption of the right-of-way.

**(B) Permit Application.** All applications for permits pursuant to this Article shall be filed on a form provided by the Village and shall be filed in such number of duplicate copies as the Village may designate. The applicant may designate those portions of its application materials that it reasonably believes contain proprietary or confidential information as "proprietary" or "confidential" by clearly marking each page of such materials accordingly.

**(C) Minimum General Application Requirements.** The application shall be made by the utility or its duly authorized representative and shall contain, at a minimum, the following:

- (1) The utility's name and address and telephone and telecopy numbers;
- (2) The applicant's name and address, if different than the utility, its telephone, telecopy number, e-mail address, and its interest in the work;
- (3) The names, addresses and telephone and telecopy numbers and e-mail addresses of all professional consultants, if any, advising the applicant with respect to the application.
- (4) A general description of the proposed work and the purposes and intent of the facility and the uses to which the facility will be put. The scope and detail of such description shall be appropriate to the nature and character of the work to be performed, with special emphasis on those matters likely to be affected or impacted by the work proposed;
- (5) Evidence that the utility has placed on file with the Village:
  - (a) A written traffic control plan demonstrating the protective measures and devices that will be employed consistent with the Illinois Manual on Uniform Traffic Control Devices, to prevent injury or damage to persons or property and to minimize disruptions to efficient pedestrian and vehicular traffic; and
  - (b) An emergency contingency plan which shall specify the nature of potential emergencies, including, without limitation, construction and hazardous materials emergencies, and the intended response by the applicant. The intended response shall include



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notification to the Village and shall promote protection of the

safety and convenience of the public. Compliance with ICC regulations for emergency contingency plans constitutes compliance with this Section unless the Village finds that additional information or assurances are needed;

- (6) Drawings, plans and specifications showing the work proposed, including the certification of an engineer that such drawings, plans, and specifications comply with applicable codes, rules, and regulations;
- (7) Evidence of insurance as required in **Section 34-4-8** of this Article;
- (8) Evidence of posting of the security fund as required in **Section 34-4-10** of this Article;
- (9) Any request for a variance from one or more provisions of this Article (**See Section 34-4-21**); and
- (10) Such additional information as may be reasonably required by the Village.

(D) **Supplemental Application Requirements for Specific Types of Utilities.**

In addition to the requirements of paragraph (C) of this Section, the permit application shall include the following items, as applicable to the specific utility that is the subject of the permit application:

- (1) In the case of the installation of a new electric power, communications, telecommunications, cable television service, video service or natural gas distribution system, evidence that any "Certificate of Public Convenience and Necessity" or other regulatory authorization that the applicant is required by law to obtain, or that the applicant has elected to obtain, has been issued by the ICC or other jurisdictional authority;
- (2) In the case of natural gas systems, state the proposed pipe size, design, construction class, and operating pressures;
- (3) In the case of water lines, indicate that all requirements of the Illinois Environmental Protection Agency, Division of Public Water Supplies, have been satisfied;
- (4) In the case of sewer line installations, indicate that the land and water pollution requirements of the Illinois Environmental Protection Agency, Division of Water Pollution Control have been satisfied; or
- (5) In the case of petroleum products pipelines, state the type or types of petroleum products, pipe size, maximum working pressure, and the design standard to be followed.

(E) **Applicant's Duty to Update Information.** Throughout the entire permit application review period and the construction period authorized by the permit, any amendments to information contained in a permit application shall be submitted by the utility in writing to the Village within **thirty (30) days** after the change necessitating the amendment.

(F) **Application Fees.** Unless otherwise provided by franchise, license, or similar agreement, all applications for permits pursuant to this Article shall be accompanied by a base fee in the amount of \$100.00. Additional application review costs will vary with the complexity of the project and will be determined on a case by case basis and shall be paid prior to issuance of final permit. No application fee is required to be paid by any electricity utility that is paying the municipal electricity infrastructure maintenance fee pursuant to the Electricity Infrastructure Maintenance Fee Act.

**34-4-5 ACTION ON PERMIT APPLICATIONS.**

(A) **Village Review of Permit Applications.** Completed permit applications, containing all required documentation, shall be examined by the Superintendent of Public Works within a reasonable time after filing. If the application does not conform to the requirements of all applicable ordinances, codes, laws, rules, and regulations, the Superintendent of Public Works shall reject such application in writing, stating the reasons therefor. If the Superintendent of Public Works is satisfied that the proposed work conforms to the requirements of this Article and all applicable ordinances, codes, laws, rules, and regulations, the Superintendent of Public Works shall issue a permit therefor as soon as

practicable. In all instances, it shall be the duty of the applicant to demonstrate, to the satisfaction of the

Superintendent of Public Works, that the construction proposed under the application shall be in full compliance with the requirements of this Article.

(B) **Additional Village Review of Applications of Telecommunications Retailers.**

- (1) Pursuant to Section 4 of the Telephone Company Act, 220 ILCS 65/4, a telecommunications retailer shall notify the Village that it intends to commence work governed by this Article for facilities for the provision of telecommunications services. Such notice shall consist of plans, specifications, and other documentation sufficient to demonstrate the purpose and intent of the facilities, and shall be provided by the telecommunications retailer to the Village not less than **ten (10) days** prior to the commencement of work requiring no excavation and not less than **thirty (30) days** prior to the commencement of work requiring excavation. The Superintendent of Public Works shall specify the portion of the right-of-way upon which the facility may be placed, used or constructed.
- (2) In the event that the Superintendent of Public Works fails to provide such specification of location to the telecommunications retailer within either (a) **ten (10) days** after service of notice to the Village by the telecommunications retailer in the case of work not involving excavation for new construction or (b) **twenty-five (25) days** after service of notice by the telecommunications retailer in the case of work involving excavation for new construction, the telecommunications retailer may commence work without obtaining a permit under this Article.
- (3) Upon the provision of such specification by the Village, where a permit is required for work pursuant to **Section 34-4-4** of this Article the telecommunications retailer shall submit to the Village an application for a permit and any and all plans, specifications and documentation available regarding the facility to be constructed. Such application shall be subject to the requirements of paragraph (A) of this Section.

(C) **Additional Village Review of Applications of Holders of State Authorization Under the Cable and Video Competition Law of 2007.** Applications by a utility that is a holder of a State-issued authorization under the Cable and Video Competition Law of 2007 shall be deemed granted **forty-five (45) days** after submission to the Village, unless otherwise acted upon by the Village, provided the holder has complied with applicable Village codes, ordinances, and regulations.

**34-4-6** **EFFECT OF PERMIT.**

(A) **Authority Granted; No Property Right or Other Interest Created.** A permit from the Village authorizes a permittee to undertake only certain activities in accordance with this Article on Village rights-of-way, and does not create a property right or grant authority to the permittee to impinge upon the rights of others who may have an interest in the public rights-of-way.

(B) **Duration.** No permit issued under this Article shall be valid for a period longer than **six (6) months** unless construction is actually begun within that period and is thereafter diligently pursued to completion.

(C) **Pre-Construction Meeting Required.** No construction shall begin pursuant to a permit issued under this Article prior to attendance by the permittee and all major contractors and subcontractors who will perform any work under the permit at a pre-construction meeting. The pre-construction meeting shall be held at a date, time and place designated by the Village with such Village representatives in attendance as the Village deems necessary. The meeting shall be for the purpose of reviewing the work under the permit, and reviewing special considerations necessary in the areas where work will occur, including, without limitation, presence or absence of other utility facilities in the area and their locations, procedures to avoid disruption of other utilities, use of rights-of-way by the public during construction, and access and egress by adjacent property owners.

(D) **Compliance With All Laws Required.** The issuance of a permit by the Village does not excuse the permittee from complying with other requirements of the Village and applicable statutes, laws, ordinances, rules, and regulations.

**34-4-7 REVISED PERMIT DRAWINGS.** In the event that the actual locations of any facilities deviate in any material respect from the locations identified in the plans, drawings and specifications submitted with the permit application, the permittee shall submit a revised set of drawings or plans to the Village within **ninety (90) days** after the completion of the permitted work. The revised drawings or plans shall specifically identify where the locations of the actual facilities deviate from the locations approved in the permit. If any deviation from the permit also deviates from the requirements of this Article, it shall be treated as a request for variance in accordance with **Section 34-4-21** of this Article. If the Village denies the request for a variance, then the permittee shall either remove the facility from the right-of-way or modify the facility so that it conforms to the permit and submit revised drawings or plans therefor.

**34-4-8 INSURANCE.**  
(A) **Required Coverages and Limits.** Unless otherwise provided by franchise, license, or similar agreement, each utility occupying right-of-way or constructing any facility in the right-of-way shall secure and maintain the following liability insurance policies insuring the utility as named insured and naming the Village, and its elected and appointed officers, officials, agents, and employees as additional insureds on the policies listed in paragraphs (1) and (2) below:

- (1) Commercial general liability insurance, including premises-operations, explosion, collapse, and underground hazard (commonly referred as "X", "C", and "U" coverages) and products-completed operations coverage with limits not less than:
  - (a) **Five Million Dollars (\$5,000,000.00)** for bodily injury or death to each person;
  - (b) **Five Million Dollars (\$5,000,000.00)** for property damage resulting from any one accident; and
  - (c) **Five Million Dollars (\$5,000,000.00)** for all other types of liability;
- (2) Automobile liability for owned, non-owned and hired vehicles with a combined single limit of **One Million Dollars (\$1,000,000.00)** for personal injury and property damage for each accident;
- (3) Worker's compensation with statutory limits; and
- (4) Employer's liability insurance with limits of not less than **One Million Dollars (\$1,000,000.00)** per employee and per accident.

If the utility is not providing such insurance to protect the contractors and subcontractors performing the work, then such contractors and subcontractors shall comply with this Section.

(B) **Excess or Umbrella Policies.** The coverages required by this Section may be in any combination of primary, excess, and umbrella policies. Any excess or umbrella policy must provide excess coverage over underlying insurance on a following-form basis such that when any loss covered by the primary policy exceeds the limits under the primary policy, the excess or umbrella policy becomes effective to cover such loss.

(C) **Copies Required.** The utility shall provide copies of any of the policies required by this Section to the Village within **ten (10) days** following receipt of a written request therefor from the Village.

(D) **Maintenance and Renewal of Required Coverages.** The insurance policies required by this Section shall contain the following endorsement:

"It is hereby understood and agreed that this policy may not be canceled nor the intention not to renew be stated until **thirty (30) days** after receipt by the Village, by registered mail or certified mail, return receipt requested, of a written notice addressed to the Village Administrator of such intent to cancel or not to renew."

Within **ten (10) days** after receipt by the Village of said notice, and in no event later than **ten (10) days** prior to said cancellation, the utility shall obtain and furnish to the Village evidence of replacement insurance policies meeting the requirements of this Section.

(E) **Self-Insurance.** A utility may self-insure all or a portion of the insurance coverage and limit requirements required by paragraph (A) of this Section. A utility that self-insures is not required, to the extent of such self-insurance, to comply with the requirement for the naming of additional insureds under paragraph (A), or the requirements of paragraphs (B), (C) and (D) of this Section. A utility that elects to self-insure shall provide to the Village evidence sufficient to demonstrate its financial ability to self-insure the insurance coverage and limit requirements required under paragraph (A) of this Section, such as evidence that the utility is a "private self insurer" under the Workers Compensation Act.

(F) **Effect of Insurance and Self-Insurance on Utility's Liability.** The legal liability of the utility to the Village and any person for any of the matters that are the subject of the insurance policies or self-insurance required by this Section shall not be limited by such insurance policies or self-insurance or by the recovery of any amounts thereunder.

(G) **Insurance Companies.** All insurance provided pursuant to this Section shall be effected under valid and enforceable policies, issued by insurers legally able to conduct business with the licensee in the State of Illinois. All insurance carriers and surplus line carriers shall be rates "A-" or better and of a class size "X" or higher by A.M. Best Company.

**34-4-9 INDEMNIFICATION.** By occupying or constructing facilities in the right-of-way, a utility shall be deemed to agree to defend, indemnify and hold the Village and its elected and appointed officials and officers, employees, agents and representatives harmless from and against any and all injuries, claims, demands, judgments, damages, losses and expenses, including reasonable attorney's fees and costs of suit or defense, arising out of, resulting from or alleged to arise out of or result from the negligent, careless or wrongful acts, omissions, failures to act or misconduct of the utility or its affiliates, officers, employees, agents, contractors or subcontractors in the construction of facilities or occupancy of the rights-of-way, and in providing or offering service over the facilities, whether such acts or omissions are authorized, allowed or prohibited by this Article or by a franchise, license, or similar agreement; provided, however, that the utility's indemnity obligations hereunder shall not apply to any injuries, claims, demands, judgments, damages, losses or expenses arising out of or resulting from the negligence, misconduct or breach of this Article by the Village, its officials, officers, employees, agents or representatives.

**34-4-10 SECURITY.**

(A) **Purpose.** The permittee shall establish a Security Fund in a form and in an amount as set forth in this Section. The Security Fund shall be continuously maintained in accordance with this Section at the permittee's sole cost and expense until the completion of the work authorized under the permit. The Security Fund shall serve a security for:

- (1) The faithful performance by the permittee of all the requirements of this Article;
- (2) Any expenditure, damage, or loss incurred by the Village occasioned by the permittee's failure to comply with any codes, rules, regulations, orders, permits and other directives of the Village issued pursuant to this Article; and
- (3) The payment by permittee of all liens and all damages, claims, costs, or expenses that the Village may pay or incur by reason of any action or

**STREET REGULATIONS 34-4-10**

non-performance by permittee in violation of this Article including,

without limitation, any damage to public property or restoration work the permittee is required by this Article to perform that the Village must perform itself or have completed as a consequence solely of the permittee's failure to perform or complete, and all other payments due the Village from the permittee pursuant to this Article or any other applicable law.

(B) **Form.** The permittee shall provide the Security Fund to the Village in the form, at the permittee's election, of cash, a surety bond in a form acceptable to the Village, or an unconditional letter of credit in a form acceptable to the Village. Any surety bond or letter of credit provided pursuant to this paragraph shall, at a minimum:

- (1) Provide that it will not be canceled without prior notice to the Village and the permittee;
- (2) Not require the consent of the permittee prior to the collection by the Village of any amounts covered by it; and
- (3) Shall provide a location convenient to the Village and within the State of Illinois at which it can be drawn.

(C) **Amount.** The dollar amount of the Security Fund shall be sufficient to provide for the reasonably estimated cost to restore the right-of-way to at least as good a condition as that existing prior to the construction under the permit, as determined by the Superintendent of Public Works, and may also include reasonable, directly related costs that the Village estimates are likely to be incurred if the permittee fails to perform such restoration. Where the construction of facilities proposed under the permit will be performed in phases in multiple locations in the Village, with each phase consisting of construction of facilities in one location or related group of locations, and where construction in another phase will not be undertaken prior to substantial completion of restoration in the previous phase or phases, the Superintendent of Public Works may, in the exercise of sound discretion, allow the permittee to post a single amount of security which shall be applicable to each phase of the construction under the permit. The amount of the Security Fund for phased construction shall be equal to the greatest amount that would have been required under the provisions of this paragraph (C) for any single phase.

(D) **Withdrawals.** The Village, upon **fourteen (14) days'** advance written notice clearly stating the reason for, and its intention to exercise withdrawal rights under this paragraph, may withdraw an amount from the Security Fund, provided that the permittee has not reimbursed the Village for such amount within the **fourteen (14) day** notice period. Withdrawals may be made if the permittee:

- (1) Fails to make any payment required to be made by the permittee hereunder;
- (2) Fails to pay any liens relating to the facilities that are due and unpaid;
- (3) Fails to reimburse the Village for any damages, claims, costs or expenses which the Village has been compelled to pay or incur by reason of any action or non-performance by the permittee; or
- (4) Fails to comply with any provision of this Article that the Village determines can be remedied by an expenditure of an amount in the Security Fund.

(E) **Replenishment.** Within **fourteen (14) days** after receipt of written notice from the Village that any amount has been withdrawn from the Security Fund, the permittee shall restore the Security Fund to the amount specified in paragraph (C) of this Section.

(F) **Interest.** The permittee may request that any and all interest accrued on the amount in the Security Fund be returned to the permittee by the Village, upon written request for said withdrawal to the Village, provided that any such withdrawal does not reduce the Security Fund below the minimum balance required in paragraph (C) of this Section.

(G) **Closing and Return of Security Fund.** Upon completion of the work authorized under the permit, the permittee shall be entitled to the return of the Security Fund, or such portion thereof as remains on deposit, within a reasonable time after account is taken for all offsets necessary to compensate the Village for failure by the permittee to comply with any provisions of this Article or other applicable law. In the event of any revocation of the permit, the Security Fund, and any



and all accrued interest therein, shall become the property of the Village to the extent necessary to cover

any reasonable costs, loss or damage incurred by the Village as a result of said revocation, provided that any amounts in excess of said costs, loss or damage shall be refunded to the permittee.

(H) **Rights Not Limited.** The rights reserved to the Village with respect to the Security Fund are in addition to all other rights of the Village, whether reserved by this Article or otherwise authorized by law, and no action, proceeding or exercise of right with respect to said Security Fund shall affect any other right the Village may have. Notwithstanding the foregoing, the Village shall not be entitled to a double monetary recovery with respect to any of its rights which may be infringed or otherwise violated.

### **34-4-11 PERMIT SUSPENSION AND REVOCATION.**

(A) **Village Right to Revoke Permit.** The Village may revoke or suspend a permit issued pursuant to this Article for one or more of the following reasons:

- (1) Fraudulent, false, misrepresenting, or materially incomplete statements in the permit application;
- (2) Noncompliance with this Article;
- (3) Permittee's physical presence or presence of permittee's facilities on, over, above, along, upon, under, across, or within the rights-of-way presents a direct or imminent threat to the public health, safety, or welfare; or
- (4) Permittee's failure to construct the facilities substantially in accordance with the permit and approved plans.

(B) **Notice of Revocation or Suspension.** The Village shall send written notice of its intent to revoke or suspend a permit issued pursuant to this Article stating the reason or reasons for the revocation or suspension and the alternatives available to permittee under this **Section 34-4-11**.

(C) **Permittee Alternatives Upon Receipt of Notice of Revocation or Suspension.** Upon receipt of a written notice of revocation or suspension from the Village, the permittee shall have the following options:

- (1) Immediately provide the Village with evidence that no cause exists for the revocation or suspension;
- (2) Immediately correct, to the satisfaction of the Village, the deficiencies stated in the written notice, providing written proof of such correction to the Village within **five (5) working days** after receipt of the written notice of revocation; or
- (3) Immediately remove the facilities located on, over, above, along, upon, under, across, or within the rights-of-way and restore the rights-of-way to the satisfaction of the Village providing written proof of such removal to the Village within **ten (10) days** after receipt of the written notice of revocation.

The Village may, in its discretion, for good cause shown, extend the time periods provided in this paragraph.

(D) **Stop Work Order.** In addition to the issuance of a notice of revocation or suspension, the Village may issue a stop work order immediately upon discovery of any of the reasons for revocation set forth within paragraph (A) of this Section.

(E) **Failure or Refusal of the Permittee to Comply.** If the permittee fails to comply with the provisions of paragraph (C) of this Section, the Village or its designee may, at the option of the Village:

- (1) correct the deficiencies;
- (2) upon not less than **twenty (20) days** notice to the permittee, remove the subject facilities or equipment; or
- (3) after not less than **thirty (30) days** notice to the permittee of failure to cure the noncompliance, deem them abandoned and property of the Village. The permittee shall be liable in all events to the Village for all costs of removal.

**34-4-12 CHANGE OF OWNERSHIP OR OWNER'S IDENTITY OR LEGAL STATUS.**

(A) **Notification of Change.** A utility shall notify the Village no less than **thirty (30) days** prior to the transfer of ownership of any facility in the right-of-way or change in identity of the utility. The new owner of the utility or the facility shall have all the obligations and privileges enjoyed by the former owner under the permit, if any, and all applicable laws, ordinances, rules and regulations, including this Article, with respect to the work and facilities in the right-of-way.

(B) **Amended Permit.** A new owner shall request that any current permit be amended to show current ownership. If the new owner fails to have a new or amended permit issued in its name, the new owner shall be presumed to have accepted, and agreed to be bound by, the terms and conditions of the permit if the new owner uses the facility or allows it to remain on the Village's right-of-way.

(C) **Insurance and Bonding.** All required insurance coverage or bonding must be changed to reflect the name of the new owner upon transfer.

**34-4-13 GENERAL CONSTRUCTION STANDARDS.**

(A) **Standards and Principles.** All construction in the right-of-way shall be consistent with applicable ordinances, codes, laws, rules and regulations, and commonly recognized and accepted traffic control and construction principles, sound engineering judgment and, where applicable, the principles and standards set forth in the following IDOT publications, as amended from time to time:

- (1) Standard Specifications for Road and Bridge Construction;
- (2) Supplemental Specifications and Recurring Special Provisions;
- (3) Highway Design Manual;
- (4) Highway Standards Manual;
- (5) Standard Specifications for Traffic Control Items;
- (6) Illinois Manual on Uniform Traffic Control Devices (92 Ill. Adm. Code § 545);
- (7) Flagger's Handbook; and
- (8) Work Site Protection Manual for Daylight Maintenance Operations.

(B) **Interpretation of Municipal Standards and Principles.** If a discrepancy exists between or among differing principles and standards required by this Article, the Superintendent of Public Works shall determine, in the exercise of sound engineering judgment, which principles apply and such decision shall be final. If requested, the Superintendent of Public Works shall state which standard or principle will apply to the construction, maintenance, or operation of a facility in the future.

**34-4-14 TRAFFIC CONTROL.**

(A) **Minimum Requirements.** The Village's minimum requirements for traffic protection are contained in IDOT's Illinois Manual on Uniform Traffic Control Devices and this Code.

(B) **Warning Signs, Protective Devices, and Flaggers.** The utility is responsible for providing and installing warning signs, protective devices and flaggers, when necessary, meeting all applicable federal, state, and local requirements for protection of the public and the utility's workers when performing any work on the public rights-of-way.

(C) **Interference with Traffic.** All work shall be phased so that there is minimum interference with pedestrian and vehicular traffic.

(D) **Notice When Access is Blocked.** At least **forty-eight (48) hours** prior to beginning work that will partially or completely block access to any residence, business or institution, the utility shall notify the resident, business or institution of the approximate beginning time and duration of such work; provided, however, that in cases involving emergency repairs pursuant to **Section 34-4-20** of this Article, the utility shall provide such notice as is practicable under the circumstances.

(E) **Compliance.** The utility shall take immediate action to correct any deficiencies in traffic protection requirements that are brought to the utility's attention by the Village.

**34-4-15 LOCATION OF FACILITIES.**

(A) **General Requirements.** In addition to location requirements applicable to specific types of utility facilities, all utility facilities, regardless of type, shall be subject to the general location requirements of this paragraph.

- (1) **No Interference with Village Facilities.** No utility facilities shall be placed in any location if the Superintendent of Public Works determines that the proposed location will require the relocation or displacement of any of the Village's utility facilities or will otherwise interfere with the operation or maintenance of any of the Village's utility facilities.
- (2) **Minimum Interference and Impact.** The proposed location shall cause only the minimum possible interference with the use of the right-of-way and shall cause only the minimum possible impact upon, and interference with the rights and reasonable convenience of property owners who adjoin said right-of-way.
- (3) **No Interference with Travel.** No utility facility shall be placed in any location that interferes with the usual travel on such right-of-way.
- (4) **No Limitations on Visibility.** No utility facility shall be placed in any location so as to limit visibility of or by users of the right-of-way.
- (5) **Size of Utility Facilities.** The proposed installation shall use the smallest suitable vaults, boxes, equipment enclosures, power pedestals, and/or cabinets then in use by the facility owner, regardless of location, for the particular application.

**(B) Parallel Facilities Located Within Highways.**

- (1) **Overhead Parallel Facilities.** An overhead parallel facility may be located within the right-of-way lines of a highway only if:
  - (a) Lines are located as near as practicable to the right-of-way line and as nearly parallel to the right-of-way line as reasonable pole alignment will permit;
  - (b) Where pavement is curbed, poles are as remote as practicable from the curb with a minimum distance of **two (2) feet (0.6m)** behind the face of the curb, where available;
  - (c) Where pavement is uncurbed, poles are as remote from pavement edge as practicable with minimum distance of **four (4) feet (1.2m)** outside the outer shoulder line of the roadway and are not within the clear zone;
  - (d) No pole is located in the ditch line of a highway; and
  - (e) Any ground-mounted appurtenance is located within **one (1) foot (0.3m)** of the right-of-way line or as near as possible to the right-of-way line.
- (2) **Underground Parallel Facilities.** An underground parallel facility may be located within the right-of-way lines of a highway only if:
  - (a) The facility is located as near the right-of-way line as practicable and not more than **eight (8) feet (2.4m)** from and parallel to the right-of-way line;
  - (b) A new facility may be located under the paved portion of a highway only if other locations are impracticable or inconsistent with sound engineering judgment (e.g., a new cable may be installed in existing conduit without disrupting the pavement); and
  - (c) In the case of an underground power or communications line, the facility shall be located as near the right-of-way line as practicable and not more than **five (5) feet (1.5m)** from the right-of-way line and any above-grounded appurtenance shall be

located within **one (1) foot (0.3m)** of the right-of-way line or as near as practicable.

(C)

**Facilities Crossing Highways.**

- (1) **No Future Disruption.** The construction and design of crossing facilities installed between the ditch lines or curb lines of Village highways may require the incorporation of materials and protections (such as encasement or additional cover) to avoid settlement or future repairs to the roadbed resulting from the installation of such crossing facilities.
- (2) **Cattle Passes, Culverts, or Drainage Facilities.** Crossing facilities shall not be located in cattle passes, culverts, or drainage facilities.
- (3) **90 Degree Crossing Required.** Crossing facilities shall cross at or as near to a **ninety (90) degree** angle to the centerline as practicable.
- (4) **Overhead Power or Communication Facility.** An overhead power or communication facility may cross a highway only if:
  - (a) It has a minimum vertical line clearance as required by ICC's rules entitled, "Construction of Electric Power and Communication Lines" (83 Ill. Adm. Code 305);
  - (b) Poles are located within **one (1) foot (0.3m)** of the right-of-way line of the highway and outside of the clear zone; and
  - (c) Overhead crossings at major intersections are avoided.
- (5) **Underground Power or Communication Facility.** An underground power or communication facility may cross a highway only if:
  - (a) The design materials and construction methods will provide maximum maintenance-free service life; and
  - (b) Capacity for the utility's foreseeable future expansion needs is provided in the initial installation.
- (6) **Markers.** The Village may require the utility to provide a marker at each right-of-way line where an underground facility other than a power or communication facility crosses a highway. Each marker shall identify the type of facility, the utility, and an emergency phone number. Markers may also be eliminated as provided in current Federal regulations. (49 C.F.R. §192.707 (1989)).

(D)

**Facilities to be Located Within Particular Rights-of-Way.** The Village may require that facilities be located within particular rights-of-way that are not highways, rather than within particular highways.

(E)

**Freestanding Facilities.**

- (1) The Village may restrict the location and size of any freestanding facility located within a right-of-way.
- (2) The Village may require any freestanding facility located within a right-of-way to be screened from view.

(F)

**Facilities Installed Above Ground.** Above ground facilities may be installed only if:

- (1) No other existing facilities in the area are located underground;
- (2) New underground installation is not technically feasible; and
- (3) The proposed installation will be made at a location, and will employ suitable design and materials, to provide the greatest protection of aesthetic qualities of the area being traversed without adversely affecting safety. Suitable designs include, but are not limited to, self-supporting armless, single-pole construction with vertical configuration of conductors and cable. Existing utility poles and light standards shall be used wherever practicable; the installation of additional utility poles is strongly discouraged.

(G)

**Facility Attachments to Bridges or Roadway Structures.**

- (1) Facilities may be installed as attachments to bridges or roadway structures only where the utility has demonstrated that all other means

of accommodating the facility are not practicable. Other means shall

include, but are not limited to, underground, underwater, independent poles, cable supports and tower supports, all of which are completely separated from the bridge or roadway structure. Facilities transmitting commodities that are volatile, flammable, corrosive, or energized, especially those under significant pressure or potential, present high degrees of risk and such installations are not permitted.

- (2) A utility shall include in its request to accommodate a facility installation on a bridge or roadway structure supporting data demonstrating the impracticability of alternate routing. Approval or disapproval of an application for facility attachment to a bridge or roadway structure will be based upon the following considerations:
  - (a) The type, volume, pressure or voltage of the commodity to be transmitted and an evaluation of the resulting risk to persons and property in the event of damage to or failure of the facility;
  - (b) The type, length, value, and relative importance of the highway structure in the transportation system;
  - (c) The alternative routings available to the utility and their comparative practicability;
  - (d) The proposed method of attachment;
  - (e) The ability of the structure to bear the increased load of the proposed facility;
  - (f) The degree of interference with bridge maintenance and painting;
  - (g) The effect on the visual quality of the structure; and
  - (h) The public benefit expected from the utility service as compared to the risk involved.

(H)

**Appearance Standards.**

- (1) The Village may prohibit the installation of facilities in particular locations in order to preserve visual quality.
- (2) A facility may be constructed only if its construction does not require extensive removal or alteration of trees or terrain features visible to the right-of-way user or to adjacent residents and property owners, and if it does not impair the aesthetic quality of the lands being traversed.

**34-4-16**

(A)

**Methods.**

**CONSTRUCTION METHODS AND MATERIALS.**

**Standards and Requirements for Particular Types of Construction**

(1) **Boring or Jacking.**

- (a) **Pits and Shoring.** Boring and jacking under rights-of-way shall be accomplished from pits located at a minimum distance specified by the Superintendent of Public Works from the edge of the pavement. Pits for boring or jacking shall be excavated no more than **forty-eight (48) hours** in advance of boring or jacking operations and backfilled within **forty-eight (48) hours** after boring or jacking operations are completed. While pits are open, they shall be clearly marked and protected by barricades. Shoring shall be designed, erected, supported, braced, and maintained so that it will safely support all vertical and lateral loads that may be imposed upon it during the boring or jacking operation.
- (b) **Wet Boring or Jetting.** Wet boring or jetting shall not be permitted under the roadway.



- (c) **Borings With Diameters Greater than Six (6) Inches.**  
Borings over **six (6) inches (0.15m)** in diameter shall be

- accomplished with an auger and following pipe, and the diameter of the auger shall not exceed the outside diameter of the following pipe by more than **one (1) inch (25mm)**.
- (d) **Borings with Diameters Six (6) Inches or Less.** Borings of **six (6) inches** or less in diameter may be accomplished by either jacking, guided with auger, or auger and following pipe method.
- (e) **Tree Preservation.** Any facility located within the drip line of any tree designed by the Village to be preserved shall be bored under or around the root system.
- (2) **Trenching.** Trenching for facility installation, repair, or maintenance on rights-of-way shall be done in accord with the applicable portions of Section 603 IDOT's "Standard Specifications for Road and Bridge Construction".
- (a) **Length.** The length of open trench shall be kept to the practicable minimum consistent with requirements for pipe-line testing. Only one-half of any intersection may have an open trench at any time unless special permission is obtained from the Superintendent of Public Works.
- (b) **Open Trench and Excavated Material.** Open trench and wind rowed excavated material shall be protected as required by Chapter 6 of the Illinois Manual on Uniform Traffic Control Devices. Where practicable, the excavated material shall be deposited between the roadway and the trench as added protection. Excavated material shall not be allowed to remain on the paved portion of the roadway. Where right-of-way width does not allow for wind rowing excavated material off the paved portion of the roadway, excavated material shall be hauled to an off-road location.
- (c) **Drip Line of Trees.** The utility shall not trench within the drip line of any tree designated by the Village to be preserved.
- (3) **Backfilling.**
- (a) Any pit, trench, or excavation created during the installation of facilities shall be backfilled for its full width, depth, and length using methods and materials in accordance with IDOT's "Standard Specifications for Road and Bridge Construction". When excavated material is hauled away or is unsuitable for backfill, suitable granular backfill shall be used.
- (b) For a period of **three (3) years** from the date construction of a facility is completed, the utility shall be responsible to remove and restore any backfilled area that has settled due to construction of the facility. If so ordered by the Superintendent of Public Works, the utility, at its expense, shall remove any pavement and backfill material to the top of the installed facility, place and properly compact new backfill material, and restore new pavement, sidewalk, curbs, and driveways to the proper grades, as determined by the Superintendent of Public Works.
- (4) **Pavement Cuts.** Pavement cuts for facility installation or repair shall be discouraged but may be permitted only upon location specific approval by the Superintendent of Public Works and only if that portion of the roadway is closed to traffic.
- (a) Any excavation under pavements shall be backfilled and compacted as soon as practicable with granular material of CA-6

or CA-10 gradation, as designated by the Superintendent of Public Works.

- (b) Restoration of pavement, in kind, shall be accomplished as soon as practicable, and temporary repair with bituminous mixture shall be provided immediately. Any subsequent failure of either the temporary repair or the restoration shall be rebuilt upon notification by the Village.
- (c) All saw cuts shall be full depth.
- (d) For all rights-of-way which have been reconstructed with a concrete surface/base in the last **seven (7) years**, or resurfaced in the last **three (3) years**, permits shall not be issued unless such work is determined to be an emergency repair or other work considered necessary and unforeseen before the time of the reconstruction or unless a pavement cut is necessary for a J.U.L.I.E. locate.

(5) **Encasement.**

- (a) Casing pipe shall be designed to withstand the load of the highway and any other superimposed loads. The casing shall be continuous either by one-piece fabrication or by welding or jointed installation approved by the Village.
- (b) The venting, if any, of any encasement shall extend within **one (1) foot (0.3m)** of the right-of-way line. No above-ground vent pipes shall be located in the area established as clear zone for that particular section of the highway.
- (c) In the case of water main or service crossing, encasement shall be furnished between bore pits unless continuous pipe or Village approved jointed pipe is used under the roadway. Casing may be omitted only if pipe is installed prior to highway construction and carrier pipe is continuous or mechanical joints are of a type approved by the Village. Bell and spigot type pipe shall be encased regardless of installation method.
- (d) In the case of gas pipelines of **60 psig** or less, encasement may be eliminated.
- (e) In the case of gas pipelines or petroleum products pipelines with installations of more than **60 psig**, encasement may be eliminated only if:
  - (i) extra heavy pipe is used that precludes future maintenance or repair and
  - (ii) cathodic protection of the pipe is provided;
- (f) If encasement is eliminated for a gas or petroleum products pipeline, the facility shall be located so as to provide that construction does not disrupt the right-of-way.

(6) **Minimum Cover of Underground Facilities.** Cover shall be provided and maintained at least in the amount specified in the following table for minimum cover for the type of facility:

Type of Facility	Minimum Cover
Electric Lines	30 inches (0.8m)
Communication, Cable or Video Service Lines	18 to 24 inches (0.6m, as Determined by Village)
Gas or Petroleum Products	30 inches (0.8m)
Water Line	Sufficient Cover to Provide Freeze Protection
Sanitary Sewer, Storm Sewer, Or Drainage Line	Sufficient Cover to Provide Freeze Protection

(B)

**Standards and Requirements for Particular Types of Facilities.****(1) Electric Power or Communication Lines.**

(a) **Code Compliance.** Electric power or communications facilities within Village rights-of-way shall be constructed, operated, and maintained in conformity with the provisions of 83 Ill. Adm. Code 305 (formerly General Order 160 of the Illinois Commerce Commission) entitled "Rules for Construction of Electric Power and Communications Lines", and the National Electrical Safety Code.

(b) **Overhead Facilities.** Overhead power or communication facilities shall use single pole construction and, where practicable, joint use of poles shall be used. Utilities shall make every reasonable effort to design the installation so guys and braces will not be needed. Variances may be allowed if there is no feasible alternative and if guy wires are equipped with guy guards for maximum visibility.

**(c) Underground Facilities.**

(i) Cable may be installed by trenching or plowing, provided that special consideration is given to boring in order to minimize damage when crossing improved entrances and side roads.

(ii) If a crossing is installed by boring or jacking, encasement shall be provided between jacking or bore pits. Encasement may be eliminated only if:

a. the crossing is installed by the use of "moles", "whip augers", or other approved method which compress the earth to make the opening for cable installation or

b. the installation is by the open trench method which is only permitted prior to roadway construction.

(iii) Cable shall be grounded in accordance with the National Electrical Safety Code.

(iv) **Burial of Drops.** All temporary service drops placed between **November 1** of the prior year and **March 15** of the current year, also known as snowdrops, shall be buried by **May 31** of the current year, weather permitting, unless otherwise permitted by the Village. Weather permitting, utilities shall bury all temporary drops, excluding snowdrops, within **ten (10) business days** after placement.

**(2) Underground Facilities Other Than Electric Power or Communication Lines.** Underground facilities other than electric power or communication lines may be installed by:

(a) The use of "moles", "whip augers", or other approved methods which compress the earth to move the opening for the pipe;

(b) jacking or boring with vented encasement provided between the ditch lines or toes of slopes of the highway;

(c) open trench with vented encasement between ultimate ditch lines or toes of slopes, but only if prior to roadway construction; or

(d) tunneling with vented encasement, but only if installation is not possible by other means.

- (3) **Gas Transmission, Distribution and Service.** Gas pipelines within rights-of-way shall be constructed, maintained, and operated in a Village

approved manner and in conformance with the Federal Code of the Office of Pipeline Safety Operations, Department of Transportation, Part 192 – Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards (49 CFR §192), IDOT's "Standard Specifications for Road and Bridge Construction", and all other applicable laws, rules, and regulations.

- (4) **Petroleum Products Pipelines.** Petroleum products pipelines within rights-of-way shall conform to the applicable sections of ANSI Standard Code for Pressure Piping. (Liquid Petroleum Transportation Piping Systems ANSI-B 31.4).
- (5) **Waterlines, Sanitary Sewer Lines, Storm Water Sewer Lines or Drainage Lines.** Water lines, sanitary sewer lines, storm sewer lines, and drainage lines within rights-of-way shall meet or exceed the recommendations of the current "Standard Specifications for Water and Sewer Main Construction in Illinois".
- (6) **Ground Mounted Appurtenances.** Ground mounted appurtenances to overhead or underground facilities, when permitted within a right-of-way, shall be provided with a vegetation-free area extending **one (1) foot (305mm)** in width beyond the appurtenance in all directions. The vegetation-free area may be provided by an extension of the mounting pad, or by heavy duty plastic or similar material approved by the Superintendent of Public Works, shrubbery surrounding the appurtenance may be used in place of vegetation-free area. The housing for ground-mounted appurtenances shall be painted a neutral color to blend with the surroundings.

(C)

**Materials.**

- (1) **General Standards.** The materials used in constructing facilities within rights-of-way shall be those meeting the accepted standards of the appropriate industry, the applicable portions of IDOT's "Standard Specifications for Road and Bridge Construction", the requirements of the Illinois Commerce Commission, or the standards established by other official regulatory agencies for the appropriate industry.
- (2) **Material Storage on Right-of-Way.** No material shall be stored on the right-of-way without the prior written approval of the Superintendent of Public Works. When such storage is permitted, all pipe, conduit, wire, poles, cross arms, or other materials shall be distributed along the right-of-way prior to and during installation in a manner to minimize hazards to the public or an obstacle to right-of-way maintenance or damage to the right-of-way and other property. If material is to be stored on right-of-way, prior approval must be obtained from the Village.
- (3) **Hazardous Materials.** The plans submitted by the utility to the Village shall identify any hazardous materials that may be involved in the construction of the new facilities or removal of any existing facilities.

(D)

**Operational Restrictions.**

- (1) Construction operations on rights-of-way may, at the discretion of the Village, be required to be discontinued when such operations would create hazards to traffic or the public health, safety, and welfare. Such operations may also be required to be discontinued or restricted when conditions are such that construction would result in extensive damage to the right-of-way or other property.
- (2) These restrictions may be waived by the Superintendent of Public Works when emergency work is required to restore vital utility services.
- (3) Unless otherwise permitted by the Village, the hours of construction are from **6:00 A.M.** to **6:00 P.M.**

(E) **Location of Existing Facilities.** Any utility proposing to construct facilities in the Village shall contact J.U.L.I.E. and ascertain the presence and location of existing above-ground and underground facilities within the rights-of-way to be occupied by its proposed facilities. The Village will make its permit record available to a utility for the purpose of identifying possible facilities. When notified of an excavation or when requested by the Village or by J.U.L.I.E., a utility shall locate and physically mark its underground facilities within **forty-eight (48) hours**, excluding weekends and holidays, in accordance with the Illinois Underground Facilities Damage Prevention Act (220 ILCS 50/1 *et seq.*)

**34-4-17 VEGETATION CONTROL.**

(A) **Electric Utilities - Compliance with State Laws and Regulations.** An electric utility shall conduct all tree-trimming and vegetation control activities in the right-of-way in accordance with applicable Illinois laws and regulations, and additionally, with such local franchise or other agreement with the Village as permitted by law.

(B) **Other Utilities - Tree Trimming Permit Required.** Tree trimming that is done by any other utility with facilities in the right-of-way and that is not performed pursuant to applicable Illinois laws and regulations specifically governing the same, shall not be considered a normal maintenance operation, but shall require the application for, and the issuance of, a permit, in addition to any other permit required under this Article.

(1) **Application for Tree Trimming Permit.** Applications for tree trimming permits shall include assurance that the work will be accomplished by competent workers with supervision who are experienced in accepted tree pruning practices. Tree trimming permits shall designate an expiration date in the interest of assuring that the work will be expeditiously accomplished.

(2) **Damage to Trees.** Poor pruning practices resulting in damaged or misshapen trees will not be tolerated and shall be grounds for cancellation of the tree trimming permit and for assessment of damages. The Village will require compensation for trees extensively damaged and for trees removed without authorization. The formula developed by the International Society of Arboriculture will be used as a basis for determining the compensation for damaged trees or unauthorized removal of trees. The Village may require the removal and replacement of trees if trimming or radical pruning would leave them in an unacceptable condition.

(B) **Specimen Trees or Trees of Special Significance.** The Village may require that special measures be taken to preserve specimen trees or trees of special significance. The required measures may consist of higher poles, side arm extensions, covered wire or other means.

(C) **Chemical Use.**

(1) Except as provided in the following paragraph, no utility shall spray, inject or pour any chemicals on or near any trees, shrubs or vegetation in the Village for any purpose, including the control of growth, insects or disease.

(2) Spraying of any type of brush-killing chemicals will not be permitted on rights-of-way unless the utility demonstrates to the satisfaction of the Superintendent of Public Works that such spraying is the only practicable method of vegetation control.

**34-4-18 REMOVAL, RELOCATION, OR MODIFICATION OF UTILITY FACILITIES.**

(A) **Notice.** Within **ninety (90) days** following written notice from the Village, a utility shall, at its own expense, protect, support, temporarily or permanently disconnect, remove, relocate, change or alter the position of any utility facilities within the rights-of-way whenever the



corporate authorities have determined that such removal, relocation, change or alteration, is reasonably

necessary for the construction, repair, maintenance, or installation of any Village improvement in or upon, or the operations of the Village in or upon, the rights-of-way.

(B) **Removal of Unauthorized Facilities.** Within **thirty (30) days** following written notice from the Village, any utility that owns, controls, or maintains any unauthorized facility or related appurtenances within the rights-of-way shall, at its own expense, remove all or any part of such facilities or appurtenances from the rights-of-way. A facility is unauthorized and subject to removal in the following circumstances:

- (1) Upon expiration or termination of the permittee's license or franchise, unless otherwise permitted by applicable law;
- (2) If the facility was constructed or installed without the prior grant of a license or franchise, if required;
- (3) If the facility was constructed or installed without prior issuance of a required permit in violation of this Article; or
- (4) If the facility was constructed or installed at a location not permitted by the permittee's license or franchise.

(C) **Emergency Removal or Relocation of Facilities.** The Village retains the right and privilege to cut or move any facilities located within the rights-of-way of the Village, as the Village may determine to be necessary, appropriate or useful in response to any public health or safety emergency. If circumstances permit, the Municipality shall attempt to notify the utility, if known, prior to cutting or removing a facility and shall notify the utility, if known, after cutting or removing a facility.

(D) **Abandonment of Facilities.** Upon abandonment of a facility within the rights-of-way of the Village, the utility shall notify the Village within **ninety (90) days**. Following receipt of such notice the Village may direct the utility to remove all or any portion of the facility if the Superintendent of Public Works determines that such removal will be in the best interest of the public health, safety and welfare. In the event that the Village does not direct the utility that abandoned the facility to remove it, by giving notice of abandonment to the Village, the abandoning utility shall be deemed to consent to the alteration or removal of all or any portion of the facility by another utility or person.

**34-4-19 CLEANUP AND RESTORATION.** The utility shall remove all excess material and restore all turf and terrain and other property within **ten (10) days** after any portion of the rights-of-way are disturbed, damaged or destroyed due to construction or maintenance by the utility, all to the satisfaction of the Village. This includes restoration of entrances and side roads. Restoration of roadway surfaces shall be made using materials and methods approved by the Superintendent of Public Works. Such cleanup and repair may be required to consist of backfilling, regrading, reseeding, resodding, or any other requirement to restore the right-of-way to a condition substantially equivalent to that which existed prior to the commencement of the project. The time period provided in this Section may be extended by the Superintendent of Public Works for good cause shown.

**34-4-20 MAINTENANCE AND EMERGENCY MAINTENANCE.**

(A) **General.** Facilities on, over, above, along, upon, under, across, or within rights-of-way are to be maintained by or for the utility in a manner satisfactory to the Village and at the utility's expense.

(B) **Emergency Maintenance Procedures.** Emergencies may justify noncompliance with normal procedures for securing a permit:

- (1) If an emergency creates a hazard on the traveled portion of the right-of-way, the utility shall take immediate steps to provide all necessary protection for traffic on the highway or the public on the right-of-way including the use of signs, lights, barricades or flags. If a hazard does not exist on the traveled way, but the nature of the emergency is such as to require the parking on the shoulder of equipment required in repair operations, adequate signs and lights shall be provided. Parking on the

shoulder in such an emergency will only be permitted when no other means of access to the facility is available.

- (2) In an emergency, the utility shall, as soon as possible, notify the Superintendent of Public Works or his or her duly authorized agent of the emergency, informing him or her as to what steps have been taken for protection of the traveling public and what will be required to make the necessary repairs. If the nature of the emergency is such as to interfere with the free movement of traffic, the Village police shall be notified immediately.
- (3) In an emergency, the utility shall use all means at hand to complete repairs as rapidly as practicable and with the least inconvenience to the traveling public.

(C) **Emergency Repairs.** The utility must file in writing with the Village a description of the repairs undertaken in the right-of-way within **forty-eight (48) hours** after an emergency repair.

**34-4-21 VARIANCES.**

(A) **Request for Variance.** A utility requesting a variance from one or more of the provisions of this Article must do so in writing to the Superintendent of Public Works as a part of the permit application. The request shall identify each provision of this Article from which a variance is requested and the reasons why a variance should be granted.

(B) **Authority to Grant Variances.** The Superintendent of Public Works shall decide whether a variance is authorized for each provision of this Article identified in the variance request on an individual basis.

(C) **Conditions for Granting of Variance.** The Superintendent of Public Works may authorize a variance only if the utility requesting the variance has demonstrated that:

- (1) One or more conditions not under the control of the utility (such as terrain features or an irregular right-of-way line) create a special hardship that would make enforcement of the provision unreasonable, given the public purposes to be achieved by the provision; and
- (2) All other designs, methods, materials, locations or facilities that would conform with the provision from which a variance is requested are impracticable in relation to the requested approach.

(D) **Additional Conditions for Granting of a Variance.** As a condition for authorizing a variance, the Superintendent of Public Works may require the utility requesting the variance to meet reasonable standards and conditions that may or may not be expressly contained within this Article but which carry out the purposes of this Article.

(E) **Right to Appeal.** Any utility aggrieved by any order, requirement, decision or determination, including denial of a variance, made by the Superintendent of Public Works under the provisions of this Article shall have the right to appeal to the Village Board, or such other board or commission as it may designate. The application for appeal shall be submitted in writing to the Village Clerk within **thirty (30) days** after the date of such order, requirement, decision or determination. The Village Board shall commence its consideration of the appeal at the Board's next regularly scheduled meeting occurring at least **seven (7) days** after the filing of the appeal. The Village Board shall timely decide the appeal.

**34-4-22 PENALTIES.** Any person who violates, disobeys, omits, neglects or refuses to comply with any of the provisions of this Article shall be subject to fine in accordance with the penalty provisions of this Code. There may be times when the Village will incur delay or other costs, including third party claims, because the utility will not or cannot perform its duties under its permit and this Article. Unless the utility shows that another allocation of the cost of undertaking the requested action is appropriate, the utility shall bear the Village's costs of damages and its costs of installing, maintaining,

modifying, relocating, or removing the facility that is the subject of the permit. No other administrative agency or commission may review or overrule a permit related cost apportionment of the Village. Sanctions may be imposed upon a utility that does not pay the costs apportioned to it.

**34-4-23**      **ENFORCEMENT.** Nothing in this Article shall be construed as limiting any additional or further remedies that the Village may have for enforcement of this Article.

## ARTICLE V – STREET IMPROVEMENTS

**34-5-1      SIDEWALKS.**

(A) **Grade.** No sidewalk shall be built above or below the established grade of the Village and in all cases where no grade is established, any person building a sidewalk shall build the same according to the instructions of the Street Superintendent and the Village Board.

(B) **Permit.** It shall be unlawful for any person to build, lay or construct any sidewalk along any property in the Village or along any of the streets, alleys, or public highways thereon, without first obtaining permission from the Street Superintendent to do so.

(C) **Cost to Owner.** If the funds are available and the Village Board approves the request, the property owner shall pay the cost of the concrete and thereafter, the sidewalk shall be constructed by the Village. The cost of construction shall not include any engineering fees; these shall be paid by the Village.

(D) **Subdivisions.** This Section is not applicable to new subdivisions.  
(65 ILCS 5/11-80-13)

**34-5-2      CURBS AND GUTTERS.**

(A) **Request in Writing.** Any person owning property within the Village who desires to have new curbs and gutters constructed along the street adjoining his premises shall file a request with the Street Superintendent, giving the location of the property and the length of the curbs and gutters requested.

(B) **Cost to Owner.** If the funds are available and the Village Board approves the request, the property owner shall pay the **one-half (1/2)** of the cost of the construction and thereafter, the curb and gutter will be constructed by the Village. The cost of construction shall not include any engineering fees; these shall be paid by the Village.

(C) **Approval by Village Board.** The approval of the request for construction of curbs and gutters by the Village Board shall be dependent upon the approval of funds, priority of projects and continuity of construction for the best benefit of the Village as determined by the Village Board.

(D) **Subdivisions.** This Section is not applicable to new subdivisions.  
(65 ILCS 5/11-80-13)

**34-5-3      STORM SEWERS.**

(A) **Description of Storm Water Sewers.** Storm water sewers shall be any pipe or sewer used for the carrying of surface drains, ground waters, roof leaders, or storm waters, rain waters, or other waters other than sanitary sewage.

(B) **Supervision.** The Superintendent of the Water and Sewer Departments shall supervise all connections made to the public storm sewer system or excavations for the purposes of installing or repairing the same.

(C) **Permits.** Before any connection is made to the public storm water sewers, a permit shall be applied for and approved by the Superintendent or his designated representative.

(D) **Requirements; Use of Storm Water Sewers.** Where a storm water sewer is accessible in a street, alley or easement to a building or premises abutting thereon, the surface drains, ground waters, roof leaders, or storm waters shall be discharged into the storm water sewer unless otherwise authorized by the Village. Under no conditions shall sanitary sewage or wastes or any substance other than surface waters, ground waters, roof waters or storm waters be permitted to flow into or be connected to the storm water sewer; and no sanitary sewer shall be connected to the storm water sewer system.

**ARTICLE VI - CULVERTS**

**34-6-1**        **OBSTRUCTION OF DRAIN OR STORM SEWER.** It shall be unlawful to obstruct any drain or storm sewer in any public street or property.

**34-6-2**        **PERMIT FOR CULVERT.** It shall be unlawful to install any culvert or replace any culvert without first obtaining a permit from the Village Clerk.

**34-6-3**        **APPLICATION FOR PERMIT.** Any person desiring a permit to install or replace any culvert shall file an application therefor with the Village Clerk upon a form to be provided for that purpose. The application and the permit issued pursuant thereto shall be on the same form which shall be substantially as outlined in **Appendix 'B'** attached hereto.

**34-6-4**        **TERMINATION OF PERMIT.** All such permits shall terminate upon the expiration of **one (1) year** following the date of issue.

**34-6-5**        **TYPE OF CULVERT.** Culverts shall be installed where driveways or walkways cross open ditches. The material used for the construction of the culverts shall be reinforced concrete, corrugated steel culvert pipe with a minimum wall thickness of **sixteen (16) gauge**, corrugated aluminum alloy culvert pipe with a minimum wall thickness of **sixteen (16) gauge**, asbestos cement storm drain pipe (**Class IV**), or of such other material as determined by the Street Department, depending upon the conditions existing. The culverts shall be of such size, installed at the grade and constructed with couplings as determined by the Street Superintendent. The person desiring the culvert shall purchase a culvert as provided herein and shall have it delivered on the site. The Village shall install the culvert.

**34-6-6**        **COST OF INSTALLATION.** Any person installing or replacing a culvert shall, at his own expense, construct and install drainage inlet boxes in such form and manner as the Street Superintendent determines necessary depending on the conditions existing.

**34-6-7**        **BACKFILL COST.** Any person installing or replacing a culvert shall, at his own expense, provide and place such backfill material as the Street Superintendent determines necessary to complete the project.

**34-6-8**        **REPLACEMENT COST.** The expense of replacing any culvert shall be borne by the person making application for the permit to install the same.

**(65 ILCS 5/11-80-7)**

**ARTICLE VII - DRIVEWAYS**

**34-7-1        PERMIT REQUIRED; APPLICATION.**

(A)        No person shall construct a driveway for vehicles or animals across any sidewalk in the Village without having obtained a permit therefore.

(B)        Application for a permit required by this Section shall be made to the Village Clerk and shall be accompanied by the required fee.

(C)        No permit for construction of a driveway for commercial use, or the habitual use of any other than the owner or occupant of the premises served, shall be issued except upon the order of the Board. **(Ord. No. 538; 03-28-05)**

**34-7-2        FEE.** The fee for all such construction shall be **One Dollar (\$1.00)**.

**34-7-3        GRADE AND SURFACE REQUIREMENTS.**

(A)        No driveway shall be so constructed or graded as to leave a step, sharp depression or other obstruction in the sidewalk. The grade shall be as nearly as possible the same as that of the adjoining sidewalk.

(B)        It shall be unlawful to have the surface finish of any driveway where it crosses the sidewalk constructed of materials as to render it slippery and hazardous for pedestrian or to have the grade of such portion vary from the grade of the sidewalk; or be other than level. **(Ord. No. 538; 03-28-05)**

**34-7-4        SPECIFICATIONS.** Driveways across sidewalks shall be constructed of concrete or of other materials as may be approved by the Board, and construction work shall be done under the supervision of the Street Superintendent. **(Ord. No. 538; 03-28-05)**

**34-7-5        BREAKING CURB - BOND REQUIRED.** Before a permit can be issued to break a curb in the Village for the installation of a driveway or any other purpose, a bond or cash in the amount of **One Hundred Dollars (\$100.00)** is required to be posted with the Village Clerk.

**34-7-6        REPAIR.** It shall be the duty of the person maintaining the driveway to keep the same in good repair where it crosses the sidewalk and free from obstruction and openings.

**(65 ILCS 5/11-80-2)**

**ARTICLE VIII – HOUSE NUMBERS**

**34-8-1**        **ADDRESS DISPLAY REQUIRED.** All residential dwellings, businesses, and other occupied structures shall, at the expense of the owner thereof, provide and display its address as designated by the United States Postal Authority as hereinafter provided.

**34-8-2**        **LOCATION.**

(A)            The number shall be displayed no further than **one (1) foot** from the main entrance of each structure, or said numbers shall be otherwise conspicuously placed so that it is plainly visible from the street or nearest public way.

(B)            The number shall be no less than **five (5) inches** in height.

(C)            The number shall be in contrasting color to the background material upon which it is affixed.

**34-8-3**        **TIME REQUIREMENTS.** All owners of the property shall within **thirty (30) days** after notice thereof by the Village Clerk number their residences or buildings in a conspicuous manner.

**[See Section 1-1-20 for penalties for this Chapter.]**

**(Ord. No. 467; 09-14-92)**



**VILLAGE OF EVANSVILLE**

**APPLICATION FOR CULVERT/DRIVEWAY PERMIT**

I, \_\_\_\_\_, do hereby request permission and authority to construct a culvert/driveway on the right-of-way of the Village in accordance with the information provided on this application and the accompanying sketch. (Applicant must prepare a sketch showing location, length and pertinent details.)

ADDRESS: \_\_\_\_\_

Pipe material will be: \_\_\_\_\_

Wall thickness or gauge will be: \_\_\_\_\_

Type of joint will be: \_\_\_\_\_

DATED: \_\_\_\_\_, 20\_\_ SIGNED: \_\_\_\_\_

(APPLICANT)

**CULVERT/DRIVEWAY PERMIT**

**APPLICATION**

**Approved ( )**

**Disapproved ( )**

If disapproved, state reasons:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATED: \_\_\_\_\_, 20\_\_ SIGNED: \_\_\_\_\_

**CERTIFICATION**

The undersigned has inspected the construction and installation set forth above and finds that the same (is) (is not) in accordance with the permit.

DATED: \_\_\_\_\_, 20\_\_ SIGNED: \_\_\_\_\_

**APPLICATION FOR PERMIT TO EXCAVATE  
IN VILLAGE STREETS OR SIDEWALKS**

I, or We, \_\_\_\_\_ (Applicant), hereby make Application for permission to dig in a Village Street or sidewalk at the following:

Location: \_\_\_\_\_

Digging being done for the purpose of: \_\_\_\_\_

Applicant's address: \_\_\_\_\_

Phone number: \_\_\_\_\_

I or We agree to comply with all rules, regulations and deposits of the Village of Evansville, if application is accepted and further understand that:

1. The applicant shall do all work, pay all costs, and shall complete the project in a reasonable length of time.
2. In performing this work the applicant shall not interfere with, or obstruct traffic unreasonably on said street, alley or sidewalk.
3. That the applicant and/or his agent shall assume all risk and liability for accidents and damages that may occur to persons or property resulting from this work.
4. A nonrefundable payment of \_\_\_\_\_ shall be made before any excavating work commences based on the following schedule.
  - a. Permanent Street or Sidewalk - \$15.00 per square foot.
  - b. Oil and Chipped Street - \$100.00 for the first 100 square feet and \$1.00 per square foot thereafter.
5. All trenches in street or alley must be backfilled with Grade 8 stone.
6. On completion of Item 5, applicant shall contact the City Hall for inspection of project. If the damaged area is larger than the area for which the deposit was paid, Applicant shall promptly pay the balance due upon billing by Village.
7. Applicant and/or his agent shall provide proof of insurance for a combined single limit liability policy in the minimum amount of \$300,000.00 which names the Village of Evansville as an additional insured.

The above provisions are hereby understood and accepted this \_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
Applicant Signature

BY: \_\_\_\_\_  
Village of Evansville

Date: \_\_\_\_\_

## CHAPTER 35 – SUBDIVISION CODE

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**CHAPTER 35**

**SUBDIVISION CODE**

**ARTICLE I - GENERAL PROVISIONS**

**35-1-1**            **TITLE.** These regulations shall be known as and may be referred to as the Subdivision Code.

**35-1-2**            **PURPOSE.** In accordance with State law (**Ill. Comp. Stats., Chap. 65, Secs. 5/11-12-5, 5/11-12-8 -- 5/11-12-12; Chap. 765, Sec. 205/1 et seq.**) this Code regulates the subdivision and development of land in order to implement the Comprehensive Plan and Official Map duly adopted by the Village. Thus this Code assists in achieving the following specific objectives:

- (A)            to preserve, protect, and promote the public health, safety, and welfare;
- (B)            to provide a pleasant living environment by furthering the orderly and efficient layout and use of land and by facilitating aesthetic urban design;
- (C)            to establish accurate legal records, to avoid development in wetland areas, and to avoid legal and other problems by requiring that subdivided land be properly monumented and recorded;
- (D)            to conserve and increase the value of land, improvements, and buildings throughout the Village;
- (E)            to preserve the natural beauty and topography of the Village to the maximum feasible extent, including preservation of such features as stands of trees, streams, significant archaeological sites, and historical landmarks;
- (F)            to provide adequate light, air, and privacy for all residents of new developments by preventing undue concentration of population;
- (G)            to protect against injury or damage caused by fire, pollution, flooding, storm water runoff, or erosion and sedimentation;
- (H)            to provide safe and convenient access to new developments and to avoid traffic congestion and unnecessary public expenditures by requiring the proper location, design, and construction of streets and sidewalks;
- (I)            to provide an environment whereby the cost of installing and maintaining adequate water mains, sanitary sewers, storm water sewers, and other utilities and services can be kept at a minimum; and
- (J)            to ensure that adequate parks, schools, and similar facilities can be made available to serve the residents.

**35-1-3**            **JURISDICTION.** The provisions of this Code shall apply to all Planned Developments whether Residential, Commercial, or otherwise in nature, and to any other developments whether a Plat is required or not under the law, statutes, ordinances or regulations of the governmental body or agency having jurisdiction or control, and regardless of whether the same is labeled a subdivision or not, it being the intent of this Code to apply to all types of development, both within the Village and to areas lying within **one and one-half (1.5) miles** of the corporate limits of the Village.

**35-1-4**            **INSTANCES WHEN PLATS WILL NOT BE REQUIRED.** The provision of these regulations do not apply and no plat is required in any of the following instances:

- (A)            the division or subdivision of land into parcels or tracts of **five (5) acres** or more in size which does not involve any new streets or easements of access or special utility easements;
- (B)            the division of lots or blocks of less than **one (1) acre** in any recorded subdivision which does not involve any new streets or easements of access or special utility easements;

(C) the sale or exchange of parcels of land between owners of adjoining and contiguous land;

(D) the conveyance of parcels of land or interests therein for use as a right-of-way for railroads or other public utility facilities and other pipelines which does not involve any new streets or easements of access or special utility easements;

(E) the conveyance of land for highway or other public purposes or grants or conveyance relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use;

(F) conveyance made to correct description in prior conveyances;

(G) the sale or exchange of parcels or tracts of land following the division into no more than **two (2) parts** of a particular parcel or tract of land recorded on or before **July 17, 1959** and not involving any new streets or easements of access or add special utility easements;

(H) the conveyance of land owned by a railroad or other public utility which does not involve any new streets or easements of access or special utility easements;

(I) the sale of a single lot of less than **five (5) acres** from a larger tract when a survey is made by a registered surveyor; provided, however, that this exemption shall not apply to the sale of any subsequent lots from the same larger tract of land, as determined by the dimensions and configuration of the larger tract existing as of **October 1, 1973**.

The Village retains the right to review and approve the infrastructure improvements including, but not limited to stormwater and erosion control regulations. **(See Chapter 32 for Stormwater Code)**

**35-1-5** **INTERPRETATION.** Every provision of this Code shall be construed liberally in favor of the Village, and every regulation set forth herein shall be considered the minimum requirement for the promotion of the public health, safety, and welfare.

(A) **More Restrictive Requirements Apply.** Whenever the requirements of this Code differ from those of any statute, lawfully adopted ordinance or regulation, easement, covenant, or deed restriction, the more stringent requirement shall prevail. Thus, in accordance with State law whenever this Code imposes higher standards than the Village Subdivision Code, said higher standards shall supersede the Village regulations in the unincorporated territory located within the Village's subdivision jurisdiction. **(See 65 ILCS Sec. 5/11-12-11)**

**35-1-6** **DISCLAIMER OF LIABILITY.**

(A) Except as may be provided otherwise by statute or ordinance, no officer, council member, agent, or employee of the Village shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this Code. **(See "Local Governmental and Governmental Employees Tort Immunity Act," Ill. Comp. Stats., Chap. 745, Secs. 10/1-101.)**

(B) Any suit brought against any officer, council member, agent, or employee of the Village, as a result of any act required or permitted in the discharge of his duties under this Code, shall be defended by the Village Attorney until the final determination of the legal proceedings.



## ARTICLE II - DEFINITIONS

**35-2-1**        **INTERPRETATION OF TERMS.**    In construing the intended meaning of terminology used in this Code, the following rules shall be observed:

(A)            Unless the context clearly indicates otherwise, words and phrases shall have the meanings respectively ascribed to them in **Section 35-2-2**; terms not defined in **Section 35-2-2** shall have the meanings respectively ascribed to them in the Village's Zoning Code; if any term is not defined either in **Section 35-2-2** or in the Zoning Code, said term shall have its standard English dictionary meaning.

(B)            Words denoting the masculine gender shall be deemed to include the feminine and neuter genders.

(C)            Words used in the present tense shall include the future tense.

(D)            Words used in the singular number shall include the plural number, and vice versa.

(E)            The word "shall" is mandatory; the word "may" is discretionary.

(F)            Captions (i.e., titles of sections, subsections, etc.) are intended merely to facilitate general reference and in no way limit the substantive application of the provisions set forth thereunder.

(G)            References to sections shall be deemed to include all subsections within that section; but a reference to a particular subsection designates only that subsection.

(H)            A general term that follows or is followed by enumerations of specific terms shall not be limited to the enumerated class unless expressly limited.

(I)            All distances shall be measured to the nearest integral foot; **six (6) inches** or more shall be deemed **one (1) foot**.

**35-2-2**        **SELECTED DEFINITIONS.**

**Administrator:** The official appointed by the Mayor and the Village Board to administer the Subdivision Code.

**Alley:** A public right-of-way which affords a secondary means of vehicular access to the side or rear of premises that front on a nearby street, and which may be used for utility purposes.

**Amendment:** A change in the provisions of this code, properly effected in accordance with State law and the procedures set forth herein.

**Area, Building:** The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of unenclosed patios, terraces, and steps.

**Area, Gross:** The entire area within the lot lines of the property proposed for subdivision/development, including any areas to be dedicated/reserved for street and alley rights-of-way and for public uses.

**Area, Net:** The entire area within the boundary lines of the territory proposed for subdivision, less the area to be dedicated for street and alley rights-of-way and public use.

**Arterial Street:** A street designed or utilized primarily for high vehicular speeds or for heavy volumes of traffic on a continuous route with intersections at grade, and on which traffic control devices are used to expedite the safe movement of through traffic.

**Barrier (Natural or Artificial):** Any street, highway, river, pond, canal, railroad, levee, embankment, or screening by a fence or hedge.

**Block:** An area of land entirely bounded by streets, highways, barriers, or rights-of-ways (except alleys, pedestrian ways, or exterior boundaries of a subdivision unless exterior boundary is a street, highway, or

R.O.W.) or bounded by a combination of streets, public parks, cemeteries, railroad rights-of-way, waterways, or corporate boundary lines.

***Building:*** Any structure, whether temporary, semi-permanent, or permanent, designed or intended for the support, enclosure, shelter or protection of persons or property.

***Building Line:*** See Setback Line.

***Catch Basin:*** A receptacle, located where a street gutter opens into a storm sewer, designed to retain matter that would not easily pass through the storm sewer.

***Centerline:***

- (A) the centerline of any right-of-way having a uniform width;
- (B) the original centerline, where a right-of-way has been widened irregularly;
- (C) the new centerline, whenever a road has been relocated.

***Centerline Offset:*** The distance between the centerline of two roughly parallel streets, measured along the third street with which both said "parallel" streets intersect.

***Cluster Development:*** A subdivision planned and constructed so as to group housing units into relatively dense patterns while providing a unified network of open space and wooded areas, and meeting the requirements of the Subdivision Code and the Zoning Code of the Village.

***Collector Street:*** A street which carries or is proposed to carry intermediate volumes of traffic from local streets to arterial streets and which may or may not be continuous. Collector streets are those streets which carry or are expected to carry traffic intensities as generated by serving more than **one hundred fifty (150) dwelling units**.

***Common Land:*** That land set aside for open space or recreational use for the owners of the lots of a subdivision, which land is conveyed by the developer in fee simple absolute title by warranty to trustees whose trust indenture shall provide that said common land be used for the sole benefit, use and enjoyment of the lot owners present and future. No lot owner shall have the right to convey his interest in the common land except as an incident of the ownership of a regularly platted lot.

***Comprehensive Plan:*** The plan, if any, or any portion thereof adopted by the Village Board to guide and coordinate the physical and economic development of the Village. The Village's Comprehensive Plan may include, but is not limited to, plans and programs regarding the location, character, and extent of highways, bridges, public buildings or uses, utilities, schools, residential, commercial, or industrial land uses, parks, drainage facilities, etc.

***Cross-slope:*** The degree of inclination measured across a right-of-way rather than in the direction traffic moves on said right-of-way.

***Cul-de-Sac:*** A short minor local street having only one outlet for vehicular traffic and having the other end permanently terminated by a turn-around for vehicles; the term may also be used to refer solely to said turn-around.

***Curb and Gutter, Integral:*** The rim forming the edge of a street plus the channel for leading off surface water, constructed of concrete as a single facility.

***Dedicate:*** To transfer the ownership of a right-of-way, parcel of land, or improvement to the Village or other appropriate government entity without compensation.

***Density, Gross:*** The total number of dwelling units divided by the total project area, expressed as gross dwelling units per acre.

**Density, Net:** The total number of dwelling units divided by the net acreage. See definition of Area, Net.

**Design:** The arrangement of uses on the land and the arrangement of easements, lots and rights-of-way, including specifications of materials, alignment, grade and width of these elements.

**Develop:** To erect any structure or to install any improvements on a tract of land, or to undertake any activity (such as grading) in preparation therefor.

**Dimensions:** Refers to both lot depth and lot width.

**District, Zoning:** A portion of the territory of the Village wherein certain uniform requirements or various combinations thereof apply to structures, lots, and uses under the terms of the Zoning Code. **(See Chapter 40)**

**Drainageway:** A watercourse, gully, dry stream, creek, or ditch which carries storm water runoff or which is fed by street or building gutters or by storm water sewers, or which serves the purpose of draining water from the lands adjacent to such watercourse, gully, dry stream, creek, or ditch.

**Easement:** A grant by the property owner to the public, a corporation, or a person of the use of land for limited and specifically named purpose.

**Escrow Deposit:** A deposit in cash or other approved securities to assure the completion of improvements within a subdivision.

**Filing Date:** The date that the applicant has filed the last item of required data or information with the Village Clerk and has paid the necessary fees for review by the Plan Commission.

**Flood Hazard Area:** All land subject to periodic inundation from overflow of natural waterways.

**Frontage:** The lineal extent of the front (street-side) of a lot.

**Frontage Road:** A minor street fronting on an arterial street or highway (usually a limited access highway), used for access to abutting lots.

**Grade:** The degree of inclination of the site or right-of-way, expressed as a percentage. Synonym for "slope."

**Hillside Area:** An area with an average slope of **twenty percent (20%)** or more.

**Improvement:** Refers to site grading, street work and utilities (including water, sewer, electric, gas, storm water, telephone and cable television) to be installed or agreed to be installed by the subdivider on land to be used for public or private streets, and easements or other purposes as are necessary for the general use of lot owners in the subdivision. Including the furnishing of all materials, equipment, work and services such as engineering, staking and supervision, necessary to construct all the improvements required in **Article V** of the Code or any other improvements that may be provided by the subdivider. All of such materials, equipment and services shall be provided at the subdivider's cost and expense, although he may enter into a contract with individuals and firms to complete such improvements, and the improvements shall be subject to the final approval of the Plan Commission and the Village Board.

**Improvement Plans:** The engineering plans showing types of materials and construction details for earth moving and for the structures and facilities to be installed both in, or in conjunction with, a subdivision. Plans shall include drainage, streets, alleys and utility locations to be installed in or in conjunction with a subdivision - also, include overall drainage plan and its effect on contiguous land and source of effluent or discharge.

**Inlet:** A receptacle, located where surface and/or groundwater can run to by gravity to be received by the storm sewer.

**Intersection:** The point at which two or more public rights-of-way (generally streets) meet.

**Land Use Plan:** The comprehensive long-range plan for the desirable use of land, the purpose of such plan being, among other things, to serve as a guide to the zoning and progressive subdividing and use of undeveloped land.

**Local Street:** A street serving limited amounts of residential traffic and:

- (A) is used primarily for access to abutting properties and marginal streets;
- (B) has more than one outlet;
- (C) is not typically a through route; and
- (D) serves less than **one hundred fifty (150) dwelling units**.

**Lot:** A tract of land intended as a unit for the purpose (whether immediate or future) of development or transfer of ownership. A "lot" may or may not coincide with a "lot of record."

**Lot Area:** The area of a horizontal plane bounded by the front, side, and rear lines of a lot, exclusive of any land designated for street right-of-way.

**Lot, Butt:** A lot at the end of a block and located between **two (2) corner lots**.

**Lot, Corner:** A lot having at least **two (2) adjacent sides** that abut for their full length upon streets. Both such side lines shall be deemed front lot lines.

**Lot Depth:** The mean horizontal distance between the front end and the rear lot lines measured in the general direction of the side lot lines.

**Lot, Interior:** A lot whose side lines do not abut any street.

**Lot Line, Front:** The line separating the lot from the street. On a corner lot, the front lot line shall be the frontage having the least dimension.

**Lot Line, Rear:** The rear lot line is the lot line most nearly parallel to and most remote from the front lot line.

**Lot Line, Side:** Any lot line other than front or rear lot line. A corner side lot line separating a lot from a street is called a street side lot line. A side lot line separating a lot from another lot or lots is called an interior side lot line.

**Lot of Record:** An area of land designated as a lot on a plat of subdivision recorded with the County Recorder of Deeds in accordance with State law.

**Lot, Through:** A lot having a part of approximately parallel lot lines that abut **two (2)** approximately parallel streets. Both such lot lines shall be deemed front lot lines.

**Lot Width:** The mean horizontal width of the lot measured at right angle to the general direction of the side lot lines.

**Maintenance Bond:** A surety bond, posted by the developer and approved by the Village, guaranteeing the satisfactory condition of installed improvements for the two-year period following their dedication.

**Marginal Street:** A street serving minimal amounts of residential traffic at low speeds and:

(A) is used for access to abutting properties;

- (B) is a permanently dead end street;
- (C) terminates in a cul-de-sac of the required dimensions; and
- (D) serves no more than **twenty-five (25) dwelling units**.

**Master Development Plan:** A combination of maps, drawings, site plans, charts and supportive narrative material that portrays total development to be achieved in the overall project area; which provides sufficient detailed information to both illustrate and describe the intended character and configuration of development to be accomplished.

**Metes and Bounds:** A description of real property which is not described by reference to a lot or block shown on a map, but is described by starting at a known point and description of the lines forming the boundaries of the property or delineates a fractional portion of a section, lot or area by describing lines or portions thereof.

**Official Map:** A graphic statement of the existing and proposed capital improvements planned by the Village which require the acquisition of land--such as streets, drainage systems, parks, etc.

**Owner:** A person having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under these regulations.

**Parking Lane:** An auxiliary lane of a street and primarily used for vehicular parking.

**Pedestrian Way:** A right-of-way dedicated to public use which cuts across a block to facilitate safe pedestrian access to adjacent streets and properties.

**Performance Bond:** A surety bond posted by the developer and approved by the Village, guaranteeing the installation of required improvements within, or in conjunction with, a subdivision.

**Plan Commission:** The Plan Commission of the Village.

**Planned Unit Development (PUD):** A planned unit development is a comprehensively planned development containing residential, commercial, industrial, or other land uses on an area of land under continuing unified control. A planned unit development may contain a single type of land use or combination of land uses provided that such development is reviewed, evaluated and approved by the Village and satisfies the requirements contained herein.

**Plans:** All of the drawings including plats, cross-sections, profiles, working details and specifications, which the subdivider prepares or has prepared to show the character, extent and details of improvements required in this Code and which plans shall conform to any requirements of the Plan Commission as to scale and details for submittal to the approval officials of the Village for consideration, approval or disapproval.

**Plat, Final:** The final engineering and architectural maps, drawings, and supporting material indicating the subdivider's plan of the subdivision which, if approved, may be filed with the County Recorder of Deeds.

**Plat, Preliminary:** Preliminary engineering and architectural maps, drawings, and supportive material indicating the proposed layout of a subdivision.

**Project Area:** That territory intended to be subdivided or developed, and portrayed and defined in the preliminary and final plats.

**Reserve:** To set aside a parcel of land in anticipation of its acquisition by the Village or other appropriate government entity for public purposes.

***Reserve Strip:*** A narrow strip of land between a public street and adjacent lots which is designated on a recorded subdivision plat or property deed as land over which vehicular travel is not permitted.



**Re-subdivision:** See Subdivision.

**Reverse Curve:** A curve in a street heading in approximately the opposite direction from the curve immediately preceding it so as to form an S-shape.

**Right-of-Way, Public:** A strip of land which the owner/subdivider has dedicated to the Village or other appropriate government entity for streets, alleys, and other public improvements; sometimes abbreviated as r.o.w.

**Roadbed:** The graded portion of a street upon which the base course, surface course, shoulders and median are constructed.

**Roadway:** The entire improved portion of the street, including shoulders, parking lanes, travel way, curbs and gutter.

**Setback Line:** A line that is usually parallel to the front, side or rear lot line establishing the minimum space to be provided as the front, side or rear yard.

**Sewerage System, Private:** A sewer system including collection and treatment facilities established by the developer to serve a new subdivision in an outlying area.

**Sidewalk:** A pedestrian way constructed in compliance with the standards of this Code, generally abutting or near the curb line of the street.

**Slope:** The degree of inclination of site or right-of-way expressed as a percentage. Synonym for "grade."

**Soil and Water Conservation District:** The County Soil and Water Conservation District also known as the U.S. Natural Resource and Conservation Service.

**Stop Order:** An order used by the Administrator to halt work-in-progress that is in violation of this Code.

**Street:** A public or private way for motor vehicle travel. The term "street" includes a highway, thoroughfare, parkway, through way, road, pike, avenue, boulevard, lane, place, drive, court and similar designations, but excludes an alley or a way for pedestrian or bicycle use only.

**Street, Area Service Highway:** Area service highways interconnect collectors and land access streets with the principal system and vice versa, brings all developed areas within a reasonable distance of principal streets, connects and provides direct access to major traffic generators, provides secondary service to smaller communities, may provide access to abutting property, and have a medium volume design capacity and travel speeds.

**Street, Cul-de-Sac:** A short, land-access street, having only **one (1) end** open for vehicular traffic, and the other permanently terminated by a turn-around for vehicles.

**Street, Dead-End:** Land access streets similar to cul-de-sacs, except that they provide no turn-around circle at their closed end, and are permitted in any proposed subdivision with the permission of the Village. **(See Section 35-5-12(B))**

**Street, Land Access:** Land access streets provide access to abutting properties, have a relatively short travel distance, and have a low volume design capacity and travel speeds.

**Street, Looped:** Land access streets having **two (2) open ends**, each end generally connecting with the same street, no other streets intersecting between its ends, and property fronts on both sides of the street.

**Street, Marginal Access or Service Road:** A land access street parallel and adjacent to area service highways providing access to abutting properties.

**Structure:** Anything constructed or erected which requires permanent or temporary location on or in the ground, or is attached to something having a fixed location on or in the ground. All buildings are structures but not all structures are buildings (e.g., a fence).

**Stub or Butt Street:** A street that is temporarily terminated, but that is planned for future continuation.

**Subdivider:** Any person, firm, partnership, association, corporation, estate or other group or combination acting as a unit, dividing or proposing to divide land in a manner that constitutes a subdivision as defined in this Article.

**Subdivision:** (1) The division of land into two or more lots or parcels for the purpose of either immediate or future sale, rental or building development or use(s) other than agricultural use or production. (2) Establishment or dedication of a public street or alley through a tract of land regardless of size. The term "subdivision" shall also include all re-subdivisions of land or lots.

**Subdivision, Minor:** A division of land into **two (2)**, but not more than **four (4) lots**, all of which front upon an existing street, **not involving new streets** or other rights-of-way, easements, improvements, or other provisions for public areas and facilities.

**Topography:** The relief features or surface configuration of an area of land.

**Travelway:** That portion of a street used for the movement of vehicles, exclusive of shoulders and auxiliary lanes.

**Vacate:** To terminate the legal existence of right-of-way or subdivision, and to so note on the final plat recorded with the County Recorder of Deeds.

**Variance, Subdivision:** A relaxation in the strict application of the design and improvement standards set forth in this Code.

**Yard, Front:** A yard extending across the full width of the lot, the depth of which is set forth in the Zoning Code.

**Yard, Rear:** A yard extending across the full width of the lot between the nearest rear main building and the rear lot lines. The depth of the required rear yard shall be measured horizontally from the nearest part of the main building toward the nearest point of the rear lot lines.

**Yard, Side:** A yard between a main building and the side lot line, extending from the front yard or front lot lines, where no front yard is required, to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line toward the nearest part of the main building.

**Zoning Code:** The Zoning Code of the Village.

## ARTICLE III - PLATS AND PLANS

## DIVISION I - PRELIMINARY PLATS

**35-3-1 GENERAL PROCEDURE.** Before preparing a proposed plat for an area, the owner, developer, or their representatives should have a pre-application meeting with the Plan Commission and/or the Village Engineer to determine applicable ordinance regulations and standards which must be complied with. After the pre-application meeting(s), the subdivider should then prepare the preliminary plat. As defined in the Subdivision Code, the preliminary plat must contain a substantial amount of data, and will thus be incomplete and cannot be considered as filed until all required data are submitted. The preliminary plat is received with filing fees by the Village Clerk's office, who, in turn, will forward the same to the Plan Commission for their review. Following its review (as well as comments from other appropriate agencies when required), the Plan Commission forwards its recommendation(s) to the Village Board, who then either approve, disapprove, or approve with modifications the preliminary plat.

**35-3-2 FILING PROCEDURE.** Except as specifically provided otherwise below, every person who proposes to subdivide any land located within the subdivision jurisdiction of this municipality shall file **six (6) copies** of the preliminary plat of said subdivision with the Village Clerk.

He shall also file **one (1) copy** of the preliminary plat and supporting data with the appropriate Soil and Water Conservation District. Said district shall have not more than **thirty (30) days** to submit any comments it might wish to make to the Administrator. **(See 70 ILCS Sec. 405/22.02A)**

Whenever a large tract is to be developed in stages and only a portion of that tract is to be submitted for final plat approval, nonetheless, a Master Development Plan of the entire tract shall be submitted.

All preliminary plats shall be reviewed and acted upon in accordance with **Illinois Compiled Statutes, Chapter 65, Section 5/11-12-8** and the provisions of the subsections below.

**EXCEPTION:** The provision of this section shall not apply to:

- (A) minor subdivisions as defined at **Section 35-2-2**; or
- (B) land that is specifically exempted from the Illinois Plats Act as now or hereafter amended. **(See 765 ILCS Sec. 205/1(B)).**

**35-3-3 INFORMATION REQUIRED.** Every preliminary plat shall be prepared by an Illinois Registered Land Surveyor at any scale from **one inch equals twenty feet (1" = 20')** through **one inch equals one hundred feet (1" = 100')** provided the resultant drawing does not exceed **thirty-six (36) inches square**. Applicant shall provide 11" x 17" reduced size copies for Village Board review. Each preliminary plat shall indicate on its face the following information:

- (A) small key map showing the relation of the proposed subdivision to section or U.S. Survey lines and to platted subdivisions and dedicated roads within **three hundred (300) feet** of the proposed subdivision;
- (B) names and addresses of the owner, subdivider (if not the owner), and registered professional engineer;
- (C) proposed name of the subdivision;
- (D) zoning district classification of the tract to be subdivided, and of the adjacent land;
- (E) north arrow, graphic scale, and date of map;
- (F) the gross and net acreage area of the proposed subdivision, the acreage of streets, and of any areas reserved for the common use of the property owners within the subdivision and/or for public use;
- (G) all lot lines adjacent to and abutting the subdivision;
- (H) tract boundary lines showing dimensions, bearings, angles, and references to known land lines;

- (I) topography of the tract to be subdivided as indicated by **two- (2) foot** contour data for land having slopes of **zero-four percent (0-4%)**, **five- (5) foot** contour data for land having slopes between **four-twelve percent (4-12%)**, and **ten- (10) foot** contour data for land having slopes of **twelve percent (12%)** or more;
- (J) any proposed alteration, adjustment or change in the elevation or topography of any area;
- (K) locations of such features as bodies of water, ponding areas, natural drainageways, railroads, cemeteries, bridges, parks, schools, etc.;
- (L) streets and rights-of-way on and adjoining the site of the proposed subdivision; showing the names and including street right-of-way and paving widths; approximate gradients; types and widths of pavement, curbs, sidewalks, crosswalks, planting strips and other pertinent data, including classification of all existing or proposed streets as to function as collector, major, minor or county road;
- (M) a copy of the results of any tests made to ascertain subsurface rock and soil conditions and the water table;
- (N) locations, widths, and purposes of all existing and proposed easements;
- (O) a copy of the description of all proposed deed restrictions and covenants;
- (P) location and size of existing and proposed sanitary and storm sewers;
- (Q) locations, types, and approximate sizes of all other existing and proposed utilities;
- (R) building setback or front yard lines and dimensions;
- (S) locations, dimensions, and areas of all parcels to be reserved or dedicated for schools, parks/playgrounds, and other public purposes; and
- (T) locations, dimensions, and areas of all proposed or existing lots within the subdivision;
- (U) information as defined in **Section 35-3-4(A)**;
- (V) delineated boundaries of any wetland;
- (W) delineated boundaries of any Federal Emergency Management Agency identified floodplain, floodway or flood prone areas.

**[See Schedule "A" at conclusion of Chapter.]**

**35-3-4 PLAN COMMISSION ACTION.** The Plan Commission shall either approve or disapprove the application for preliminary plat approval within **sixty (60) days** from the date of said application or the filing of the last item of required supporting data, whichever date is later, unless the Plan Commission and the subdivider mutually agree to extend this time limit. If the Plan Commission disapproves the preliminary plat, they shall furnish to the applicant within the **sixty (60) day period** a written statement specifying the aspects in which the proposed plat fails to conform to this Code and/or the Official Map. If the Plan Commission approves the preliminary plat, they shall inform the Village Board that action can be taken at the next regularly scheduled Village Board meeting.

(A) **Notice of Meeting.** The Plan Commission shall give notice of its consideration of any preliminary plat and allow the opportunity to be heard to the following person(s) or groups during its preliminary review time span:

- (1) Any person requesting notification of the meeting.
- (2) Any property owner whose property is contiguous to the property, including property across the streets, railroads, creeks, and similar barriers; said information shall be provided by the applicant to the Village Clerk's office when filing the plat.
- (3) Any governmental or taxing body which requests notification of the meeting. **(See 65 ILCS 5/11-12-8)**

**35-3-5 REVIEW BY VILLAGE BOARD; TIME CONSTRAINTS.** The Village Board shall review the preliminary plat, along with the Plan Commission recommendations and approve, disapprove or approve subject to certain conditions and/or modifications said preliminary plat within **thirty (30) days** after its next regularly scheduled meeting following receipt of the written Plan Commission

recommendations, unless variances from Zoning Code requirements are needed, in which case, the Village Board's **thirty (30) days** commence the day after the Board of Appeals hearing is held.

If the Village Board rejects the preliminary plat, their resolution shall specify the aspects in which the plat fails to comply with this Code and/or the Official Map. The Village Clerk shall attach a certified copy of the Board's resolution of approval or disapproval to the preliminary plat. One copy of the resolution and plat shall be retained by the Clerk, one copy shall be filed with the Administrator, and one copy shall be sent to the subdivider by return receipt mail.

**35-3-6**      **RIGHTS AND PRIVILEGES OF SUBDIVIDER.** Preliminary plat approval shall confer the following rights and privileges upon the subdivider:

(A)            That the preliminary plat will remain in effect for a **one (1) year** period from the day the Village Board approves the same. The applicant may, during this period, submit all or part or parts of said preliminary plat for final approval. In the event that the subdivision is being developed in stages, the applicant may, by written mutual agreement with the Village Board, have final approval of the last part of the plat delayed for a period not to exceed **five (5) years** from the date of the preliminary plat approval. Any part of a subdivision which is being developed in stages shall contain a tract of land at least **one (1) block** in area or **five (5) gross acres**.

(B)            That the general terms and conditions under which the preliminary plat approval was granted will not be changed for final approval.

(C)            The applicant may also proceed with any detailed improvement plans required for all facilities or utilities intended to be provided. Actual construction of such facilities and improvements may commence prior to final plat approval if the detailed improvement plans have been recommended by the Village Engineer and approved by the Village Board, provided that such facilities and improvements will be inspected throughout their construction, and final plat approval will be contingent in part upon acceptable compliance to Village improvement and facilities standards. If the applicant does not submit the improvement plans prior to the submission of the final plat, then he shall submit the improvement plans to the Village Clerk's office at the time that the final plat is submitted.

**35-3-7**      **RESERVED.**

## **DIVISION II - IMPROVEMENT PLANS**

**35-3-8**      **SUBMISSION OF PLANS.** After the Village Board has approved the preliminary plat, but prior to submission of the final plat, the developer shall furnish **four (4) copies** of the plans and specifications for all improvements to be installed within or in conjunction with the proposed development to the Village Clerk, pay all associated filing fees before review by the Village Engineer. These plans and specifications shall be signed and sealed by the registered professional engineer responsible for their preparation. Until the Village Engineer certifies in writing that the proposed improvements conform to generally accepted engineering practices and to the standards in this Code:

(A)            the Administrator shall not issue any building permit to allow construction of said improvements; and

(B)            the Village Board shall not act upon the application for final plat approval. **(See Section 35-3-22)**

**35-3-9**      **INFORMATION REQUIRED.** Improvement plans shall consist of black or blue line prints not larger than **twenty-four (24) by thirty-six (36) inches** and at a minimum horizontal scale of **one hundred (100) feet to one (1) inch** or minimum vertical scale of **five (5) feet to one (1) inch**. These plans and the related specifications shall provide all of the following information:

(A) topography of the tract, both before and after development at the same scale as the approved preliminary plat;

- (B) existing and proposed elevations along the centerline of all streets;
  - (C) radii of all curves and lengths of tangents on all streets;
  - (D) locations and typical cross-section of street pavements including curbs/gutters, catch basins, and inlets;
  - (E) locations and typical cross-section of sidewalks and driveway aprons;
  - (F) locations, sizes, and invert elevations of all existing and proposed sanitary sewers, storm sewers, and fire hydrants, showing connections to any existing or proposed utility systems;
  - (G) locations and sizes of all water, gas, electric, and other utilities;
  - (H) locations of street lighting standards and street signs;
  - (I) one or more bench marks, when requested by Engineer, in or near the subdivision, to which the subdivision is referenced; the identity and elevation shall be based on sea level datum;
  - (J) all proposed measures to control erosion and sedimentation;
  - (K) high water elevations of all lakes/streams adjoining or within the tract;
  - (L) such other information as the Village Engineer may reasonably require to perform his duties under this section; and
  - (M) existing and proposed survey monuments on street plans or on the proposed final plat as required by this Code.
  - (N) stormwater detention facilities shown on plans and supporting engineering calculations for storm sewers and detention facilities.
  - (O) other requirements deemed appropriate by the Village.
- [See Schedule "B" at conclusion of Chapter.]**

**35-3-10      INSPECTIONS REQUIRED.**    The subdivider/developer shall notify the Administrator and the Village Engineer of both the start and completion of construction.

- (A) The Village Engineer shall inspect said improvements while they are under construction. If he or his designated deputy determines that they are being built in violation of this Code, he shall request that the Administrator promptly issue a stop order.
- (B) The Village Engineer shall inspect improvements upon their completion. This municipality shall not accept any completed improvement until the Engineer has stated in writing that it complies with this Code.

**35-3-11      FILING "AS-BUILT" RECORDS.**

- (A) The subdivider/developer shall file with the Administrator a set of reproducible cloth- or polyester-base film positive showing the as-built details and any deviations from the approved plans upon the completion of improvements, or when **fifty percent (50%)** of the building permits have been issued in a given plat.
- (B) The subdivider/developer shall pay the costs to add water, sewer, street, and stormwater improvements to the overall Village map(s);
- (C) If the Village Engineer finds the as-built to be unacceptable, building permits shall be discontinued until such time as the information is acceptable.

**35-3-12      RESERVED.**

**DIVISION III - ASSURANCE FOR COMPLETION OF REQUIRED IMPROVEMENTS**

**35-3-13      APPROVAL OF FINAL PLAT - IMPROVEMENTS.** The Village Board shall not approve any final plat of subdivision (and, hence, said final plat shall not be entitled to recording) until:

(A) all improvements required in the improvement plan have been completed by the subdivider/developer at his expense, inspected by the Zoning Administrator and Engineer, and dedicated to this municipality or other appropriate entity; or



(B) in accordance with the sections below, the subdivider/ developer has provided this municipality with legal assurance to guarantee the satisfactory completion and dedication of all required improvements.

(C) The owner/developer's engineer shall provide a certificate that all public improvements and installations have been made or installed in accordance with the approved improvement plans and Village Code.

**35-3-14 FORMS OF ASSURANCE.** At the option of the Village Board, the required legal assurance may be either a performance bond or a bank letter of credit. Every performance bond shall be reviewed by the Village Attorney, and posted with the Village Clerk.

**35-3-15 AMOUNT OF BOND OR DEPOSIT.** The amount of the performance bond or escrow deposit shall be equal to the Village Engineer's opinion of probable costs of constructing the uncompleted portion of the required improvements plus all required inspection fees. Developer's engineer shall prepare cost estimates for review and approval by the Village Engineer. Any escrow deposit may be in the form of:

(A) an irrevocable letter of credit or commitment from a lending institution guaranteeing to this municipality the availability of the escrow funds from time to time upon demand.

**[See Schedules "D" and "E" at the conclusion of the Chapter.]**

**35-3-16 ELIGIBLE SURETIES.** No person shall be eligible to act as surety unless he has been approved by the Village Board. The Treasurer shall conduct or cause to be conducted spot audits of all sureties. Any surety who fails to perform shall be ineligible for **two (2) years** thereafter to act as surety for any subdivision improvement within this Village's jurisdiction.

**35-3-17 TERM OF ASSURANCE, EXTENSION.** The initial term of any performance bond or bank letter of credit shall not exceed **two (2) years**. If all the required improvements have not been completed by the end of the two-year period, the Administrator, with the advice and consent of the Village Board, may either extend said bond/bank letter of credit for **one (1) year** only, or may proceed as per **Section 35-3-19**.

**35-3-18 RELEASE OF BOND/ESCROW DEPOSIT.**

(A) The Village Treasurer may release up to **ninety percent (90%)** of the amount of the performance bond/escrow deposit upon receipt of written authorization from the Village Board. The amount which the Village Board authorizes to be released shall be equal to the value of improvements actually completed in accordance with approved plans.

(B) The balance of the amount of the performance bond/escrow deposit shall not be released by the Village Treasurer until:

- (1) the Village Engineer has certified to the Village in writing that all required improvements have been satisfactorily completed; and
- (2) said improvements have been accepted by and dedicated to this Village or other appropriate entity.

**35-3-19 FAILURE TO COMPLETE IMPROVEMENTS.** If all the required improvements have not been completed by the end of the two-year period (or three-year period, in the case of an extension), the Administrator, with the assistance of the Village Attorney, may:

(A) require the surety to perform on the bond, and to pay to this municipality an equal amount to the cost of completing the required improvements or the amount of the bond not theretofore released, whichever is less; or

- (B) order the Village Treasurer to retain all escrow funds needed to complete the required improvements, and to return the balance (if any) of such funds to the subdivider/developer; or
  - (C) require the subdivider/developer to submit a new performance bond or bank letter of credit in an amount sufficient to cover any increase in the cost of constructing the required improvements.
- An extension may be granted only for a **one (1) year** period by the Village Board.

**35-3-20 - 35-3-21 RESERVED.**

**DIVISION IV - FINAL PLATS**

**35-3-22 VILLAGE BOARD APPROVAL.** The Village Board shall not approve any final plat unless they determine that it is in compliance with all pertinent requirements of this Code including those set forth in the sections below.

**35-3-23 FILING, TIME LIMITS.** The subdivider of every subdivision -- whether major or minor but excluding land specifically exempted from the Illinois Plats Act as now or hereafter amended (**Ill. Comp. Stats., Chap. 765, Sec. 205/1(b)**) -- who desires final plat approval shall file **six (6) copies** of the final plat and supporting data with the Village Clerk and pay all associated filing fees not later than **one (1) year** after preliminary plat approval has been granted. However, with the consent of the Village Board, the subdivider may delay application for final approval of part(s) of the tract shown on the preliminary plat for successive one-year periods. No subdivision plat or re-plat shall be filed for record or recorded in the office of the County Recorder of Deeds, unless and until the approval of the Village is endorsed thereon. No lot shall be sold for such subdivision plat or re-plat until it has been approved by the Village Board and filed for record in the office of the County Recorder of Deeds as required by the State Statutes.

For official filings, the subdivider shall file the approved final plat with the County Recorder of Deeds within **sixty (60) days** after the Village Board has approved the same and the Mayor has affixed his signature thereto. **One (1) copy** of the final plat shall be given to the Village Clerk's office by the subdivider bearing the official stamp of the County Recorder attesting its recording within **twenty (20) days** of such action.

**35-3-24 INFORMATION REQUIRED.** Every final plat shall be prepared by a registered Illinois land surveyor on polyester-base film with waterproof black ink at a scale not greater than **one hundred (100) feet** equals **one (1) inch**, provided that the resultant drawing shall not exceed **twenty-four (24) by thirty-six (36) inches**. The final plat and supporting data shall portray/provide all of the following information:

- (A) north arrow, graphic scale, and date;
- (B) name of subdivider, subdivision, identification of the portion of the Public Lands Survey in which the subdivision is located;
- (C) accurate metes and bounds or other adequate legal description of the tract, and the included area of the subdivision to the nearest **one-hundredth (1/100) of an acre**;
- (D) accurate boundary lines, with dimensions and bearings or angles which provide a survey of the tract, closing with an error of closure of not more than **one (1) foot** in **ten thousand (10,000) feet**;
- (E) all dimensions shall be shown in feet and decimals of a foot;
- (F) reference to recorded plats of adjoining platted land within **three hundred (300) feet**, by record name, plat book, and page number;
- (G) accurate locations of all existing streets intersecting the boundaries of the subdivision;

- (H) right-of-way lines of all streets, other rights-of-way, easements, and lot lines with accurate dimensions, angles, or bearings and curve data, including radii, arcs or chords, points of tangency, and central angles;
- (I) name and right-of-way width of every proposed street;
- (J) purpose of any existing or proposed easement(s);
- (K) number of each lot, lot dimensions, and (in a separate list) lot areas;
- (L) purpose(s) for which sites, other than private lots, are reserved;
- (M) building or setback lines with accurate dimensions;
- (N) restrictions of all types which will run with the land, and become covenants in the deeds of lots;
- (O) certification of dedication of all public areas;
- (P) accurate distances and directions to the nearest established official monument; reference corners shall be accurately described on the final plat;
- (Q) reference to known and permanent monuments and bench marks from which future surveys may be made together with elevations of any bench marks; and the Surveyor must, at the time of making his survey, establish permanent monuments (set in such a manner that they will not be moved by frost) which mark the external boundaries of the tract to be divided or subdivided and must designate upon the plat the locations where they may be found;
- (R) location, type, material and size of all monuments and lot markers.

**In addition, the subdivider shall furnish the Village Board with a sample sales contract which reflects both restrictive covenants and local development ordinances which the property will be subject to.**

**[See Schedule "C" at conclusion of Chapter.]**

**35-3-25 CERTIFICATES REQUIRED.** As required by State law (**Ill. Comp. Stats., Chap. 765, Sec. 205/2; Chap. 65, Sec. 5/11-12-8**), the following certificates shall be executed on the final plat:

(A)

**OWNER'S CERTIFICATE**

We, \_\_\_\_\_, the Owners of \_\_\_\_\_ (description) \_\_\_\_\_, have caused the said tract to be surveyed and subdivided in the manner shown, and said subdivision is to be hereinafter known as \_\_\_\_\_. All rights-of-way and easements shown hereon are hereby dedicated to the use of the public forever including the release and waiver of the right of homestead under the Homestead Exemption laws of the State of Illinois.

Dated this \_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_ (Seal)

\_\_\_\_\_ (Seal)

(B)

**NOTARY PUBLIC'S CERTIFICATE**

State of Illinois            )  
                                  ) SS  
County of Randolph        )

I, \_\_\_\_\_, a Notary Public in and for the Village aforesaid, do hereby certify that \_\_\_\_\_ (owners) \_\_\_\_\_ are personally known to me to be the same persons whose names are subscribed to the foregoing instrument, and that they appeared before me this day in person and acknowledged that they signed and

sealed the same as their free and voluntary act for the uses and purposes therein set forth, including the release of waiver of the right of homestead.

Given under my hand and Notarial Seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public

(C)

**SURVEYOR'S CERTIFICATE**

I, \_\_\_\_\_, an Illinois Registered Land Surveyor, do hereby certify that this plat is a correct representation of a survey made under my direct supervision at the request of for the purpose of subdividing the tract into lots as shown.

\_\_\_\_\_  
Land Surveyor

\_\_\_\_\_  
Illinois Registration Number

\_\_\_\_\_  
Date

(D)

**VILLAGE ENGINEER'S CERTIFICATE**

This plat has been approved by the Village Highway Department with respect to roadway access pursuant to the requirements of the Village of Evansville governing access rights.

\_\_\_\_\_  
Village Engineer

\_\_\_\_\_  
Date

(E)

**VILLAGE CLERK'S CERTIFICATE**

I, \_\_\_\_\_, Village Clerk of the Village of Evansville, Illinois, do hereby certify that I find no unpaid or forfeited taxes against any of the real estate included within this plat.

\_\_\_\_\_  
Village Clerk

\_\_\_\_\_  
Date

(F)

**CERTIFICATE OF VILLAGE BOARD**

I, \_\_\_\_\_, Mayor of the Village, do hereby certify that the plat shown herein was duly presented to the Village Board and approved at a meeting of same held on \_\_\_\_ (date) \_\_\_\_.

\_\_\_\_\_  
Mayor, Village of Percy

\_\_\_\_\_  
Village Clerk, Village of Percy

(G)

**9-1-1 CERTIFICATE**

State of Illinois )  
County of Randolph )



- (D) either of the following has been met:
  - (1) all required improvements have been completed, inspected, accepted, and dedicated; or
  - (2) the subdivider/developer has posted a performance bond to guarantee the satisfactory completion and dedication of all required improvements.

If the Village Board disapproves the Final Plat, their resolution shall specify the aspects in which the Plat fails to meet the above conditions for approval.

The Village Clerk shall attach a certified copy of the Board's resolution of approval or disapproval to the Final Plat. One copy of the resolution and plat shall be retained by the Clerk, one copy shall be filed with the Administrator, and one copy shall be given to the subdivider. (See 65 ILCS 5/11-2-8)

**35-3-28 CHANGES IN APPROVED FINAL PLATS.** Once a Final Plat is approved by the Village Board, it shall not thereafter be modified; provided, however, that minor changes may be made upon written application to the Administrator. Major changes require the filing of a new Final Plat and complete re-review. (See Section 35-4-4.6)

**35-3-29 - 35-3-34 RESERVED.**

**DIVISION V - MAINTENANCE OF IMPROVEMENTS**

**35-3-35 SUBDIVIDER'S RESPONSIBILITIES.** The subdivider/developer shall maintain all the improvements in the subdivision until they have been accepted by and dedicated to the Village or other appropriate entity.

**35-3-36 MAINTENANCE BOND.** Prior to dedication, the subdivider/ developer shall post a maintenance bond with the Village Clerk in the form approved by the Village Attorney. Said bond shall be in the amount of **twenty-five percent (25%)** of the approved construction estimate amount as determined by the Village Engineer to be sufficient to guarantee the satisfactory condition of the required improvements for a period of **two (2) years** from the date of their acceptance and dedication. In addition to the improvements, the maintenance bond shall cover any problems developing in the area of the subdivision which can be proven to have created as a result of the construction of the subdivision. If at any time during the **two (2) year** period the improvements are found to be defective or problems above develop, they shall be repaired, replaced, or corrected at the subdivider/developer's expense. If the subdivider/developer fails or refuses to pay such costs within **ninety (90) days** after demand is made upon him by the Administrator, the Village shall use the maintenance bond to make the necessary repairs, replacements, or corrections. If the cost of repairs, replacements, or corrections exceeds the bond amount, the subdivider/developer shall be liable for the excess. At the end of the **two (2) year** period, the maintenance bond shall be released. [See **Schedule "F" at the conclusion of the Chapter.**]



**DIVISION VI - VACATION OF PLATS**

**35-3-37 VACATION OF PLATS.** In accordance with State law (**Ill. Comp. Stats., Chap. 765, Secs. 205/6, 205/7, and 205/8**), any plat or part thereof may be vacated by the owner of the tract, at any time before the sale of any lot therein, by a written vacation instrument to which a copy of the plat is attached. If there are public service facilities in any street, other public way, or easement shown on said plat, the instrument shall reserve to the Village or other public entity or public utility owning such facilities the property, rights-of-way, and easements necessary for continuing public service by means of those facilities and for maintaining or reconstructing the same. The vacation instrument shall be approved by the Board in the same manner as plats of subdivision and shall also be approved by the Village Engineer, the Highway Commissioner, the District Engineer of the State Department of Transportation, and the public utilities. In the case of the platted tracts wherein any lots have been sold, the written vacation instrument must also be signed by all the owners of lots in said tracts.

**ARTICLE IV - ADMINISTRATIVE PROCEDURES**

**35-4-1**        **ENFORCEMENT OFFICER, DUTIES.** The Administrator is hereby authorized and directed to administer and enforce the provisions of this Code. This broad responsibility encompasses, but is not limited to, the following specific duties.

- (A)            to review and forward preliminary plats to the Plan Commission **(See Art. III; Div. I);**
- (B)            to transmit improvements plans to the Village Engineer for his review **(See Art. III; Div. II);**
- (C)            to review and forward final plats to the Village Board **(See Sec. 35-3-23);**
- (D)            to issue stop orders as necessary when the Zoning Administrator or Village Engineer determines that approved improvements are being constructed in violation of this Code **(See Sec. 35-3-10);**
- (E)            to pursue actions authorized at **Section 35-3-19** when a developer fails to complete required improvements;
- (F)            to evaluate and pass upon proposed changes in approved final plats **(See Sec. 35-3-28);**
- (G)            to review and forward applications for subdivision variances to the Plan Commission **(See Sec. 35-4-2);**
- (H)            to maintain up-to-date records of matters pertaining to this Code including, but not limited to, preliminary plats, as-built records of completed improvements **(See Sec. 35-3-11)**, final plats, variances, and amendments;
- (I)            to provide information to subdividers/developers and to the general public on matters related to this Code; and
- (J)            to periodically review the provisions of this Code to determine whether revisions are needed, and to make recommendations on such matters to the Village Planning Commission as necessary.

**35-4-2**        **SUBDIVISION VARIANCES.** Any subdivider/developer desiring a variance from the requirements of this Code shall file a written application therefor with the Administrator at the same time that he files his preliminary plat. The application shall fully explain the grounds for the variance request, and specify the section(s) of this Code which, if strictly applied, would cause great practical difficulties or hardship. The Administrator shall prepare an advisory report on every variance application and submit it, together with the completed application, to the Plan Commission.

**35-4-3**        **REVIEW BY PLAN COMMISSION.** The Plan Commission shall review the variance application and the Administrator's comments, perform on-site review when appropriate, and submit their advisory report to the Village Board together with their recommendation on preliminary plat approval **(See Sec. 35-3-2)**. The Plan Commission's advisory report shall be responsive to all the variances standards set forth in **Section 35-4-4**.

**35-4-4**        **ACTION BY VILLAGE BOARD, VARIANCE STANDARDS.** At the same meeting at which they take action on the application for preliminary plat **approval (See Sec. 35-3-3)**, the Village Board shall decide by resolution whether to grant or deny the requested subdivision variance. A copy of their decision, clearly stating their reasons therefor and the exact terms of any variance granted, shall be attached to both the preliminary and final plats. The Village Board shall not grant any subdivision variance unless, based upon the information presented to them, they determine that:

- (A)            the proposed variance is consistent with the general purposes of this Code **(See Sec. 35-1-1);** and
- (B)            strict application of the subdivision requirements **(See Article V)** would result in great practical difficulties or hardship to the applicant, not a mere inconvenience; and

- (C) the proposed variance is the minimum deviation from the subdivision requirements that will alleviate the difficulties/hardship; and
  - (D) the plight of the applicant is due to peculiar circumstances not of his own making; and
  - (E) the peculiar circumstances creating the variance request are not applicable to other tracts and, therefore, that a variance would be a more appropriate remedy than a code amendment; and
  - (F) the variance, if granted, will not materially frustrate implementation of the comprehensive plan including the Official Map. **(See Section 35-5-2.2)**
- Financial consideration or peculiar circumstances do not constitute a hardship.

**35-4-5 AMENDMENTS.** Amendments to this Code may be proposed by the Administrator, any member of the Village Board, any Plan Commission member, or any party in interest. Every amendment proposal shall be filed on a prescribed form in the Administrator's office. The Administrator shall promptly transmit each proposal, together with any comments or recommendations he may wish to make to the Plan Commission for a public hearing.

(A) **Public Hearing, Notice.** The Plan Commission shall hold a public hearing on every amendment proposal within a reasonable time after said proposal is submitted to them. At the hearing any interested party may appear and testify, either in person or by duly authorized agent or attorney. Notice indicating the time, date, and place of the hearing, and the nature of the proposed amendment shall be given not more than **thirty (30)** nor less than **fifteen (15) days** before the hearing by publication in a newspaper of general circulation within this municipality.

(B) **Advisory Report, Action by Village Board.** Within a reasonable time after the public hearing, the Plan Commission shall submit an advisory report to the Village Board. The Village Board shall act on the proposed amendment at their next regularly scheduled meeting following submission of this report. Without another public hearing, the Village Board may either pass or reject the proposed amendment or may refer it back to the Plan Commission for further consideration.

**35-4-6 SCHEDULE OF FEES.** All fees indicated in tabular form below shall be paid to the Village Clerk. Said fees are intended to defray the administrative costs connected with the processing/conducting of the listed item; they do not constitute a tax or other revenue-raising device.

<u>Procedure</u>	<u>Fee</u>
Filing preliminary plat	\$15.00 per lot or a minimum of \$500.00
Filing Improvement plans	\$1,500.00 flat fee
Improvements inspection	3% of estimated improvement costs
Filing final plat	\$5.00 per lot
Filing variance request	\$100.00 plus the cost of mailing; public notices, and the court recorder fees
Filing amendment proposal	\$100.00 plus the cost of mailing; public notices, and the court recorder fees

**35-4-7 PENALTIES.**

(A) Any person who is convicted of a violation of this Code shall be fined not less than **Seventy-Five Dollars (\$75.00)** nor more than **Seven Hundred Fifty Dollars (\$750.00)**, plus costs. Each day that a violation continues shall be considered a separate offense; likewise, in the case of multiple violations, each violation shall be considered a separate offense.

(B) Nothing contained in this Section shall prevent the Village from taking any other lawful action that may be necessary to secure compliance with this Code.

## ARTICLE V - DESIGN AND IMPROVEMENT STANDARDS

## DIVISION I - GENERALLY

**35-5-1**        **APPLICABILITY OF ARTICLE.** No land within the subdivision and development jurisdiction of this municipality shall be subdivided or developed except in compliance with the regulations of this Article and the applicable provisions of State law. **(See III. Comp. Stats., Chap. 65, Sec. 5/11-12-8; Chap. 765, Secs. 205/1 et seq.)** No lot in any subdivision shall be conveyed until:

(A)            the final plat of said subdivision has been approved by the Village Board and recorded in the office of the County Recorder of Deeds; and

(B)            the portion of said subdivision in which the lot is located has been improved in accordance with the requirements of this Article or until a performance bond or other security has been posted to assure the completion of such improvements.

The Zoning Administrator shall not issue a Certificate of Zoning Compliance for any lot conveyed in violation of this Section; nor shall the Administrator issue a Building Permit for such lot until said Certificate has been issued following correction of violation. **(See Article III in old Code)**

**35-5-2**        **SUITABILITY FOR DEVELOPMENT GENERALLY.** Land that is unsuitable for development due to flooding, poor drainage, rough topography, adverse soil conditions, or other features which will be harmful to the health, safety, and general welfare of the inhabitants of the development and/or its surrounding areas shall not be subdivided or developed unless the subdivider/developer formulates adequate plans/methods to solve the problems caused by the adverse land conditions.

**35-5-3**        **RESERVATIONS FOR PUBLIC USE.** Instead of – or besides – requiring the developer to dedicate parcels, the Village Board may require that the developer reserve land for parks, playgrounds, schools, or other public purposes in locations designated in the Village's Comprehensive Plan, if any.

## DIVISION II - LOT REQUIREMENTS

**35-5-4**        **CONFORMITY WITH ZONING.** All lots in a subdivision shall conform to the minimum lot area and dimensions requirements of the zoning district in which said subdivision is located; land that is under water or reserved for street improvements shall not be counted to satisfy these minimum requirements. Every corner and through lot shall be large enough to permit compliance with the district's front setback requirements on every side of the lot that faces a street. All lot remnants shall be added to adjacent lots to avoid the creation of unbuildable parcels. All lots shall contain adequate space for required off-street parking and loading. **(See Chapter 40)**

**35-5-5**        **ACCESS AND RELATIONSHIP TO STREET.** Land shall be subdivided in such a way that each lot abuts a street meeting the requirements of **Section 35-5-7**. All side lot lines shall be at right angles to straight street right-of-way lines or radial to curved street right-of-way lines except where a deviation from this rule will provide a better street and lot design.

**35-5-6**        **REFERENCE MONUMENTS.** Stone or reinforced concrete reference monuments, set in the ground in such a manner that they will not be moved by frost, shall be placed in the field in accordance with the Plats Act, as now or hereafter amended. **(III. Comp. Stats., Chap. 765, Sec. 205/1.)** All block corners shall be **thirty-six (36) inches** permanent concrete post monuments and **four (4) inches** in diameter. All lot corners shall be marked by **one-half (0.5) inch** iron pins not less than

**thirty (30) inches** long. These pins shall be driven into the ground deep enough that they do not protrude above the ground surface more than **one-half (0.5) inch**.

## DIVISION III - STREET DESIGN STANDARDS

**35-5-7** **PLAN INTEGRATION.** All streets shall be properly integrated with the existing and proposed street system indicated in the municipal comprehensive plan, and shall meet the specifications set forth in **Table 5-A.**

**35-5-8** **RIGHT-OF-WAY AND PAVEMENT WIDTHS.** Every right-of-way established for subdivision purposes is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. All rights-of-way shall be dedicated to the public by the developer.

The minimum pavement widths shall be as noted in **Table 5-A.**

**35-5-9** **TOPOGRAPHICAL CONSIDERATIONS.** Grades of street shall conform as closely as possible to the natural topography, but shall not exceed the maximum grade nor be less than the minimum grade indicated in the Table of Street Design Specifications. All streets shall be arranged so that as many as possible of the building sites are at or above street grade.

**35-5-10** **THROUGH TRAFFIC DISCOURAGED.** Marginal access and local streets shall be laid out so as to discourage use by through traffic. The rigid rectangular gridiron street pattern shall be avoided, and the use of curvilinear streets, cul-de-sacs, or U-shaped streets shall be encouraged to effect a more desirable street layout.

**35-5-11** **LIMITED ACCESS TO ARTERIALS.** Where a development abuts or contains an existing or proposed arterial street, the Plan Commission may recommend to the Village Board that access to said arterial street be limited by one of the following means:

(A) by subdividing lots so they back onto the arterial street and front onto a parallel local street (double frontage lots), coupled with the installation of screening in a reserve (access-restricting) strip along the rear lot lines of such lots;

(B) a series of cul-de-sacs, U-shaped streets, or short loops entered from and generally at right angles to the arterial street, with the rear lot lines of the lots at the termini of such streets backing onto the arterial street; or

(C) a frontage road separated from the arterial street by a planting strip, but having access thereto at suitable points.

**35-5-12** **DEAD-END STREETS.**

(A) **Temporary Stub Streets.** Streets shall be so arranged to provide for the continuation of principal streets between adjacent properties when such continuation is necessary for convenient movement of traffic, effective fire and police protection, and efficient provision of utilities, and where such continuation comports with the Village's Official Map. If the adjacent property is undeveloped and the street must dead-end temporarily, the right-of-way shall be extended to the property line, and no strip that would prevent connections with future streets shall be reserved. A temporary turnabout shall be provided at the terminus of any temporary dead-end street, if required by the Village.

(B) **Permanent Dead-End Streets.** For greater convenience to traffic and more effective police and fire protection, permanent dead-end streets shall be limited to **five hundred (500) feet** in length.

The terminus of a permanent dead-end street shall not be closer than **fifty (50) feet** to the boundary of an adjacent tract. A cul-de-sac turnaround, having a minimum right-of-way radius of **fifty (50)**

**feet** and a minimum pavement radius of **forty-two (42)** feet, shall be provided at the end of every permanent dead-end street.

**35-5-13 INTERSECTIONS.**

(A) **Only Two Streets.** Not more than **two (2) streets** shall intersect at any one point.

(B) **Right Angles.** Streets shall be laid out so as to intersect as nearly as possible at right angles; in no case shall **two (2) streets** intersect at an angle of less than **seventy-five (75) degrees**. An oblique street shall be curved approaching an intersection and shall be approximately at right angles with said intersection for at least **one hundred (100) feet** therefrom.

(C) **Proper Alignment.** Proposed new intersections along one side of an existing street shall, whenever practicable, coincide with any existing intersections on the opposite side of such street. Street jogs with centerline offsets of less than **one hundred twenty-five (125) feet** shall not be permitted, except where the intersected street has divided lanes without median breaks at either intersection. Intersections involving collector or arterial streets shall be at least **eight hundred (800) feet** apart.

(D) **Curb Radii.** To permit safe vehicular movements at corners, the minimum curb radius at the intersection of two streets shall be **twenty-five (25) feet** from back of curb.

(E) **Flat Grade.** Intersections shall be designed with a flat grade wherever practical. In hilly terrain, an area having not greater than a **three percent (3%)** slope for a distance of **fifty (50) feet** from the nearest right-of-way line of the intersecting street shall be provided at the approach to an intersection.

(F) **Maximum Cross-Slope.** The cross-slopes on all streets, including intersections, shall not exceed **three percent (3%)**.

(G) **Adequate Sight-Lines.** Where any street intersection will involve earth banks or existing vegetation on the triangular area shown in **Figure 1**, the developer shall cut such ground and/or vegetation (including trees) in connection with the grading of the public right-of-way to the extent necessary to provide an adequate sight distance.

(H) **Driveways.** It shall be unlawful to construct a driveway in the triangular area shown in **Figure 1**.

**35-5-14 REVERSE CURVES.** A tangent at least **one hundred (100) feet** long shall be introduced between reverse curves on local and collector streets (**see Figure 2**).

**35-5-15 IMPROVEMENTS TO EXISTING STREETS.** Whenever any development abuts an existing street that is narrower than the standards indicated in the Table of Street Design Specifications, the subdivider shall dedicate sufficient right-of-way on the side abutting the development to permit compliance with those standards. The developer shall improve said street to the standards imposed at **Section 35-5-21** et seq., and pay one-half the cost of said improvements.

**35-5-16 WHEN EXCESS RIGHT-OF-WAY REQUIRED.** Right-of-way width in excess of the standards set forth in the Table of Street Design Specifications shall be required where:

(A) due to topography, additional width is necessary to provide adequate earth slopes;  
or

(B) due to the location of railroad tracks, additional width is needed to construct overpasses, underpasses, and approaches thereto.

**35-5-17 - 35-5-19 RESERVED.**



## DIVISION IV - STREET IMPROVEMENT STANDARDS

**35-5-20 DEVELOPER'S EXPENSE.** All streets and alleys shall be improved solely at the expense of the developer in accordance with the requirements set forth herein. All streets shall be graded as hereinafter provided:

(A) All new streets, which are created and dedicated for use within a subdivision shall be graded, drained and surfaced in accordance with the minimum requirements hereinbelow set forth and in a manner which will provide complete and adequate drainage of all the streets, alleys, and public grounds which may be necessary in order to provide adequate and satisfactory drainage along the side of any existing public street which lies adjacent to the subdivision.

In general, all such new streets within the subdivision and all work to be undertaken thereon shall be designed and constructed according to **IDOT Roads and Bridges Standard Specifications** as the same are in effect at the time the Preliminary Plat and plans for such improvement work are submitted for approval.

(B) **Grading Roadway and Side Slopes.** The roadway shall be considered to be that part of the improvement which lies between the right-of-way lines.

(C) **Street Construction Standards.** All streets within the jurisdictional authority of the Municipality other than state highways shall be improved with pavements bounded by integral concrete curbs and gutter, in accordance with the following criteria:

- (1) Collector street pavements shall be provided with a bituminous surface of **one and one-half (1 ½) inches** of bituminous concrete binder and **one and one-half (1 ½) inches** of bituminous concrete surface Class 1 placed upon a crush stone base course of CA #6 having a minimum thickness of **six (6) inches** compacted. The center **forty (40) feet** of the base course shall have a crown of **three (3) inches**.
- (2) Local street pavements shall be provided with a CA #6 crushed stone base course, having a minimum thickness of **seven (7) inches** compacted. An A-2 surface treatment shall be applied in accordance with the **IDOT Roads and Bridges Standard Specifications**.
- (3) The crushed stone base course shall be permitted to remain throughout one winter season before the bituminous surface is placed thereon. Following inspection of the base and subbase as to compaction and thickness of the base by the administrative officer, he may, by authority in writing to the subdivider, waive the winter season waiting period. Compaction based on percent of optimum density.
- (4) The subdivider shall be required to improve arterial streets only to the width required by the current and immediate needs of his subdivision consistent to the standards and specifications herein contained.

(D) **Alleys.** Alleys where permitted or required, shall be constructed as specified for local streets.

(E) **Utility Lines.** Underground utilities in streets or rights-of-way or in easements shall be installed prior to the construction of such streets and/or alleys. Wherever possible, utilities will be placed in rear lot easements with street placement permitted in only the most unusual circumstances.

**35-5-21 CURB AND GUTTER.** All streets, except alleys and collector commercial, local commercial, arterial or industrial, shall be constructed with Portland cement concrete vertical curb and gutter and/or V-type gutter in accordance with the dimensions and specifications shown, therefore, in the Appendices. Only vertical curb and gutter shall be constructed in Industrial Streets. The materials and construction methods for curb and/or gutter shall conform with **IDOT Roads and Bridges Standard Specifications**.

**35-5-22**      **EARTH SUBBASE.** The earth subbase shall be compacted to not less than **ninety-five percent (95%)** of the standard laboratory density and shall extend across the entire width of the roadway. Soil analysis shall be performed to determine the standard laboratory density in accordance with Article 207.05 of the current edition of the Illinois Department of Transportation's "Standard Specifications for Road and Bridge Construction". The results of the soil analysis shall be filed with the Village Engineer and compaction testing of the earth subbase shall be required in the areas of both driving lanes at a minimum sampling rate of **one (1) test** per lane per **five hundred (500) lineal feet** of roadway length. All tests required shall be run by the subdivider's authorized agent and the results, along with the certification of the subdivider's Engineer, shall be filed with the Village Engineer.

**35-5-23**      **MAINTENANCE RESPONSIBILITY.** Subsequent to completion of street construction by the subdivider, the Village Engineer shall make a final inspection of all streets to ascertain the acceptability of structural condition, earth slopes, drainage structures, etc. If said inspection indicates no deficient items, the Village shall take formal action to accept the completed streets for maintenance based upon the Engineer's recommendation.

Should any item need correction or repair, the subdivider will be notified in writing of each deficiency. No street(s) shall be accepted in a subdivision until all streets comply with the Village's requirements to the satisfaction of the Village Engineer. In addition, the developer shall be required to provide a guarantee in the form of a Surety Bond in the amount of **twenty-five percent (25%) of the approved construction cost estimate** for a period of **three (3) years**.

**35-5-24**      **RESERVED.**

**DIVISION V - BLOCKS**

**35-5-25**      **BLOCK WIDTH.** Blocks shall be sufficiently wide to accommodate **two (2) tiers** of lots having the minimum depth required by the zoning district regulations; provided, that this requirement may be waived in blocks adjacent to local collector or collector streets, railroads, or watercourses.

**35-5-26**      **BLOCK LENGTH.** No block shall be longer than **one thousand two hundred (1,200) feet** nor shorter than **five hundred (500) feet**. Wherever practicable, blocks along collector streets shall not be less than **one thousand (1,000) feet** in length.

**35-5-27**      **CROSSWALKS.** Crosswalks, not less than **ten (10) feet** wide, may be required through the center of blocks more than **one thousand (1,000) feet** long where necessary to provide circulation or access to schools, playgrounds, shopping centers, transportation, or other community facilities.

**35-5-28**      **RESERVED.**

**DIVISION VI - SIDEWALKS**

**35-5-29**      **SIDEWALKS.** Sidewalks shall be required:  
(A) on at least **one (1) side** of a local street, when residential density is **two (2)** or more dwelling units per net acre; and

(B) along collector streets, near schools, and in shopping areas and similar public places.

These requirements shall not be waived unless the Planning Commission advises the Village Board that, in the area in question, sidewalks are not needed to ensure public safety, and/or that topographical conditions make the installation of sidewalks impractical.

All sidewalks constructed within the municipality shall meet IDOT standards, policies and specifications.

**35-5-30      SIDEWALK CONSTRUCTION STANDARDS.**

(A)      **Relationship to Curb.** The outside edge of every sidewalk shall be located **twelve (12) inches** inside right-of-way.

(B)      **Width.** Residential sidewalks shall be at least **four (4) feet** wide. Non-residential sidewalks shall be at least **five (5) feet** wide.

(C)      **Thickness of Concrete.** All sidewalks shall be constructed of concrete at least **four (4) inches** thick, except that across driveways the thickness shall be increased to **six (6) inches** and/or number **six (6)** reinforcing mesh shall be used.

(D)      **Grade.** No sidewalk shall be constructed at a grade steeper than **ten percent (10%)**.

(E)      **Ramps at Intersections.** Curbs shall be cut and sidewalks shall be ramped at all intersections so as to enhance the mobility of handicapped individuals.

**35-5-31      RESERVED.**

**DIVISION VII - STREETLIGHTS**

**35-5-32      INTERSECTION LIGHTING.** Streetlights shall be provided at each intersection of streets (or alleys) within a subdivision and at each cul-de-sac, but in no event shall there be less than one streetlight per **four hundred (400) feet** (or portion thereof) of street frontage between intersections, or between a street intersection and the terminus of a dead-end street. Additionally, in multi-family dwelling subdivisions, lighting shall be provided within parking areas at a minimum rate of one light per **twenty-five (25) parking spaces** or any fraction thereof.

**35-5-33      STREETLIGHT SYSTEM STANDARDS.** The design and installation of the streetlight system in every subdivision shall be reviewed by the Administrator and the appropriate electric utility company.

The lighting intensity of each streetlight shall be equivalent, at a minimum, to a **175 watt lamp** or **6800 mercury luminary lamp**. Each streetlight standard (post) shall be at least **sixteen (16) feet** high.

**35-5-34      RESERVED.**

**DIVISION VIII - SIGNS**

**35-5-35      STREET SIGN SPECIFICATIONS.** Street name signs of the size, height, and type approved by Administrator shall be supplied and placed by the developer at all intersections within or abutting any subdivision. Street names shall be sufficiently different in sound and spelling from other street names in this municipality so as to avoid confusion. The Village Clerk shall maintain a list of existing street names for reference. A street which is planned as a continuation of an existing street shall bear the same name.

**35-5-36**      **STOP SIGNS.** Stop signs shall be provided by the developer. The Village Superintendent shall specify the design and the location of the signs. He shall inspect the final installation.

**DIVISION IX - UTILITIES**

**35-5-37**      **UTILITY LOCATION AND EASEMENTS REQUIRED.** All utility lines shall be located underground throughout the subdivision, in such a manner that the various service lines can be logically extended to adjacent areas and that such underground services do not adversely affect one another. Generally, gas, electric, telephone and CATV utility lines shall be buried a minimum of **one (1) foot** below the finished grade, while water and sewer utility lines shall be a minimum of **three (3) feet**. In addition, any support equipment required to be above ground (e.g., transformer boxes, vaults, etc.) shall be located in a safe and sightly manner. No utility line shall be placed such that it runs parallel within the area bordered by vertical planes located **one (1) foot** inside and outside the curb and gutter lines.

Underground service connections to the property line of each platted lot shall be installed at the subdivider's expense; provided that, on the recommendation of the Plan Commission, the requirement for service connections to each lot may be waived in the case of adjoining lots to be retained in single ownership.

**35-5-38**      **UTILITY EASEMENTS.** Utility easements, not less than **twenty (20) feet** wide for sanitary sewers and water mains and not less than **fifteen (15) feet** wide for gas, electric, telephone, and cable television, shall be provided where necessary. Normally, in the case of abutting lots, an equal amount should be taken from each lot. Property owners may (at their own risk) plant shrubbery or hedges or install fences on the easement areas. Utilities (private and public), however, in order to have access for repair shall have the election to destroy said improvements and restore the area only by grading and seeding, or to have alternate access through the owner's property.

**35-5-39**      **MAINTENANCE EASEMENTS.** Maintenance easements of not less than **five (5) feet** in width shall be provided along all rear and side lot lines.

**35-5-40**      **EXCAVATION BACKFILL.** The trench width for installation of all water and sewer lines shall be a maximum of **one and one-half (1.5) foot** greater the outside diameter of the pipe being placed. Pipe shall be placed on bedding material of select material free of stones, frozen clods, or other materials likely to cause damage to the pipe material. The initial lift of backfill shall be select material free of stones, frozen clods, or other materials likely to cause damage to the pipe, placed such that uniform support of the pipe haunches is obtained and to a depth of one-half diameter of the pipe. The next lift of backfill material shall again be select material free of stones, frozen clods, or other materials likely to cause damage to the pipe, placed for a minimum compacted depth of **six (6) inches** above the top of the pipe. The remaining backfill shall be placed in compacted layers of approximately **six (6) inch** lifts.

Water or sewer lines which fall within the area bounded by an imaginary vertical plane located **one (1) foot** outside the curb and gutter lines, shall be backfilled with sand placed in **six (6) inch** compacted lifts to a depth of **eighteen (18) inches** below the finished grade. Should the line cross beneath the curb and gutter or fall in the roadway, the last **eighteen (18) inches** of backfill shall consist of CA-6 gradation crushed stone compacted in **six (6) inch** lifts. Other areas may be backfilled with select earthen material. Water and sewer lines consisting of non-ferrous pipe materials shall require placing detector wires or tape such that the location of the line may be found using available metal detecting equipment.

**35-5-41**      **RESERVED.**

**DIVISION X - WATER FACILITIES**

**35-5-42**      **POTABLE WATER REQUIRED.** An adequate supply of potable water shall be provided to every platted lot in accordance with Illinois Department of Public Health regulations and the Illinois Environmental Protection Agency regulations. If the public water system is reasonably accessible, each lot shall be properly connected thereto at the property line. All water distribution lines shall be at least **six (6) inches** in diameter and shall conform to the latest edition of Standard Specifications for Water and Sewer Construction in Illinois and in accordance with all City administrative regulations.

The developer shall provide at his expense a minimum of **one (1)** water main tap per lot and shall be responsible for having a curb box installed in accordance with Village administrative regulations.

Where public water supply facilities are available, private water wells shall not be installed. Backflow prevention devices shall be provided on public water supply services on properties where an existing well is already located.

Valves shall be located so that no more than **eight hundred (800) feet** of water main shall be put out of service at any one time.

**35-5-43**      **FIRE HYDRANTS.** Fire hydrants of the type approved by the Village Fire Chief and the Fire Protection District (where applicable) shall be installed in every subdivision as part of the water distribution system. Unless otherwise stated, fire hydrants shall have at least a **five (5) inch** barrel, be equipped with **two (2) connections** for **two and one-half (2.5) inch** hose and **one (1) four(4) inch** pumper connection, and have a separate shutoff valve and box of at least **six (6) inches** in nominal size. In general, said fire hydrants shall be installed throughout the subdivision so that no residence shall be greater than **four hundred (400) feet** from a fire hydrant. This distance being measured from the center line of the street right-of-way to the residence. Commercial and industrial areas shall have **four hundred (400) foot** spacing for fire hydrants.

**35-5-44**      **RESERVED.**

**DIVISION XI - SANITARY SEWERS**

**35-5-45**      **COMPLIANCE WITH REGULATIONS.** All proposed sanitary sewer facilities shall comply with the regulations of the Illinois Department of Public Health and the Illinois Environmental Protection Agency, and shall be approved by the Village Board. All water and sewer lines shall be constructed as per Standard Specifications for Water and Sewers Mains, State of Illinois, 5th Edition, or as amended.

**35-5-46**      **WHEN PUBLIC SYSTEM AVAILABLE.** Whenever the public sanitary sewerage system is reasonably accessible, the developer shall extend said system throughout the subdivision, and shall provide each lot with a connection thereto. (Note: See Chapter 38 of Village's Municipal Code for sewer main specifications.)

Systems requiring the installation of a lift station must be furnished with a station meeting the approval of the Village. Occasionally the Village may require the subdivider to install a system with a capacity greater than the needs of the individual subdivision. In these instances the Village may participate in the additional costs involved with increasing the capacity of the system.

**35-5-47**      **ALTERNATE METHODS OF DISPOSAL.** In the event it is not possible, or feasible, for the subdivider to extend the public sewer system into the proposed subdivision, for whatever

reason, the subdivider has the right to petition the Village to install an alternative method of sewage

disposal. Any such petition shall be considered on an individual basis with each case standing on its own merit. No subdivision shall be approved without the Village's approval of the method of sewage disposal:

(A) **Private Central Sewage Systems.** Upon specific approval of the Village Board, the subdivider may install a private central sewage system. The Village shall reserve the right to review and approve/reject the detailed plans for such a system. Approval of the plans by the Village shall in no way be construed as acceptance of the design or operation or maintenance responsibility for said installation. Such installation shall be designed and constructed in accordance with the rules and regulations of the Illinois Environmental Protection Agency, and the Illinois Department of Public Health. The subdivider shall assume perpetual operational and maintenance responsibilities for such installation unless arrangements to the contrary are provided for in a formal written agreement between home owners and the subdivider. Failure of the subdivider to discharge his operational/maintenance responsibilities may result in a fine of **Seven Hundred Fifty Dollars (\$750.00)** per day for each day a deficiency exists and shall apply to the subdivider, his heirs, successors, or assigns.

(B) **Individual Disposal Systems.** Upon written approval of the Village Board, the subdivider may install individual sewage disposal systems providing the lot size is in excess of **fifty thousand (50,000) s.f.** If such installations are permitted, they shall be designed and installed in accordance with the applicable provisions of the requirements and regulations of the "**Private Sewage Disposal Licensing Act and Code**" of the Illinois Department of Public Health or the County Health Department regulations whichever are stricter.

**35-5-48 - 35-5-50 RESERVED.**

**(See Chapter 32 for the Stormwater Code and Chapter 40 for the Zoning Code.)**



## TABLE 5-A

### STREET DESIGN SPECIFICATIONS

<u>Residential Street Classification</u>	<u>Max. No. of Dwelling Units/ Net Acre</u>	<u>Permitted On-Street Parking</u>	<u>Required R.O.W. (ft.)</u>	<u>Min. Pavement Width (ft.)</u>	<u>Max. Gradient (%)</u>	<u>Min. Gradient (%)</u>
Marginal Access	To 1.99	None	40	24	6	1.3
Local	2.0-4.50	Both Sides	50	34	6	1.0
Collector	4.50/Greater	Both Sides	50	36	6	1.0
Arterial	Over 250 dwelling units served	None	70	36	6	1.0

<u>Commercial and Industrial Street Classification</u>	<u>Permitted On-Street Parking</u>	<u>Required R.O.W. (ft.)</u>	<u>Min. Pavement Width (ft.)</u>	<u>Max. Gradient (%)</u>	<u>Min. Gradient (%)</u>
Local	None	50	26	10	1.0
Local	One Side	60	34	10	1.0
Local	Both Sides	60	42	10	1.0
Collector	None	60	40	8	1.0

\*Parking land width, add ten (10) feet.

# **VILLAGE OF EVANSVILLE SUBDIVISION CODE**

## **SCHEDULES AND BONDS**

<b>Schedule A</b>	<b>Checklist for Preliminary Plat</b>
<b>Schedule B</b>	<b>Checklist for Engineering Plans</b>
<b>Schedule C</b>	<b>Checklist for Final Plat</b>
<b>Schedule D</b>	<b>Surety Bond for Improvements</b>
<b>Schedule E</b>	<b>Cash Bond</b>
<b>Schedule F</b>	<b>Maintenance Bond</b>
<b>Appendix A</b>	<b>Financial Commitment</b>
<b>Figure 1</b>	<b>Minimum Sight Lines at Intersections</b>
<b>Figure 2</b>	<b>Minimum Reverse Curves</b>
<b>Figure 3</b>	<b>Typical Curb and Gutter</b>
<b>Figure 4</b>	<b>Typical Cul-de-Sac</b>
<b>Figure 5</b>	<b>Typical Curb Inlet</b>
<b>Figure 6</b>	<b>Streets – Cross-Sections</b>
<b>Figure 7</b>	<b>Streets - Commercial</b>

## Schedule A. Checklist for Preliminary Plat

\_\_\_\_\_ (Name of Subdivision)

\_\_\_\_\_ (Date of Submission)

\_\_\_\_\_ (Due date of recommendation – 90 days)

NOTE: To properly execute this checklist, the subdivider or his engineer shall:

- (A) Insert the required information.
- (B) Denote compliance with applicable ordinances by placing his initials in all spaces where applicable.
- (C) Denote those items which the subdivider considers "not applicable" to this particular subdivision by the abbreviation "N.A.".

- \_\_\_\_\_ 1. Six copies of preliminary plan submitted.
- \_\_\_\_\_ 2. Plans conform to Sec. 34-3-3.
- \_\_\_\_\_ 3. Plan scale is not less than 1" to 100'.
- \_\_\_\_\_ 4. Minimum profile scale is 1" to 100' horizontal and 1" to 10' vertical.
- \_\_\_\_\_ 5. A title sheet is included with each set of preliminary plans.
- \_\_\_\_\_ 6. Name of proposed subdivision shown.
- \_\_\_\_\_ 7. Location given by town, range, section or other legal description.
- \_\_\_\_\_ 8. Name and address of owner, trust, corporation, or subdivider having control of project is shown.
- \_\_\_\_\_ 9. Name and seal of professional engineer or surveyor who prepared topographic survey is shown.
- \_\_\_\_\_ 10. Name and address of the designer of the plan is shown.
- \_\_\_\_\_ 11. North direction is shown.
- \_\_\_\_\_ 12. Date of preparation and date of revision, if any, is shown.
- \_\_\_\_\_ 13. A location map is included indicating:
  - \_\_\_\_\_ a. A scale of not less than 1" to 1,000'.
  - \_\_\_\_\_ b. Boundary lines of adjoining land within an area bounded by the nearest arterial streets or other natural boundaries.
  - \_\_\_\_\_ c. Use of surrounding land.
  - \_\_\_\_\_ d. Ownership of the surrounding land.
  - \_\_\_\_\_ e. Alignment of existing streets.
  - \_\_\_\_\_ f. Section and corporate lines.
- \_\_\_\_\_ 14. Boundary lines of proposed subdivision are clearly shown.
- \_\_\_\_\_ 15. Total approximate acreage is shown.
- \_\_\_\_\_ 16. Existing zoning classification is indicated.
- \_\_\_\_\_ 17. The following existing items, if within the boundaries of the subdivision, or located 100' or less outside the boundaries are shown:
  - \_\_\_\_\_ a. Previously platted streets and other right-of-way, with improvements, if any, indicating:
    - \_\_\_\_\_ 1. Location
    - \_\_\_\_\_ 2. Widths
    - \_\_\_\_\_ 3. Names
  - \_\_\_\_\_ b. Railroad rights-of-way, indicating:
    - \_\_\_\_\_ 1. Location
    - \_\_\_\_\_ 2. Dimensions
  - \_\_\_\_\_ c. Utility rights-of-way, indicating:
    - \_\_\_\_\_ 1. Location
    - \_\_\_\_\_ 2. Widths
    - \_\_\_\_\_ 3. Type
      - \_\_\_\_\_ a. Sewer
      - \_\_\_\_\_ b. Water
      - \_\_\_\_\_ c. Electric
      - \_\_\_\_\_ d. Other

- \_\_\_\_\_ d. Parks and other open spaces indicating:
  - \_\_\_\_\_ 1. Location
  - \_\_\_\_\_ 2. Area
- \_\_\_\_\_ e. Easements, including:
  - \_\_\_\_\_ 1. Location
  - \_\_\_\_\_ 2. Width
  - \_\_\_\_\_ 3. Purpose
- \_\_\_\_\_ f. Permanent buildings and structures, indicating:
  - \_\_\_\_\_ 1. Location
  - \_\_\_\_\_ 2. Setback lines
  - \_\_\_\_\_ 3. Names of owners
- \_\_\_\_\_ g. Section and corporate lines
- \_\_\_\_\_ h. Sanitary sewers, indicating:
  - \_\_\_\_\_ 1. Location
  - \_\_\_\_\_ 2. Size
  - \_\_\_\_\_ 3. Manholes
  - \_\_\_\_\_ 4. Invert elevations at manholes
- \_\_\_\_\_ i. Water mains, indicating:
  - \_\_\_\_\_ 1. Location
  - \_\_\_\_\_ 2. Size
  - \_\_\_\_\_ 3. Valves, indicating:
    - \_\_\_\_\_ a. Valve manhole, or
    - \_\_\_\_\_ b. Valve box
  - \_\_\_\_\_ 4. Fire hydrants and auxiliary valves
- \_\_\_\_\_ j. Culverts, indicating:
  - \_\_\_\_\_ 1. Type
  - \_\_\_\_\_ 2. Location
  - \_\_\_\_\_ 3. Size
  - \_\_\_\_\_ 4. Invert elevation
- \_\_\_\_\_ k. Storm sewers, indicating:
  - \_\_\_\_\_ 1. Location
  - \_\_\_\_\_ 2. Size
  - \_\_\_\_\_ 3. Catch basins
  - \_\_\_\_\_ 4. Invert elevations
- \_\_\_\_\_ l. Watercourses, indicating:
  - \_\_\_\_\_ 1. Type
  - \_\_\_\_\_ 2. High water width and elevation
  - \_\_\_\_\_ 3. Width of easement
  - \_\_\_\_\_ 4. Location of easement
- \_\_\_\_\_ m. Marshes or wetlands, indicating:
  - \_\_\_\_\_ 1. Location
  - \_\_\_\_\_ 2. Dimensions
  - \_\_\_\_\_ 3. Soil bearing capacity
- \_\_\_\_\_ n. Floodplains, floodways, or flood prone areas, indicating:
  - \_\_\_\_\_ 1. Location
  - \_\_\_\_\_ 2. Dimensions
  - \_\_\_\_\_ 3. Type
- \_\_\_\_\_ o. Rock outcrops, indicating:
  - \_\_\_\_\_ 1. Location
  - \_\_\_\_\_ 2. Dimensions
- \_\_\_\_\_ p. Monuments and survey markers, indicating:
  - \_\_\_\_\_ 1. Location
  - \_\_\_\_\_ 2. Type
- \_\_\_\_\_ 18. Topographic data is given in feet above mean sea level within the tract and to a distance of 100' beyond, indicating:
  - \_\_\_\_\_ a. Existing contours at vertical intervals of not more than 2'.
  - \_\_\_\_\_ b. Proposed contours at vertical intervals of not more than 2'.

- \_\_\_\_\_ c. Bench mark, indicating:
  - \_\_\_\_\_ 1. Location
  - \_\_\_\_\_ 2. Description
  - \_\_\_\_\_ 3. Elevation
- \_\_\_\_\_ 19. Soil bearing data is given, if required by the municipality, indicating:
  - \_\_\_\_\_ a. Location of tests
  - \_\_\_\_\_ b. Depth of tests
  - \_\_\_\_\_ c. Soil bearing capacity
  - \_\_\_\_\_ d. Moisture content
- \_\_\_\_\_ 20. The following proposed items, if within the boundaries of the subdivision or located 100' or less outside of the boundaries, are shown:
  - \_\_\_\_\_ a. Layout of streets, indicating:
    - \_\_\_\_\_ 1. Arterial streets, indicating:
      - \_\_\_\_\_ a. Right-of-way width
      - \_\_\_\_\_ b. Roadway width, back to back of curbs
    - \_\_\_\_\_ 2. Collector streets, indicating:
      - \_\_\_\_\_ a. Right-of-way width
      - \_\_\_\_\_ b. Roadway width, back to back of curbs
    - \_\_\_\_\_ 3. Local streets, indicating:
      - \_\_\_\_\_ a. Right-of-way width
      - \_\_\_\_\_ b. Roadway width, back to back of curbs
    - \_\_\_\_\_ 4. Cul-de-sac streets, indicating:
      - \_\_\_\_\_ a. Right-of-way width
      - \_\_\_\_\_ b. Roadway width, back to back of curbs
      - \_\_\_\_\_ c. The length does not exceed 500' unless there are less than 16 lots abutting the cul-de-sac street.
      - \_\_\_\_\_ d. Terminus is circular, or nearly so, and right-of-way is at least 120' in diameter.
      - \_\_\_\_\_ e. Terminus roadway width is 80' in diameter.
    - \_\_\_\_\_ 5. Marginal access street, indicating:
      - \_\_\_\_\_ a. Right-of-way width
      - \_\_\_\_\_ b. Roadway width, back to back of curbs
    - \_\_\_\_\_ 6. Through street shown extended to boundaries of subdivision
    - \_\_\_\_\_ 7. Storm water runoff pattern on paving
  - \_\_\_\_\_ b. Names of streets
    - \_\_\_\_\_ 1. Not duplicating the name of any street heretofore used in the municipality or its environs, unless the street is an extension of an already existing street, in which case, the name shall be used.
  - \_\_\_\_\_ c. Street improvement plan showing location of all new street improvements, including those to the center line of previously dedicated rights-of-way, abutting the subdivision, in accordance with prevent municipality standards.
  - \_\_\_\_\_ d. Utility easements:
    - \_\_\_\_\_ 1. Located at the rear of each lot and other necessary locations
    - \_\_\_\_\_ 2. Not less than 10' in width on each lot
    - \_\_\_\_\_ 3. Purpose is indicated
    - \_\_\_\_\_ 4. Storm water runoff is indicated

- \_\_\_\_\_ e. Centerline profiles of all streets showing gradients not less than 0.4 percent and not more than:
  - \_\_\_\_\_ 1. 5.0% on collector streets
  - \_\_\_\_\_ 2. 7.0% on minor streets
- \_\_\_\_\_ f. Pedestrian ways, when required, indicating:
  - \_\_\_\_\_ 1. Location at approximately the center of blocks in excess of 1000' in length
  - \_\_\_\_\_ 2. Width not less than 10'
  - \_\_\_\_\_ 3. Shrub or tree hedge at side boundary lines
- \_\_\_\_\_ g. Block layout, indicating:
  - \_\_\_\_\_ 1. Blocks do not exceed 1200' in length
  - \_\_\_\_\_ 2. Additional access ways to parks, schools, etc., are shown in accordance with the plan commission's requirements
  - \_\_\_\_\_ 3. Blocks fit readily into the overall plan of the subdivision, with due consideration given to:
    - \_\_\_\_\_ a. Topographical conditions
    - \_\_\_\_\_ b. Lot planning
    - \_\_\_\_\_ c. Traffic flow pattern
    - \_\_\_\_\_ d. Public open space areas
  - \_\_\_\_\_ 4. Block numbers
  - \_\_\_\_\_ 5. Blocks intended for commercial, industrial or institutional use are so designated
- \_\_\_\_\_ h. Lot layout, indicating:
  - \_\_\_\_\_ 1. Lot dimensions
  - \_\_\_\_\_ 2. Lot areas, not less than those stipulated in the appropriated district regulations of the zoning code (Areas may be listed by Schedule)
  - \_\_\_\_\_ 3. Building setback lines shown and properly dimensioned
  - \_\_\_\_\_ 4. Proposed land use
  - \_\_\_\_\_ 5. Lot numbers
  - \_\_\_\_\_ 6. Corner lots are sufficiently larger than interior lots to allow maintenance of building setback lines on both street frontages and still allow a buildable width equal to that of the smallest interior lot in the block
  - \_\_\_\_\_ 7. All lots abut a publicly dedicated street for a distance of not less than the minimum width of the lot
  - \_\_\_\_\_ 8. Lots are as nearly rectangular in shape as is practicable
  - \_\_\_\_\_ 9. Lots are not less than the provision of the zoning code
  - \_\_\_\_\_ 10. Lot lines are substantially at right angles to the street lines and radial to curved street lines
  - \_\_\_\_\_ 11. Double frontage lots only where:
    - \_\_\_\_\_ a. Lots back upon an arterial street and front on an access street
    - \_\_\_\_\_ b. Topographic or other conditions make subdividing otherwise unreasonable
    - \_\_\_\_\_ c. Lots can be made an additional 20' deeper than average
    - \_\_\_\_\_ d. A protective screen planting is indicated on one frontage
  - \_\_\_\_\_ 12. Lots abutting or traversed by a watercourse, drainage way, channel way, channel, or stream, indicate:
    - \_\_\_\_\_ a. Additional width and depth to provide an acceptable building site
    - \_\_\_\_\_ b. Width of easement is at least 15' wider on each side of water at high water level
  - \_\_\_\_\_ 13. Due regard for natural features, such as:
    - \_\_\_\_\_ a. Trees

- \_\_\_\_\_ b. Watercourses
- \_\_\_\_\_ c. Historic items
- \_\_\_\_\_ d. Other similar conditions
- \_\_\_\_\_ i. Areas intended to be dedicated for public use, indicating:
  - \_\_\_\_\_ 1. Plan conforms to general development plan of the municipality
  - \_\_\_\_\_ 2. Purpose
  - \_\_\_\_\_ 3. Acreage
- \_\_\_\_\_ j. Source of domestic water supply, indicating:
  - \_\_\_\_\_ 1. Connection to existing water mains
  - \_\_\_\_\_ 2. Location of site for community water plans
- \_\_\_\_\_ k. Provision for sewage disposal, indicating:
  - \_\_\_\_\_ 1. Connection to existing sanitary sewer mains
  - \_\_\_\_\_ 2. Location of site for community sewage disposal plant
- \_\_\_\_\_ l. School sites, indicating:
  - \_\_\_\_\_ 1. Location
  - \_\_\_\_\_ 2. Dimensions
  - \_\_\_\_\_ 3. Acreage
- \_\_\_\_\_ m. Topographic information, indicating:
  - \_\_\_\_\_ 1. Proposed changes in elevation of land showing that any flooding would be relieved
  - \_\_\_\_\_ 2. Adequate installation of storm sewers would remove the possibility of flooding
- \_\_\_\_\_ n. Sanitary sewer layout, indicating:
  - \_\_\_\_\_ 1. Location
  - \_\_\_\_\_ 2. Size
  - \_\_\_\_\_ 3. Invert elevation at manholes
  - \_\_\_\_\_ 4. Manhole locations
- \_\_\_\_\_ o. Watermain layout, indicating:
  - \_\_\_\_\_ 1. Location
  - \_\_\_\_\_ 2. Size
  - \_\_\_\_\_ 3. Looped pattern where practicable
  - \_\_\_\_\_ 4. Fire hydrants, as per Section 34-5-43
- \_\_\_\_\_ p. Storm sewer layout (See Ch. 32)
  - \_\_\_\_\_ 1. Location
  - \_\_\_\_\_ 2. Catch basins at not more than 600' intervals
  - \_\_\_\_\_ 3. Storm water is not carried across or around any intersection
  - \_\_\_\_\_ 4. Surface water drainage pattern for individual lot and block
- \_\_\_\_\_ q. Street light layout, indicating:
  - \_\_\_\_\_ 1. Locations and typical street light detail, or
  - \_\_\_\_\_ 2. Statement by subdivider that street lights will be installed in accordance with municipality standards
- \_\_\_\_\_ 21. An outline of proposed covenants accompanies the plans, indicating the intention of the subdivider to have the covenants recorded with the final plat.
  - \_\_\_\_\_ a. Protective against obstruction against drainage easements
- \_\_\_\_\_ 22. Typical street cross-section showing base construction, surfacing, concrete curb and sidewalk in accordance with the land improvements code.
- \_\_\_\_\_ 23. Indication that sidewalks will be installed along all lot lines coincidental with street rights-of-way.
- \_\_\_\_\_ 24. Indication on drawing or by certificate that subdivider is aware of his responsibility for installation of street signs and for seeding and tree planting in all parkways.

Completed by \_\_\_\_\_ (Name)  
 \_\_\_\_\_ (Address)  
 Reviewed by \_\_\_\_\_ (Zoning Administrator)  
 \_\_\_\_\_ (Date)  
 Considered by Plan Commission on \_\_\_\_\_ (Date)  
 \_\_\_\_\_ (Chairman)

## Schedule B. Checklist for Engineering Plans

\_\_\_\_\_ (Name of Subdivision)

\_\_\_\_\_ (Date of Submission)

\_\_\_\_\_ (Due date of recommendation – 45 days)

NOTE: To properly execute this checklist, the subdivider or his engineer shall:

- (A) Insert the required information.
- (B) Denote compliance with applicable ordinances by placing his initials in all spaces where applicable.
- (C) Denote those items which the subdivider considers "not applicable" to this particular subdivision by the abbreviation "N.A.".

- \_\_\_\_\_ 1. Plans have been submitted within twelve (12) months of the date of approval by the municipality board of the Preliminary Plan.
- \_\_\_\_\_ 2. Four (4) copies of engineering plans have been submitted.
- \_\_\_\_\_ 3. Plans conform to Article V, p. 838.
- \_\_\_\_\_ 4. A title sheet is included with each set of plans, and includes:
  - \_\_\_\_\_ a. Name of subdivision and unit number.
  - \_\_\_\_\_ b. Type of work covered.
  - \_\_\_\_\_ c. Location map showing relation of area to be improved to existing streets.
  - \_\_\_\_\_ d. An index of sheets.
  - \_\_\_\_\_ e. A summary of quantities.
  - \_\_\_\_\_ f. Name, address, and seal of registered engineer preparing the plans.
  - \_\_\_\_\_ g. Date of preparation and revisions, if any, is shown.
- \_\_\_\_\_ 5. Plans and profiles are on Federal Aid Sheets, plate I or II or equal.
  - \_\_\_\_\_ a. Horizontal scale is not less than 1" to 50'.
  - \_\_\_\_\_ b. Vertical scale is not less than 1" to 5'.
- \_\_\_\_\_ 6. Cross sections are plotted on Federal Aid Sheets, plate III.
- \_\_\_\_\_ 7. North direction is shown for each separate plan view.
- \_\_\_\_\_ 8. An adequate number of bench marks are shown with elevations referenced to mean sea level, to facilitate checking of elevations.
- \_\_\_\_\_ 9. Delineation is shown of all easements necessary to serve all lots with underground and overhead utilities, and to allow for perpetual maintenance to these facilities.
- \_\_\_\_\_ 10. An application for State Environmental Protection Agency permit for the sanitary sewer extension accompanies the plans.
- \_\_\_\_\_ 11. Sanitary sewer plans and specifications are complete and conform to the standards and requirements of the codes applicable thereto and denote all of the following:
  - \_\_\_\_\_ a. All properties in the subdivision are served and house service connections are provided.
  - \_\_\_\_\_ b. The minimum size main is 8" I.D.
  - \_\_\_\_\_ c. The plan conforms to the overall municipal plan for any trunk sewers traversing the subdivision.
  - \_\_\_\_\_ d. The distance between manholes does not exceed 400'.
  - \_\_\_\_\_ e. The invert elevation of each manhole is shown.
  - \_\_\_\_\_ f. The grade of each section of sewer is shown by percentage in accordance with accepted engineering practice.
  - \_\_\_\_\_ g. Extra strength pipe and extra strength manhole wall construction is specified and shown on the plans and in the estimates of quantities where the depth of installation exceeds 8'.
  - \_\_\_\_\_ h. Profile of existing and proposed ground surfaces.
  - \_\_\_\_\_ i. Risers are shown for individual house service laterals where depths of main exceeds 12'.
  - \_\_\_\_\_ j. Pipe joints are of permitted type.
  - \_\_\_\_\_ k. Minimum manhole cover weights are correct.



- \_\_\_\_\_ 1. 540 pounds in collector streets.
- \_\_\_\_\_ 2. 400 pounds in minor and cul-de-sac streets.
- \_\_\_\_\_ 3. 335 pounds in rear-lot easements.
- \_\_\_\_\_ 12. An application for State Environmental Protection Agency approval of the water main installation accompanies the plans.
- \_\_\_\_\_ 13. Water distribution plans and specifications are complete and conform to the codes applicable thereto and include all of the following:
  - \_\_\_\_\_ a. All properties in the subdivision are served.
  - \_\_\_\_\_ b. The minimum size main is 6" I.D.
  - \_\_\_\_\_ c. The plan conforms to the municipality's overall plan for any trunk lines which might traverse the subdivision.
  - \_\_\_\_\_ d. Valve and hydrant spacing and location conform to the approved preliminary plan.
  - \_\_\_\_\_ e. Materials and joint specifications comply with the municipality's standards.
  - \_\_\_\_\_ f. Specifications include provisions for testing and sterilization of all new water distribution facilities.
    - \_\_\_\_\_ 1. Valve cover
    - \_\_\_\_\_ 2. Standard cover
    - \_\_\_\_\_ 3. Standard hydrant installation
- \_\_\_\_\_ 14. Street plans, including storm sewers, are complete and conform to the codes applicable thereto and include the following:
  - \_\_\_\_\_ a. The location of streets and width of pavements conform to those indicated on the approved preliminary plan.
  - \_\_\_\_\_ b. Plan shows curb, gutter and sidewalk locations, and include the following information:
    - \_\_\_\_\_ 1. Corner curb radius is not less than 16'.
    - \_\_\_\_\_ 2. Curve data for all horizontal curves.
    - \_\_\_\_\_ 3. Direction of flow along all curbs.
    - \_\_\_\_\_ 4. No surface water is carried across or around any street intersection, nor for a distance greater than 600'.
  - \_\_\_\_\_ c. Cross-sections are submitted as necessary to indicate feasibility of proposed street elevations in relation to adjacent lot elevations, and include sidewalk location.
  - \_\_\_\_\_ d. Profiles are submitted for all paving centerlines and storm sewers and indicate:
    - \_\_\_\_\_ 1. Catch basin invert elevations.
    - \_\_\_\_\_ 2. Minimum pipe size is 12" I.D., except that a lead from a single inlet may be 10" I.D.
    - \_\_\_\_\_ 3. The grade of each section of sewer is shown by percentage in accordance with accepted engineering practice.
    - \_\_\_\_\_ 4. Storm sewer elevations do not conflict with any other underground utilities.
    - \_\_\_\_\_ 5. Storm sewer is connected with an adequate outfall.
    - \_\_\_\_\_ 6. Curve data is given for vertical road curves.
  - \_\_\_\_\_ e. The storm sewer system is designed to provide sufficient capacity for the drainage of upland areas contributing to the storm water runoff on the street.
    - \_\_\_\_\_ 1. Storm sewer design computations are submitted with plans.
  - \_\_\_\_\_ f. A surface water drainage pattern is shown for each block.
  - \_\_\_\_\_ g. Material specifications comply with municipality standards and include:
    - \_\_\_\_\_ 1. Paving base material
    - \_\_\_\_\_ 2. Paving surface materials
    - \_\_\_\_\_ 3. Concrete
    - \_\_\_\_\_ 4. Pipe materials
  - \_\_\_\_\_ h. Typical cross-sections and details include the following:
    - \_\_\_\_\_ 1. Collector street
    - \_\_\_\_\_ 2. Minor or cul-de-sac street
    - \_\_\_\_\_ 3. Concrete curb and gutter
    - \_\_\_\_\_ 4. Concrete sidewalk

- \_\_\_\_\_ 5. Standard manhole
- \_\_\_\_\_ 6. Standard cover
- \_\_\_\_\_ 7. Catch basin
- \_\_\_\_\_ 15. Street light plans are complete and include the following:
  - \_\_\_\_\_ a. Pole locations
  - \_\_\_\_\_ b. Spacing
  - \_\_\_\_\_ c. Average maintained footcandle illumination (calculated).
    - \_\_\_\_\_ 1. Type of base and pole
    - \_\_\_\_\_ 2. Bracket or arm
    - \_\_\_\_\_ 3. Luminaire, indicating type of lamp and wattage
    - \_\_\_\_\_ 4. Mounting height
- \_\_\_\_\_ 16. Parkway improvement specifications are complete and include provisions for:
  - \_\_\_\_\_ a. Removal of stumps, trees that cannot be saved, boulders, and all other similar items.
  - \_\_\_\_\_ b. Grading, installation of topsoil and seeding or sodding.
- \_\_\_\_\_ 17. Street signs are shown to be installed at all street intersections not previously marked.

Completed by \_\_\_\_\_ (Name)  
 \_\_\_\_\_ (Address)  
 \_\_\_\_\_ (Date)

Reviewed by \_\_\_\_\_ (Zoning Administrator)  
 \_\_\_\_\_ (Date)

Considered by Plan Commission on \_\_\_\_\_ (Date)  
 \_\_\_\_\_ (Chairman)

### Schedule C. Checklist for Final Plat

\_\_\_\_\_ (Name of Subdivision)

\_\_\_\_\_ (Date of Submission)

\_\_\_\_\_ (Due date of recommendation – 30 days)

NOTE: To properly execute this checklist, the subdivider or his engineer shall:

- (A) Insert the required information.
- (B) Denote compliance with applicable ordinances by placing his initials in all spaces where applicable.
- (C) Denote those items which the subdivider considers "not applicable" to this particular subdivision by the abbreviation "N.A.").

- \_\_\_\_\_ 1. Plat has been submitted within six (6) months after the approval of the engineering plans.
- \_\_\_\_\_ 2. Plat has been submitted within three (3) years after the approval of the preliminary plan (unless an extension of time has been requested and granted by the Village Board.
- \_\_\_\_\_ 3. One (1) original drawing of the final plat has been submitted.
- \_\_\_\_\_ 4. One (1) transparency print of the final plat has been submitted.
- \_\_\_\_\_ 5. Four (4) copies of the final plat have been submitted.
- \_\_\_\_\_ 6. Plat is drawn with black or blue ink on heavy linen tracing cloth or polyester film.
- \_\_\_\_\_ 7. North direction is shown.
- \_\_\_\_\_ 8. Scale is shown (minimum 1" equals 100').
- \_\_\_\_\_ 9. Section corners and section lines are accurately tied into subdivision by distances and angles.
- \_\_\_\_\_ 10. Official survey monuments are shown as required.
- \_\_\_\_\_ 11. All necessary easements are shown and dimensioned.
- \_\_\_\_\_ 12. Building setback lines are shown and dimensioned in accordance with the zoning code.
- \_\_\_\_\_ 13. Lot areas are in accordance with the applicable zoning regulations.
- \_\_\_\_\_ 14. Street names are shown.
- \_\_\_\_\_ 15. Areas to be dedicated or reserved for public use are shown and described and the purpose is designated.
- \_\_\_\_\_ 16. Protective covenants are lettered on the plat or are appropriately referenced.
- \_\_\_\_\_ 17. Required certificates are shown and signed:
  - \_\_\_\_\_ a. Surveyor's certificate (including legal description).
  - \_\_\_\_\_ b. Owner's certificate.
  - \_\_\_\_\_ c. Notary certificate.
  - \_\_\_\_\_ d. County Clerk certificate.
  - \_\_\_\_\_ e. Flood Hazard certificate.
  - \_\_\_\_\_ f. Plan Commission certificate.
  - \_\_\_\_\_ g. Village Board Certificate.
  - \_\_\_\_\_ h. Administrator.
- \_\_\_\_\_ 18. The following items have been submitted with the final plat:
  - \_\_\_\_\_ a. Detailed specifications for all required land improvements not previously submitted and approved with the engineering plans.
  - \_\_\_\_\_ b. A copy of the state sanitary water board permit for the sanitary sewer installation.
  - \_\_\_\_\_ c. A copy of the state department of public health approval of the water main installation.
  - \_\_\_\_\_ d. An affidavit by the subdivider acknowledging responsibility for the proper installation of all required land improvements.
  - \_\_\_\_\_ e. A certified estimate of cost of all required land improvements prepared by a registered engineer.
  - \_\_\_\_\_ f. A description of the bond or guarantee collateral intended to be submitted after contingent approval is granted by the Village Board.

Completed by \_\_\_\_\_ (Name)  
\_\_\_\_\_ (Address)  
\_\_\_\_\_ (Date)  
Reviewed by: \_\_\_\_\_ (Zoning Administrator)  
\_\_\_\_\_ (Date)  
Considered by Plan Commission on \_\_\_\_\_ (Date)  
\_\_\_\_\_ (Chairman)

**Schedule D. Surety Bond for Improvements**

"Know all men by these presents that we, \_\_\_\_\_, (name of individual, corporation, etc.), as principal, and the \_\_\_\_\_, (name of bonding company), a corporation, authorized to do business in the State of \_\_\_\_\_, as surety, are held and firmly bound unto the Village of Percy, in the penal sum \_\_\_\_\_ Dollars, lawful money of the United States for the payment of which we and each of us bind ourselves, our heirs, executors, administrators, successors and assigns jointly by these presents:

"The condition of this obligation is such that whereas, the said \_\_\_\_\_, (name of individual, corporation or principal) has agreed to construct and/or install at its expense the following improvements:

- Street base and paving
- Concrete curb and gutters
- Water mains, appurtenances, and house services
- Storm sewers, appurtenances, and house services
- Sanitary sewers, appurtenances, and house services
- Concrete sidewalks
- Street lights
- Site improvements

All in accordance with the specifications and codes of the Village, and contained in plans and specifications prepared by \_\_\_\_\_ (named engineer), and approved by the Village Board, at the following location:

\_\_\_\_\_  
(Description of Property)

'And has agreed to maintain such improvement constructed under this bond for a period of two year from the date of acceptance of the same by the Village.

'Now, therefore, if the said principal shall well and truly perform in all respects in strict accordance with the requirements, and shall save the Village harmless from all loss, cost or damage, by reason of their failure to complete said work, or maintain said improvements, relating to the above described work, then this obligation to be void, otherwise to remain in full force and effect."

**Schedule E. Cash Bond**

The Plan Commission may permit a developer to file in lieu of the surety bond called for in Schedule D, a cash bond guaranteeing that the improvements will be completed as follows:

(A) Undertaking in Lieu of Completion Bond.

WHEREAS, the statutes of the State of Illinois grant to a municipal corporation the right to require that a developer constructing certain improvements within that community guarantee the construction of such improvements by a completion bond or other security acceptable to the community; and WHEREAS, \_\_\_\_\_ desires to construct a residential development within the \_\_\_\_\_ of \_\_\_\_\_, and that said municipality is willing to accept an undertaking from a financial institution in the nature of an irrevocable commitment in lieu of such completion bond.

NOW, THEREFORE, are the following representations made by the owner and/or developer to the \_\_\_\_\_ of \_\_\_\_\_, as follows:

1. THAT \_\_\_\_\_ is the owner and/or developer of the property legally described in clause 2 of this undertaking, and shall hereinafter be referred to as "OWNER"; and, THAT the \_\_\_\_\_ of \_\_\_\_\_ shall hereinafter be referred to as "MUNICIPALITY".

2. THAT the OWNER is the legal title holder of the following described property:

[Legal Description]

3. THAT the OWNER shall be required to install and guarantee the installation of streets, sidewalks, street lights, sanitary sewers, storm sewers, water lines, recreational facilities (including structures), and common landscaping. In order to guarantee that such facilities shall be installed, the OWNER shall submit to the municipal engineer such specifications and estimated engineering costs as shall be required to meet with his approval. In aiding the municipal engineer in determining the amount of reasonably anticipated costs for the construction of such improvements, the OWNER may submit to the engineer signed contracts for the construction of such improvements. The municipal engineer, upon being satisfied that the design of the required improvements are in accordance with the ordinances of the MUNICIPALITY and in accordance with good engineering practices, shall estimate and certify an amount which shall represent one hundred ten percent (110%) of the reasonably estimated cost of completing the required improvements for which the MUNICIPALITY is requiring a completion guarantee.

4. [THAT except for the issuance of building permits for a reasonable number of models], the OWNER shall not be entitled to the issuance of [further] building permits until and unless said OWNER shall submit to the municipality an irrevocable financial commitment from a bank, savings and loan, or mortgage company approved by the municipality in the amount certified by the municipal engineer.

5. THAT the written irrevocable financial commitment shall be furnished by the municipality from a banking or lending institution in the form marked Appendix A and appended to this agreement.

6. THAT the OWNER guarantees the workmanship of the public improvements to be installed upon the site for a period of one (1) year after their donation to the municipality. Upon final completion of the streets, sidewalks, street lights, sanitary sewers, storm sewers, and water mains, the OWNER shall execute a Bill of Sale for those items which are personal property. For a period of one (1) year after the granting of the Bill of Sale in the case of personal property and the acceptance for maintenance in the case of streets and sidewalks, all necessary repairs to such facilities shall be the responsibility of the OWNER.

IN WITNESS WHEREOF \_\_\_\_\_ has hereunto  
set his hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(OWNER)

APPROVED by the \_\_\_\_\_ of \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_  
\_\_\_\_\_, 20\_\_\_\_.

BY: \_\_\_\_\_  
(MUNICIPALITY)

(B) [Letterhead of Bank, Savings and Loan or Mortgage House]

\_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## **Schedule F. Maintenance Bond**

The contractor making subdivision improvements shall furnish a one-year maintenance bond in the amount of 25% of the total cost of any improvements and installations excluding street tree plants and landscaping, which are to be maintained by the municipality. Such bond shall be in full force and effect from the date of the letter from the Administrator certifying that all required subdivision improvements and installations have been completed. This bond shall provide that all defects in the improvements and installations will be corrected at the end of the bond period subject to the approval of the Administrator. In those cases where a surety bond has been posted for the improvements in accordance with division (D) of this section, the applicant may provide that the surety bond be extended to cover this one-year period. Otherwise, a separate maintenance bond shall be posted.



**APPENDIX A: FINANCIAL COMMITMENT**

GENTLEMEN:

We hereby establish our irrevocable credit in favor of \_\_\_\_\_ [developer] \_\_\_\_\_, or the municipality of \_\_\_\_\_ in the amount of \_\_\_\_\_ Dollars (\$\_\_\_\_\_). We understand that this irrevocable credit is to be used to construct the following improvements in the residential development known as \_\_\_\_\_ to be constructed within the \_\_\_\_\_ of \_\_\_\_\_, Illinois:

streets; sidewalks; street lights; the portion of sanitary sewers, storm sewers, and water mains to become municipality-owned; recreational facilities (including a recreational building and a swimming pool and appurtenances thereof); and, landscaping in common areas.

The development is legally described as follows: [Legal Description]

We shall make payouts from this irrevocable commitment as follows:

If we have not been notified by the municipality of a default by the owner and/or developer, we shall disburse the funds for labor and materials furnished by contractors in accordance with the sworn statement on order of the owner, the submission of proper lien waivers from the contractors engaged in such work, and the certificate by the municipal engineer, \_\_\_\_\_ [his name] \_\_\_\_\_, that such work has been properly completed, however, that we shall withhold from each payment made under such sworn statement(s) or order(s) an amount equal to ten percent (10%) thereof until all improvements have been completed except final surfacing of the streets and sidewalks, at which time the ten percent (10%) sum withheld shall be disbursed less a sum equal to one hundred and twenty-five percent (125%) of the cost of the final surfacing of the streets, which sum shall be finally disbursed when the work has been completed and the requirements of certification and lien waivers as has been hereinabove set out.

The required improvements shall be completed in accordance with the following schedule: [Insert Schedule].

If we receive a resolution of the corporate authorities of the municipality indicating that the owner and/or developer has failed to satisfactorily complete or carry on the work of the installation and construction of the required improvements, and such resolution indicates that the owner and/or developer has been notified that the municipality finds that a breach of the owner’s and/or developer’s obligations has occurred and have not been cured within a period of thirty (30) days, that in such case we shall make payments for materials and labor to such contractor(s) or subcontractor(s) retained by the municipality who have completed the improvements in substantial accordance with the plans and specifications of the owner and/or developer; such payments shall be made upon the certification of the municipal engineer that the work has been completed and the submission of proper waiver of liens from the contractor(s) or subcontractor(s). The amount of the payouts shall be in accordance with the retention provisions as previously set out.

The irrevocable credit established by us shall be in force for a period of \_\_\_\_\_ (\_\_\_\_\_) years, and shall remain in effect without regard to any default in payments of sums owned us by the owner and/or developer and without regard to other claims which we may have against the owner and/or developer. Sixty (60) days prior to the expiration of this irrevocable credit, we shall notify the corporate authorities of the municipality, by registered letter return receipt requested, of the impending expiration date. This commitment shall not terminate without such notice. If the work covered by this commitment has not been completed within the time set forth in this agreement, the municipality may at its option continue drawing funds as otherwise provided for an additional period of one (1) year. It is recognized that the municipality is according to the owner and/or developer the permission to proceed with the development project expressly upon the guarantee of the irrevocable nature of this commitment. It is further acknowledged that the consideration for this irrevocable commitment is provided by agreements between this financial institution and the developer. The sum of this credit shall, however, be reduced in the amount of disbursements made from time to time in accordance with the terms under which this credit is extended as set out above.

FIGURE 1  
MINIMUM SIGHT  
LINES AT  
INTERSECTIONS

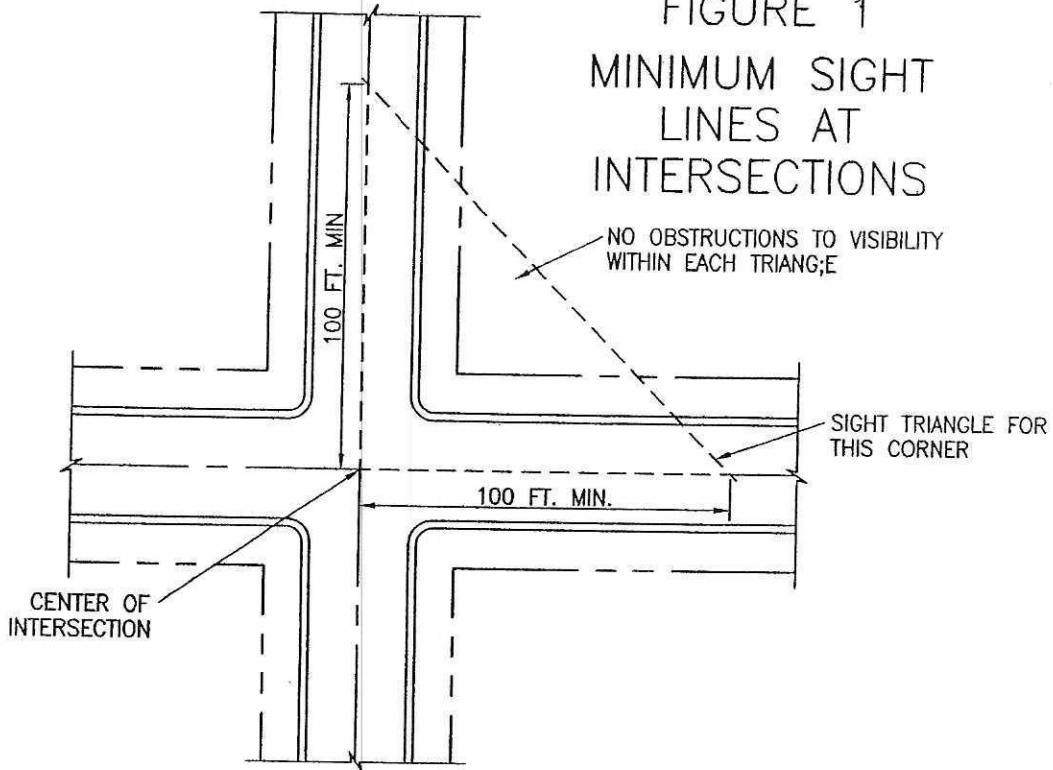


FIGURE 2  
MINIMUM  
REVERSE  
CURVES

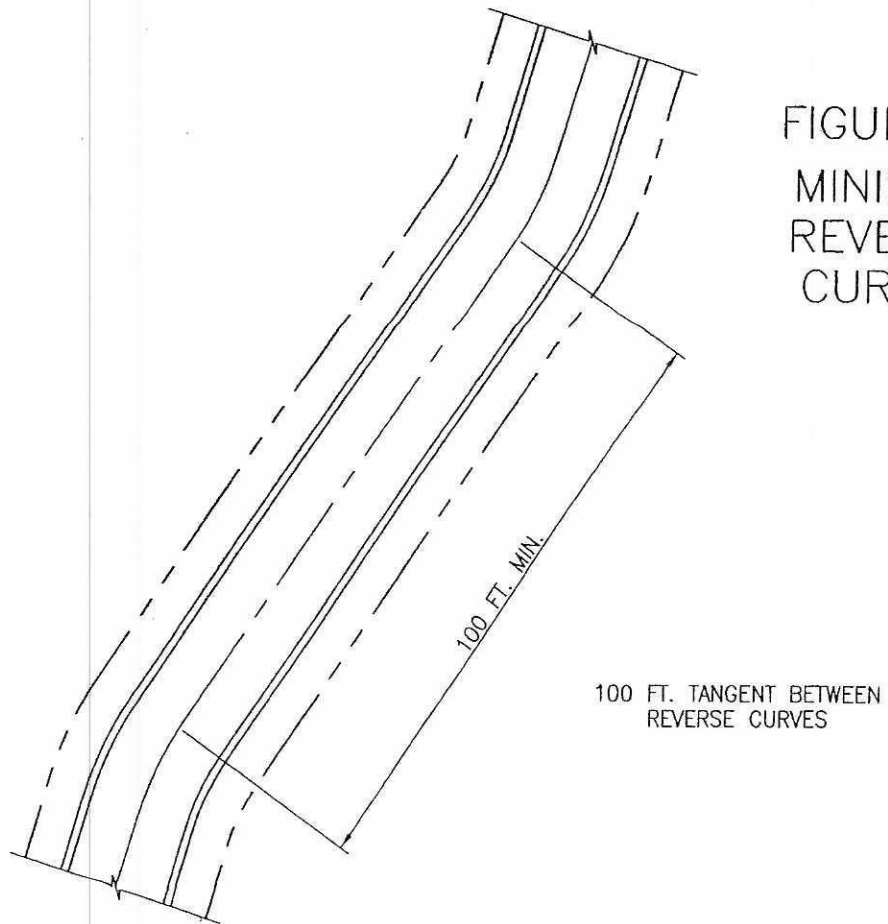
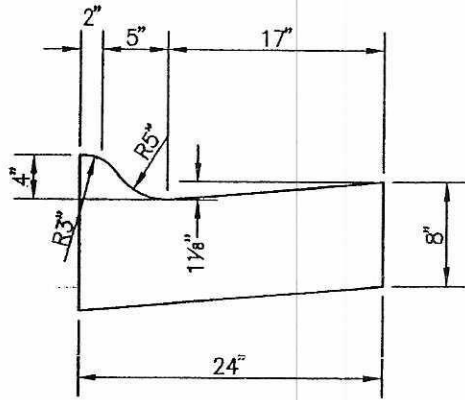
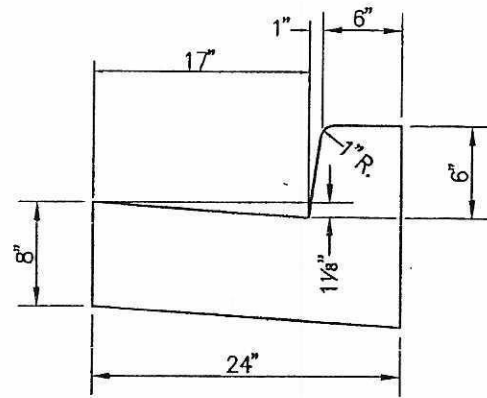


FIGURE 3  
TYPICAL CURB AND GUTTER



ROLLED CURB



BARRIER CURB

FIGURE 4  
TYPICAL CUL-DE-SAC

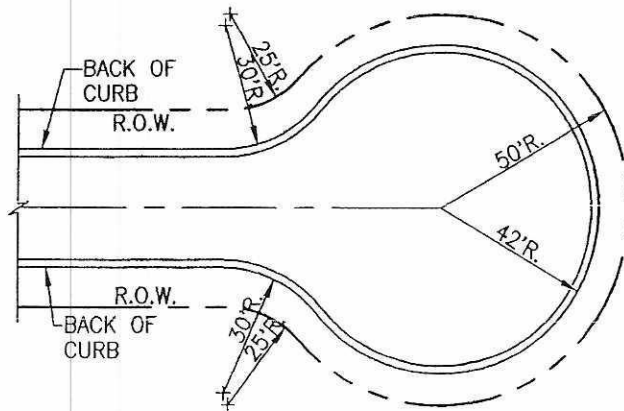
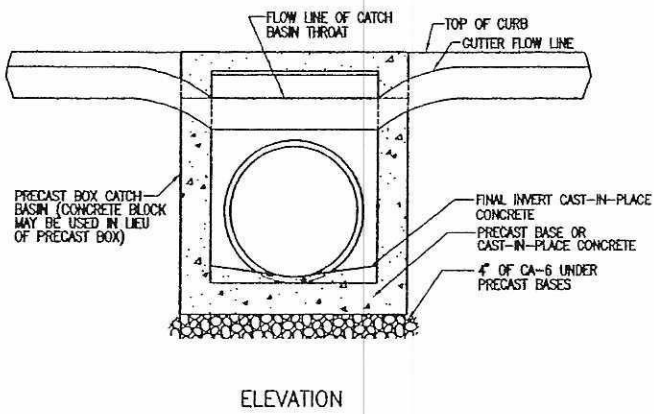
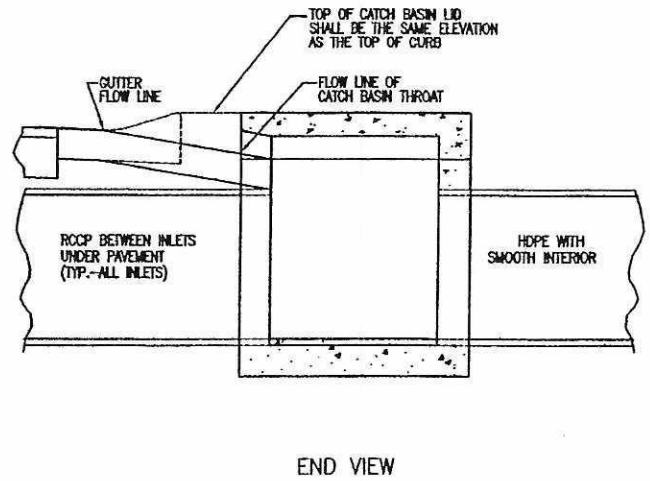
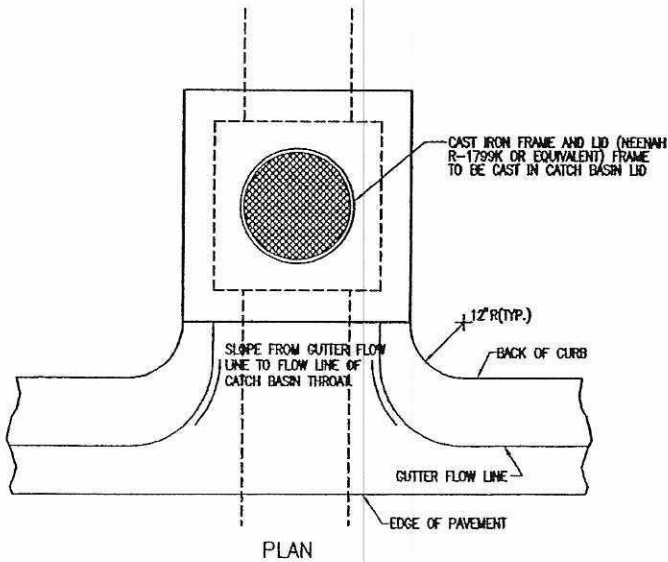
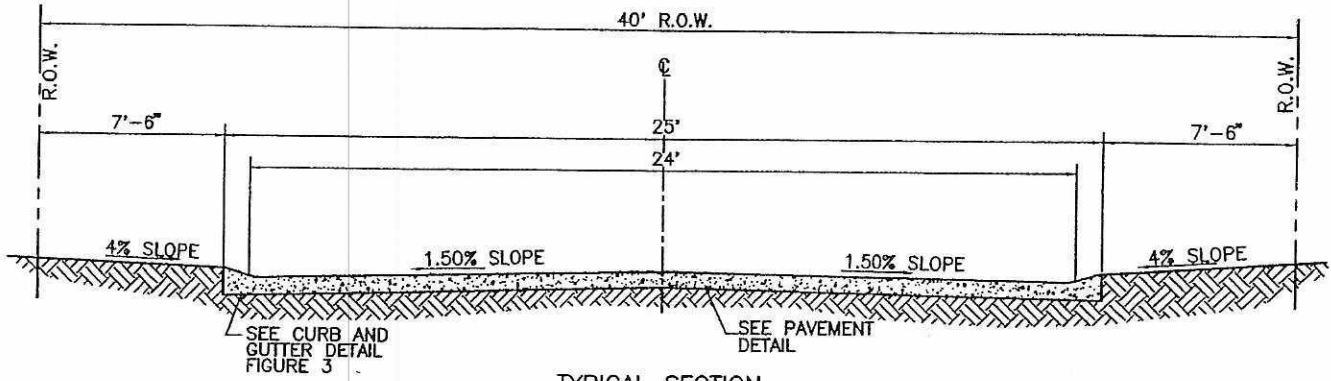
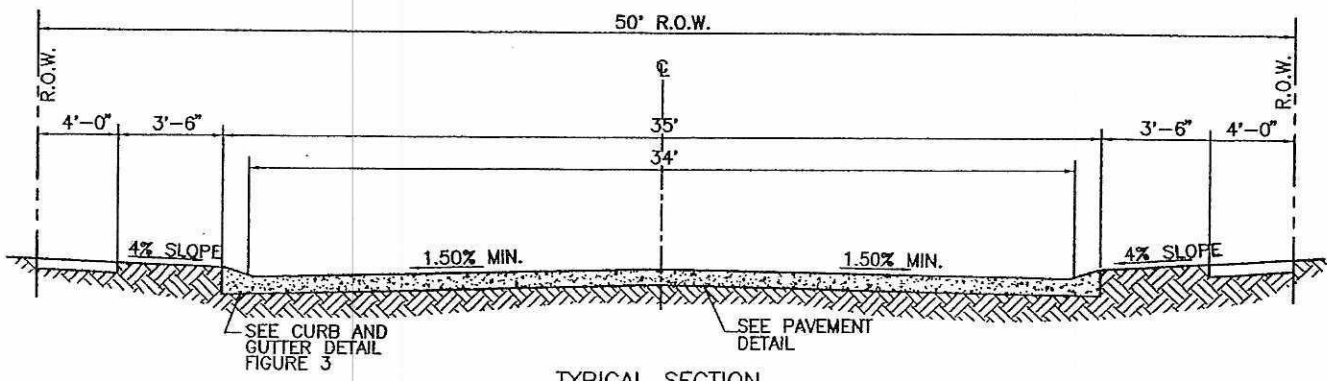


FIGURE 5  
TYPICAL CURB INLET

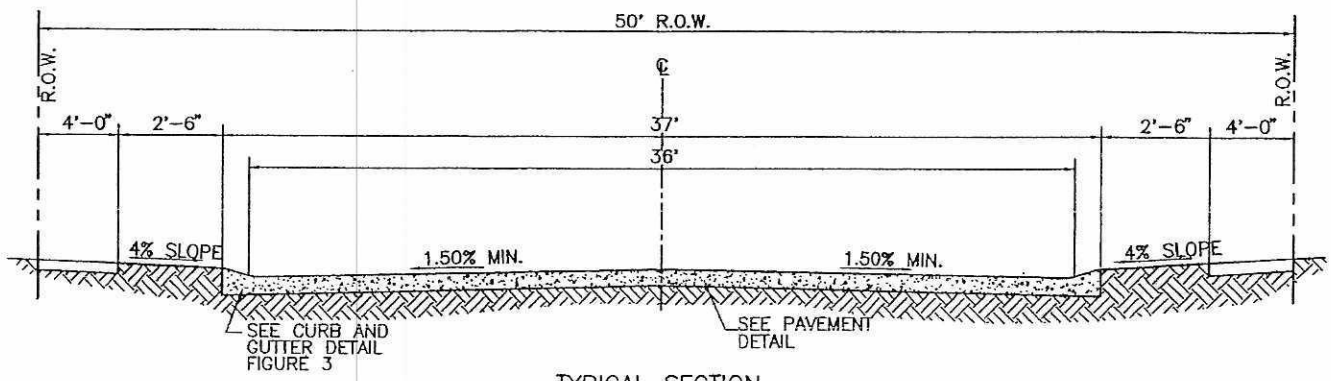




TYPICAL SECTION  
MARGINAL ACCESS STREET

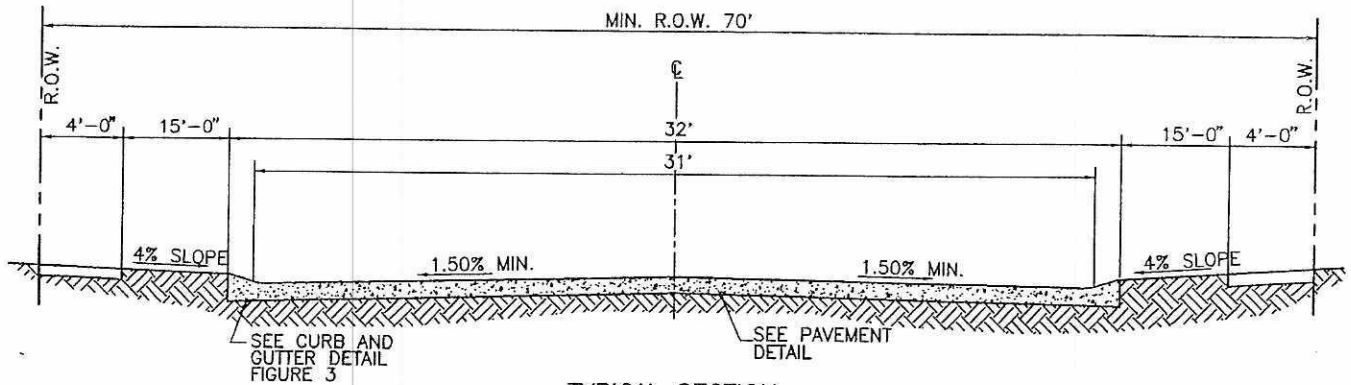


TYPICAL SECTION  
LOCAL STREET

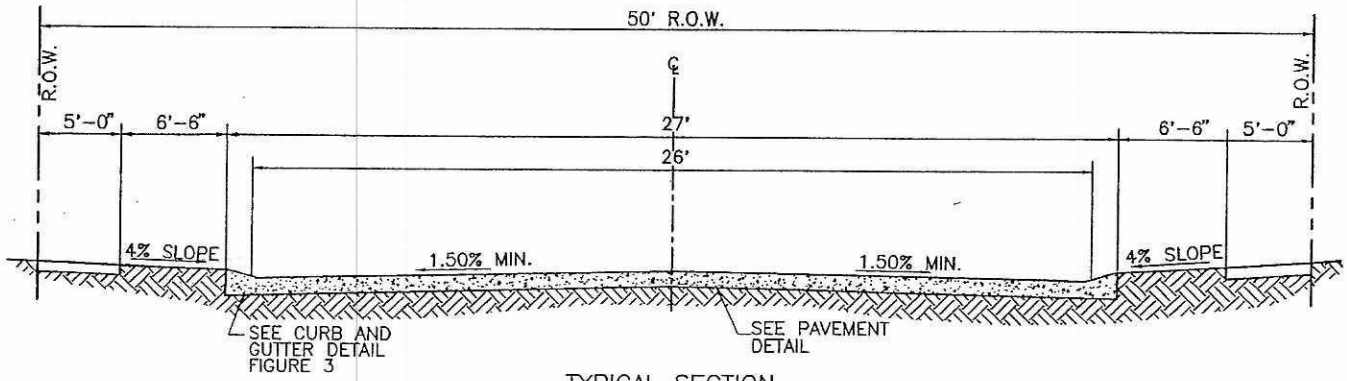


TYPICAL SECTION  
RESIDENTIAL COLLECTOR STREET

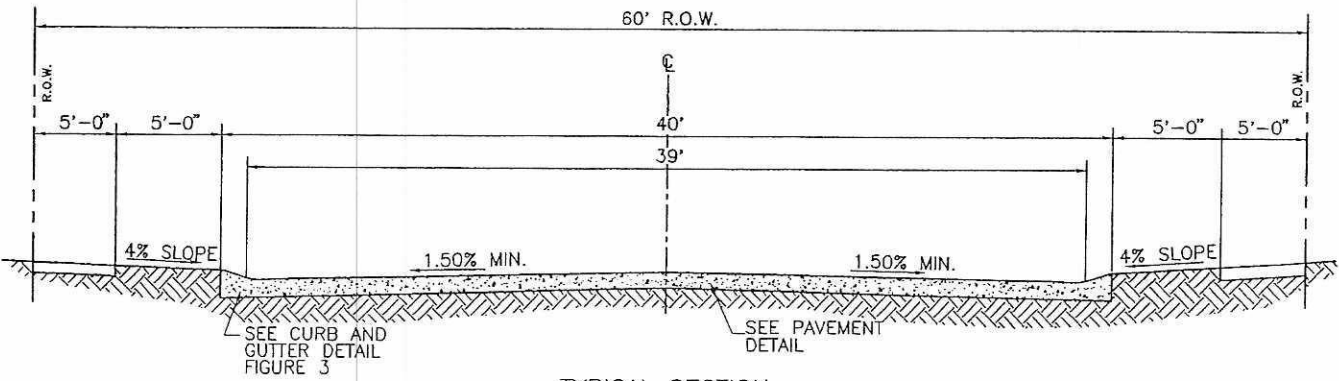
FIGURE 6



TYPICAL SECTION  
 ARTERIAL STREET



TYPICAL SECTION  
 COMMERCIAL AND INDUSTRIAL LOCAL STREET



TYPICAL SECTION  
 COMMERCIAL AND INDUSTRIAL COLLECTOR STREET

FIGURE 7

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CHAPTER 36

TAXATION

ARTICLE I – GENERALLY

**36-1-1**        **CORPORATE RATE.** The maximum rate for general corporate purposes of the Village be and the same is hereby established at a rate of **.25%**. (See **65 ILCS Sec. 5/8-3-1**)

**36-1-2**        **POLICE TAX.** The maximum rate for police protection purposes of the Village be and the same is hereby established at a rate of **.075%**. (See **65 ILCS Sec. 5/11-1-3**)

**36-1-3**        **AUDIT TAX.** The Village Board may levy a "Municipal Auditing Tax" upon all taxable property in the Village which will produce an amount which will equal the cost of all auditing for the Village. (See **65 ILCS Sec. 5/8-8-8**)

**36-1-4**        **F.I.C.A. TAX.** The Village Board may levy a tax upon all taxable property in the Village at whatever rate is necessary to participate in the federal Social Security System. (See **40 ILCS Sec. 5/21-101 et seq.**)

**36-1-5**        **GENERAL LIABILITY.** The Village Board may levy a tax upon all taxable property in the Village at whatever rate is necessary to purchase general liability insurance for the Village.

**36-1-6**        **GARBAGE TAX.** The maximum tax for garbage collection purposes, be and the same is hereby established at a rate of **.20%**. (See **65 ILCS Sec. 5/11-19-4**)

**36-1-7**        **WORKMEN'S COMPENSATION.** The maximum tax for Worker's Compensation and Occupational Diseases Claims purposes, be and the same is hereby established at a rate to pay for legal services, purchase insurance, purchase claim services, pay for judgments and settlements. (See **745 ILCS Sec. 10/9-107**)

**36-1-8**        **PUBLIC PARKS TAX.** The maximum tax for Public Park purposes, be and the same is hereby established at a rate of **.075%**. (See **65 ILCS Sec. 5/11-98-1**)

**36-1-9**        **STREET AND BRIDGE.** The maximum tax for Street and Bridge purposes, be and the same is hereby established at a rate of **.06%**. (See **65 ILCS Sec. 5/11-81-1 and 5/11-81-2**)

**36-1-10**       **FIRE PROTECTION.** The tax rate limitation for fire protection purposes shall be **.30%** of the assessed value of all the taxable property within the corporate limits of the Village pursuant to **65 ILCS 5/11-7-3**. (Ord. No. **412; 08-04-86**)

**36-1-11**      **LIBRARY TAX.** The maximum tax for Library purposes, be and the same is hereby established at a rate of **.1107%**. **(See 75 ILCS 5/3-1 and 5/3-4)**

## ARTICLE II - TAXPAYERS' RIGHTS CODE

**36-2-1**        **TITLE.** This Article shall be known as, and may be cited as, the "Locally Imposed and Administered Tax Rights and Responsibility Code".

**36-2-2**        **SCOPE.** The provisions of this Code shall apply to the Village's procedures in connection with all of the Village's locally imposed and administered taxes.

**36-2-3**        **DEFINITIONS.** Certain words or terms herein shall have the meaning ascribed to them as follows:

(A)            **Act.** "Act" means the "Local Government Taxpayers' Bill of Rights Act".

(B)            **Corporate Authorities.** "Corporate Authorities" means the Mayor and Board of Trustees.

(C)            **Locally Imposed and Administered Tax or "Tax".** "Locally Imposed and Administered Tax" or "Tax" means each tax imposed by the Village that is collected or administered by the Village not an agency or department of the State. It does not include any taxes imposed upon real property under the Property Tax Code or fees collected by the Village other than infrastructure maintenance fees.

(D)            **Local Tax Administrator.** "Local Tax Administrator", the Village's Treasurer, is charged with the administration and collection of the locally imposed and administered taxes, including staff, employees or agents to the extent they are authorized by the local tax administrator to act in the local tax administrator's stead. The local tax administrator shall have the authority to implement the terms of this Code to give full effect to this Code. The exercise of such authority by the local tax administrator shall not be inconsistent with this Code and the Act.

(E)            **Village.** "Village" means the Village of Evansville, Illinois.

(F)            **Notice.** "Notice" means each audit notice, collection notice or other similar notice or communication in connection with each of the Village's locally imposed and administered taxes.

(G)            **Tax Ordinance.** "Tax Ordinance" means each ordinance adopted by the Village that imposes any locally imposed and administered tax.

(H)            **Taxpayer.** "Taxpayer" means any person required to pay any locally imposed and administered tax and generally includes the person upon whom the legal incidence of such tax is placed and with respect to consumer taxes includes the business or entity required to collect and pay the locally imposed and administered tax to the Village.

**36-2-4**        **NOTICES.** Unless otherwise provided, whenever notice is required to be given, the notice is to be in writing mailed not less than **seven (7) calendar days** prior to the day fixed for any applicable hearing, audit or other scheduled act of the local tax administrator. The notice shall be sent by the local tax administrator as follows:

(A)            First class or express mail, or overnight mail, addressed to the persons concerned at the persons' last known address, or

(B)            Personal service or delivery.

**36-2-5**        **LATE PAYMENT.** Any notice, payment, remittance or other filing required to be made to the Village pursuant to any tax ordinance shall be considered late unless it is:

(A)            physically received by the Village on or before the due date, or

(B)            received in an envelope or other container displaying a valid, readable U.S. postmark dated on or before the due date, properly addressed to the Village, with adequate postage prepaid.

**36-2-6**      **PAYMENT.** Any payment or remittance received for a tax period shall be applied in the following order:

- (A) first to the tax due for the applicable period;
- (B) second to the interest due for the applicable period; and
- (C) third to the penalty for the applicable period.

**36-2-7**      **CERTAIN CREDITS AND REFUNDS.**

(A) The Village shall not refund or credit any taxes voluntarily paid without written protest at the time of payment in the event that a locally imposed and administered tax is declared invalidly enacted or unconstitutional by a court of competent jurisdiction. However, a taxpayer shall not be deemed to have paid the tax voluntarily if the taxpayer lacked knowledge of the facts upon which to protest the taxes at the time of payment or if the taxpayer paid the taxes under duress.

(B) The statute of limitations on a claim for credit or refund shall be **four (4)** or less years after the end of the calendar year in which payment in error was made. The Village shall not grant a credit or refund of locally imposed and administered taxes, interest, or penalties to a person who has not paid the amounts directly to the Village.

(C) The procedure for claiming a credit or refund of locally imposed and administered taxes, interest or penalties paid in error shall be as follows:

- (1) The taxpayer shall submit to the local tax administrator in writing a claim for credit or refund together with a statement specifying:
  - (a) the name of the locally imposed and administered tax subject to the claim;
  - (b) the tax period for the locally imposed and administered tax subject to the claim;
  - (c) the date of the tax payment subject to the claim and the cancelled check or receipt for the payment;
  - (d) the taxpayer's recalculation, accompanied by an amended or revised tax return, in connection with the claim; and
  - (e) a request for either a refund or a credit in connection with the claim to be applied to the amount of tax, interest and penalties overpaid, and, as applicable, related interest on the amount overpaid; provided, however, that there shall be no refund and only a credit given in the event the taxpayer owes any monies to the Village.
- (2) Within **ten (10) days** of the receipt by the local tax administrator of any claim for a refund or credit, the local tax administrator shall either:
  - (a) grant the claim; or
  - (b) deny the claim, in whole or in part, together with a statement as to the reason for the denial or the partial grant and denial.
- (3) In the event the local tax administrator grants, in whole or in part, a claim for refund or credit, the amount of the grant for refund or credit shall bear interest at the rate of **five percent (5%)** per annum, based on a year of **three hundred sixty-five (365) days** and the number of days elapsed, from the date of the overpayment to the date of mailing of a refund check or the grant of a credit.

**36-2-8**      **AUDIT PROCEDURE.** Any request for proposed audit pursuant to any local administered tax shall comply with the notice requirements of this Code.

- (A) Each notice of audit shall contain the following information:
  - (1) the tax;
  - (2) the time period of the audit; and

- (3) a brief description of the books and records to be made available for the auditor.

(B) Any audit shall be conducted during normal business hours and if the date and time selected by the local tax administrator is not agreeable to the taxpayer, another date and time may be requested by the taxpayer within **thirty (30) days** after the originally designated audit and during normal business hours.

(C) The taxpayer may request an extension of time to have an audit conducted. The audit shall be conducted not less than **seven (7) days** nor more than **thirty (30) days** from the date the notice is given, unless the taxpayer and the local tax administrator agreed to some other convenient time. In the event taxpayer is unable to comply with the audit on the date in question, the taxpayer may request another date within the **thirty (30) days**, approved in writing, that is convenient to the taxpayer and the local tax administrator.

(D) Every taxpayer shall keep accurate books and records of the taxpayer's business or activities, including original source documents and books of entry denoting the transactions which had given rise or may have given rise to any tax liability, exemption or deduction. All books shall be kept in the English Language and shall be subject to and available for inspection by the Village.

(E) It is the duty and responsibility of every taxpayer to make available its books and records for inspection by the Village. If the taxpayer or tax collector fails to provide the documents necessary for audit within the time provided, the local tax administrator may issue a tax determination and assessment based on the tax administrator's determination of the best estimate of the taxpayer's tax liability.

(F) If an audit determines there has been an overpayment of a locally imposed and administered tax as a result of the audit, written notice of the amount of overpayment shall be given to the taxpayer within **thirty (30) days** of the Village's determination of the amount of overpayment.

(G) In the event a tax payment was submitted to the incorrect local governmental entity, the local tax administrator shall notify the local governmental entity imposing such tax.

**36-2-9**      **APPEAL.**

(A) The local tax administrator shall send written notice to a taxpayer upon the local tax administrator's issuance of a protestable notice of tax due, a bill, a claim denial, or a notice of claim reduction regarding any tax. The notice shall include the following information:

- (1) the reason for the assessment;
- (2) the amount of the tax liability proposed;
- (3) the procedure for appealing the assessment; and
- (4) the obligations of the Village during the audit, appeal, refund and collection process.

(B) A taxpayer who receives written notice from the local tax administrator of a determination of tax due or assessment may file with the local tax administrator a written protest and petition for hearing, setting forth the basis of the taxpayer's request for a hearing. The written protest and petition for hearing must be filed with the local tax administrator within **forty-five (45) days** of receipt of the written notice of the tax determination and assessment.

(C) If a timely written notice and petition for hearing is filed, the local tax administrator shall fix the time and place for hearing and shall give written notice to the taxpayer. The hearing shall be scheduled for a date within **fourteen (14) days** of receipt of the written protest and petition for hearing, unless the taxpayer requests a later date convenient to all parties.

(D) If a written protest and petition for hearing is not filed within the **forty-five (45) day** period, the tax determination, audit or assessment shall become a final bill due and owing without further notice.

(E) Upon the showing of reasonable cause by the taxpayer and the full payment of the contested tax liability along with interest accrued as of the due date of the tax, the local tax administrator may reopen or extend the time for filing a written protest and petition for hearing. In no event shall the time for filing a written protest and petition for hearing be reopened or extended for more than **ninety (90) days** after the expiration of the **forty-five (45) day** period.

**36-2-10 HEARING.**

(A) Whenever a taxpayer or a tax collector has filed a timely written protest and petition for hearing under **Section 36-2-9**, above, the local tax administrator shall conduct a hearing regarding any appeal.

(B) No continuances shall be granted except in cases where a continuance is absolutely necessary to protect the rights of the taxpayer. Lack of preparation shall not be grounds for a continuance. Any continuance granted shall not exceed **fourteen (14) days**.

(C) At the hearing the local tax administrator shall preside and shall hear testimony and accept any evidence relevant to the tax determination, audit or assessment. The strict rules of evidence applicable to judicial proceedings shall not apply.

(D) At the conclusion of the hearing, the local tax administrator shall make a written determination on the basis of the evidence presented at the hearing. The taxpayer or tax collector shall be provided with a copy of the written decision.

**36-2-11 INTEREST AND PENALTIES.** In the event a determination has been made that a tax is due and owing, through audit, assessment or other bill sent, the tax must be paid within the time frame otherwise indicated.

(A) **Interest.** The Village hereby provides for the amount of interest to be assessed on a late payment, underpayment, or nonpayment of the tax to be **six percent (6%)** per annum, based on a year of **three hundred sixty-five (365) days** and the number of days elapsed.

(B) **Late Filing and Payment Penalties.** If a tax return is not filed within the time and manner provided by the controlling tax ordinance, a late filing penalty, of **five percent (5%)** of the amount of tax required to be shown as due on a return shall be imposed; and a late payment penalty of **five percent (5%)** of the tax due shall be imposed. If no return is filed within the time or manner provided by the controlling tax ordinance and prior to the Village issuing a notice of tax delinquency or notice of tax liability, then a failure to file penalty shall be assessed equal to **twenty-five percent (25%)** of the total tax due for the applicable reporting period for which the return was required to be filed. A late filing or payment penalty shall not apply if a failure to file penalty is imposed by the controlling ordinance.

**36-2-12 ABATEMENT.** The local tax administrator shall have the authority to waive or abate any late filing penalty, late payment penalty or failure to file penalty if the local tax administrator shall determine reasonable cause exists for delay or failure to make a filing.

**36-2-13 INSTALLMENT CONTRACTS.** The Village may enter into an installment contract with the taxpayer for the payment of taxes under the controlling tax ordinance. The local tax administrator may not cancel any installment contract so entered unless the taxpayer fails to pay any amount due and owing. Upon written notice by the local tax administrator that the payment is **thirty (30) days** delinquent, the taxpayer shall have **fourteen (14) working days** to cure any delinquency. If the taxpayer fails to cure the delinquency within the **fourteen (14) day** period or fails to demonstrate good faith in restructuring the installment contract with the local administrator, the installment contract shall be canceled without further notice to the taxpayer.

**36-2-14 STATUTE OF LIMITATIONS.** The Village, through the local tax administrator, shall review all tax returns in a prompt and timely manner and inform taxpayers of any amounts due and owing. The taxpayer shall have **forty-five (45) days** after receiving notice of the reviewed tax returns to make any request for refund or provide any tax still due and owing.

(A) No determination of tax due and owing may be issued more than **four (4) years** maximum after the end of the calendar year for which the return for the applicable period was



filed or for the calendar year in which the return for the applicable period was due, whichever occurs later.

(B) If any tax return is not filed or if during any **four (4) year** period for which a notice of tax determination or assessment may be issued by the Village, the tax paid was less than **seventy-five percent (75%)** of the tax due, the statute of limitations shall be **six (6) years** maximum after the end of the calendar year in which return for the applicable period was due or end of the calendar year in which the return for the applicable period was filed.

(C) No statute of limitations shall not apply if a fraudulent tax return was filed by the taxpayer.

**36-2-15** **VOLUNTARY DISCLOSURE.** For any locally imposed and administered tax for which a taxpayer has not received a written notice of an audit, investigation, or assessment from the local tax administrator, a taxpayer is entitled to file an application with the local tax administrator for a voluntary disclosure of the tax due. A taxpayer filing a voluntary disclosure application must agree to pay the amount of tax due, along with interest of **one percent (1%)** per month, for all periods prior to the filing of the application but not more than **four (4) years** before the date of filing the application. A taxpayer filing a valid voluntary disclosure application may not be liable for any additional tax, interest, or penalty for any period before the date the application was filed. However, if the taxpayer incorrectly determined and underpaid the amount of tax due, the taxpayer is liable for the underpaid tax along with applicable interest on the underpaid tax, unless the underpayment was the result of fraud on the part of the taxpayer, in which case the application shall be deemed invalid and void. The payment of tax and interest must be made by no later than **ninety (90) days** after the filing of the voluntary disclosure application or the date agreed to by the local tax administrator. However, any additional amounts owed as a result of an underpayment of tax and interest previously paid under this Section must be paid within **ninety (90) days** after a final determination and the exhaustion of all appeals of the additional amount owed or the date agreed to by the local tax administrator, whichever is longer.

**36-2-16** **PUBLICATION OF TAX ORDINANCES.** Any locally administered tax ordinance shall be published via normal or standard publishing requirements. The posting of a tax ordinance on the Internet shall satisfy the publication requirements. Copies of all tax ordinances shall be made available to the public upon request at the Village Clerk's office.

**36-2-17** **INTERNAL REVIEW PROCEDURE.** The local tax administrator shall establish an internal review procedure regarding any liens filed against any taxpayers for unpaid taxes. Upon a determination by the local tax administrator that the lien is valid, the lien shall remain in full force and effect. If the lien is determined to be improper, the local tax administrator shall:

- (A) timely remove the lien at the Village's expense;
- (B) correct the taxpayer's credit record; and
- (C) correct any public disclosure of the improperly imposed lien.

**36-2-18** **APPLICATION.** This Ordinance shall be liberally construed and administered to supplement all of the Village's tax ordinances. To the extent that any tax ordinance is in conflict with or inconsistent with this ordinance, this ordinance shall be controlling.

**(Ord. No. 513; 2000)**

**(50 ILCS 45/1 et seq.)**

## ARTICLE III – SIMPLIFIED TELECOMMUNICATIONS TAX

**36-3-1**        **DEFINITIONS.** As used in this Article, the following terms shall have the following meanings:

(A)        **"Amount Paid"** means the amount charged to the taxpayer's service address in such municipality regardless of where such amount is billed or paid.

(B)        **"Department"** means the Illinois Department of Revenue.

(C)        **"Gross Charge"** means the amount paid for the act or privilege of originating or receiving telecommunications in such a municipality and for all services and equipment provided in connection therewith by a retailer, valued in money whether paid in money or otherwise, including cash, credits, services and property of every kind or nature, and shall be determined without any deduction on account of the cost of such telecommunications, the cost of the materials used, labor or service costs or any other expense whatsoever. In case credit is extended, the amount thereof shall be included only as and when paid. "Gross charges" for private line service shall include charges imposed at each channel point within this State, charges for the channel mileage between each channel point within this State, and charges for that portion of the interstate inter-office channel provided within Illinois. However, "gross charge" shall not include:

- (1) any amounts added to a purchaser's bill because of a charge made pursuant to:
  - (a) the tax imposed by this Section,
  - (b) the tax imposed by the Telecommunications Excise Tax Act,
  - (c) the tax imposed by Section 4251 of the Internal Revenue Code,
  - (d) 911 surcharges, or
  - (e) charges added to customers' bills pursuant to the provisions of Section 9-221 or 9-222 of the Public Utilities Act, as amended, or any similar charges added to customers' bills by retailers who are not subject to rate regulation by the Illinois Commerce Commission for the purpose of recovering any of the tax liabilities or other amounts specified in those provisions of the Public Utilities Act;
- (2) charges for a sent collect telecommunication received outside the Village;
- (3) charges for leased time on equipment or charges for the storage of data or information or subsequent retrieval or the processing of data or information intended to change its form or content. Such equipment includes, but is not limited to, the use of calculators, computers, data processing equipment, tabulating equipment, or accounting equipment and also includes the usage of computers under a time-sharing agreement;
- (4) charges for customer equipment, including such equipment that is leased or rented by the customer from any source, wherein such charges are disaggregated and separately identified from other charges;
- (5) charges to business enterprises certified as exempt under Section 9-222.1 of the Public Utilities Act to the extent of such exemption and during the period of time specified by the Department of Commerce and Community Affairs;
- (6) charges for telecommunications and all services and equipment provided in connection therewith between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries when the tax imposed under this Act has already been paid to a retailer and only to the extent that the charges between the parent corporation and wholly owned subsidiaries or between wholly owned subsidiaries represent

expense allocation between the corporations and not the generation of profit for the corporation rendering such service;

- (7) bad debts ("bad debt" means any portion of a debt that is related to a sale at retail for which gross charges are not otherwise deductible or excludable that has become worthless or uncollectible, as determined under applicable federal income tax standards; if the portion of the debt deemed to be bad is subsequently paid, the retailer shall report and pay the tax on that portion during the reporting period in which the payment is made);
- (8) charges paid by inserting coins in coin-operated telecommunications devices; or
- (9) amounts paid by telecommunications retailers under the Telecommunications Infrastructure Maintenance Fee Act.

(D) **"Interstate Telecommunications"** means all telecommunications that either originate or terminate outside this State.

(E) **"Intrastate Telecommunications"** means all telecommunications that originate and terminate within this State.

(F) **"Person"** means any natural individual, firm, trust, estate, partnership, association, joint stock company, joint venture, corporation, limited liability company, or a receiver, trustee, guardian, or other representative appointed by order of any court, the Federal and State governments, including State universities created by statute, or any city, town, county, or other political subdivision of this State.

(G) **"Purchase at Retail"** means the acquisition, consumption or use of telecommunications through a sale at retail.

(H) **"Retailer"** means and includes every person engaged in the business of making sales at retail as defined in this Section. The Department may, in its discretion, upon application, authorize the collection of the tax hereby imposed by any retailer not maintaining a place of business within this State, who, to the satisfaction of the Department, furnishes adequate security to insure collection and payment of the tax. Such retailer shall be issued, without charge, a permit to collect such tax. When so authorized, it shall be the duty of such retailer to collect the tax upon all of the gross charges for telecommunications in this State in the same manner and subject to the same requirements as a retailer maintaining a place of business within this State. The permit may be revoked by the Department at its discretion.

(I) **"Retailer maintaining a place of business in this State"**, or any like term, means and includes any retailer having or maintaining within the State, directly or by a subsidiary, an office, distribution facilities, transmission facilities, sales office, warehouse or other place of business, or any agent or other representative operating within this State under the authority of the retailer or its subsidiary, irrespective of whether such place of business or agent or other representative is located here permanently or temporarily, or whether such retailer or subsidiary is licensed to do business in this State.

(J) **"Sale at Retail"** means the transmitting, supplying or furnishing of telecommunications and all services and equipment provided in connection therewith for a consideration, to persons other than the Federal and State governments, and State universities created by statute and other than between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries for their use or consumption and not for resale.

(K) **"Service address"** means the location of telecommunications equipment from which telecommunications services are originated or at which telecommunications services are received by a taxpayer. In the event this may not be a defined location, as in the case of mobile phones, paging systems, and maritime systems, service address means the customer's place of primary use as defined in the Mobile Telecommunications Sourcing Conformity Act. For air-to-ground systems and the like, "service address" shall mean the location of a taxpayer's primary use of the telecommunications equipment as defined by telephone number, authorization code, or location in Illinois where bills are sent.

(L) **"Taxpayer"** means a person who individually or through his or her agents, employees, or permittees, engages in the act or privilege of originating or receiving telecommunications in a municipality and who incurs a tax liability as authorized by the Article.

(M) **"Telecommunications"**, in addition to the meaning ordinarily and popularly ascribed to it, includes, without limitation, messages or information transmitted through use of local, toll,

and wide area telephone service, private line services, channel services, telegraph services,

teletypewriter, computer exchange services, cellular mobile telecommunications service, specialized mobile radio, stationary two-way radio, paging service, or any other form of mobile and portable one-way or two-way communications, or any other transmission of messages or information by electronic or similar means, between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite, or similar facilities. As used in this Article, "private line" means a dedicated non-traffic sensitive service for a single customer, that entitles the customer to exclusive or priority use of a communications channel or group of channels, from one or more specified locations to one or more other specified locations. The definition of "telecommunications" shall not include value added services in which computer processing applications are used to act on the form, content, code, and protocol of the information for purposes other than transmission "Telecommunications" shall not include purchases of telecommunications by a telecommunications service provider for use as a component part of the service provided by such provider to the ultimate retail consumer who originates or terminates the taxable end-to-end communications. Carrier access charges, right of access charges, charges for use of inter-company facilities, and all telecommunications resold in the subsequent provision of, used as a component of, or integrated into, end-to-end telecommunications service shall be non-taxable as sales for resale. Prepaid telephone calling arrangements shall not be considered "telecommunications" subject to the tax imposed under this Act. For purposes of this Section, "prepaid telephone calling arrangements" means that term as defined in Section 2-27 of the Retailers' Occupation Tax Act.

**36-3-2**            **SIMPLIFIED MUNICIPAL TELECOMMUNICATIONS TAX IMPOSED.** A tax is hereby imposed upon any and all of the following acts or privileges:

(A)            The act or privilege of originating in the Village or receiving in the Village intrastate telecommunications by a person at a rate of **six percent (6%)** of the gross charge for such telecommunications purchased at retail from a retailer.

(B)            The act or privilege of originating in the Village or receiving in the Village interstate telecommunications by a person at a rate of **six percent (6%)** of the gross charge for such telecommunications purchased at retail from a retailer. To prevent actual multi-state taxation of the act or privilege that is subject to taxation under this Section, any taxpayer, upon proof that the taxpayer has paid a tax in another state on such event, shall be allowed a credit against any tax enacted pursuant to or authorized by this Section to the extent of the amount of such tax properly due and paid in such other state which was not previously allowed as a credit against any other state.

(C)            The tax imposed by this Article is not imposed on such act or privilege to the extent such act or privilege may not, under the Constitution and statutes of the United States, be made the subject of taxation by the City.

**36-3-3**            **COLLECTION OF TAX BY RETAILERS.**

(A)            The tax authorized by this Article shall be collected from the taxpayer by a retailer maintaining a place of business in this State and shall be remitted by such retailer to the Department. Any tax required to be collected pursuant to or as authorized by this Article and any such tax collected by such retailer and required to be remitted to the Department shall constitute a debt owed by the retailer to the State. Retailers shall collect the tax from the taxpayer by adding the tax to the gross charge for the act or privilege of originating or receiving telecommunications when sold for use, in the manner prescribed by the Department. The tax authorized by this Article shall constitute a debt of the taxpayer to the retailer until paid, and, if unpaid, is recoverable at law in the same manner as the original charge for such sale at retail. If the retailer fails to collect the tax from the taxpayer, then the taxpayer shall be required to pay the tax directly to the Department in the manner provided by the Department.

(B)            Whenever possible, the tax authorized by this Article shall, when collected, be stated as a distinct item separate and apart from the gross charge for telecommunications.

**36-3-4        RETURNS TO DEPARTMENT.** Commencing on **January 1, 2003**, the tax imposed under this Article on telecommunication retailers shall be returned with appropriate forms and information as required by the Department pursuant to the Illinois Simplified Municipal Telecommunications Tax Act (Public Act 92-526, Section 5-50) and any accompanying rules and regulations created by the Department to implement this Act.

**36-3-5        RESELLERS.**

(A)        If a person who originates or receives telecommunications claims to be a reseller of such telecommunications, such person shall apply to the Department for a resale number. Such applicant shall state facts which will show the Department why such applicant is not liable for the tax authorized by this Article on any of such purchases and shall furnish such additional information as the Department may reasonably require.

(B)        Upon approval of the application, the Department shall assign a resale number to the applicant and shall certify such number to the applicant. The Department may cancel any number which is obtained through misrepresentation, or which is used to send or receive such telecommunications tax-free when such actions in fact are not for resale, or which no longer applies because of the person's having discontinued the making of resales.

(C)        Except as provided hereinabove in this Section, the act or privilege of originating or receiving telecommunications in this State shall not be made tax-free on the ground of being a sale for resale unless the person has an active resale number from the Department and furnishes that number to the retailer in connection with certifying to the retailer that any sale to such person is non-taxable because of being a sale for resale.

**(Ord. No. 525; 09-09-02)**



## ARTICLE IV – GAS TAX

**36-4-1**        **TAX IMPOSED.** A tax is imposed on all persons engaged in the following occupations or privileges:

(A)            Persons engaged in the business of distributing, supplying, furnishing or selling gas for use or consumption within Village and not for resale, at the rate of **five percent (5%)** of the gross receipts therefrom. (**Ord. No. 462; 12-11-91**)

**36-4-2**        **EXCEPTIONS.** None of the taxes authorized by this Article may be imposed with respect to any transaction in interstate commerce or otherwise to the extent to which such business may not, under the Constitution and Statutes of the United States, be made subject to taxation by this State or any political subdivision thereof; nor shall any person engaged in the business of distributing, supplying, furnishing or selling gas, be subject to taxation under the provisions of this Section for such transactions as are or may become subject to taxation under the provisions of this Section for such transactions as are or may become subject to taxation under the provisions of the "**Municipal Retailers' Occupation Tax Act**" authorized by **Chapter 65, Sec. 5/8-11-1, Illinois Compiled Statutes**, nor shall any tax authorized by this Section be imposed upon any person engaged in the business unless such tax is imposed in like manner and at the same rate upon all persons engaged in the business of the same class in the Municipality, whether privately or municipally owned or operated.

**36-4-3**        **ADDITIONAL TAXES.** Such tax shall be in addition to the payment of money, or value of products or services furnished to this Municipality by the taxpayer as compensation for the use of its streets, alleys, or other public places, or installation and maintenance therein, thereon or thereunder of poles, wires, pipes or other equipment used in the operation of the taxpayers' business.

**36-4-4**        **DEFINITIONS.** For the purposes of this Article, the following definitions shall apply:

**"GROSS RECEIPTS"** means the consideration received for distributing, supplying, furnishing or selling gas for use or consumption and not for resale, except for that consideration received from the Village; and for all services rendered in connection therewith valued in money, whether received in money or otherwise, including cash, credit, services and property of every kind and material and for all services rendered therewith, and shall be determined without any deduction on account of the cost of transmitting such messages without any deduction on account of the service, product or commodity supplied, the cost of materials used, labor or service costs, or any other expenses whatsoever.

**"PERSON"** means any natural individual, firm, trust, estate, partnership, association, joint stock company, joint adventure, corporation, municipal corporation or political subdivision of this State, or a receiver, trustee, conservator or other representative appointed by order of any court.

**36-4-5**        **REPORTS TO MUNICIPALITY.** On or before the last of **December 31, 1987**, each taxpayer shall make a return to the Village Treasurer for the previous **three (3) months**, stating:

- (A)            His name.
- (B)            His principal place of business.
- (C)            His gross receipts during those months upon the basis of which the tax is imposed.
- (D)            Amount of tax.

(E) Such other reasonable and related information as the corporate authorities may require.

On or before the last day of every third month thereafter, each taxpayer shall make a like return to the Village Treasurer for a corresponding **three (3) month** period.

The taxpayer making the return herein provided for shall, at the time of making such return, pay to the Village Treasurer, the amount of tax herein imposed; provided that in connection with any return the taxpayer may, if he so elects, report and pay an amount based upon his total billings of business subject to the tax during the period for which the return is made (exclusive of any amounts previously billed) with prompt adjustments of later payments based upon any differences between such billings and the taxable gross receipts.

**36-4-6**        **CREDIT FOR OVER-PAYMENT.** If it shall appear that an amount of tax has been paid which was not due under the provisions of this Article, whether as the result of a mistake of fact or an error of law, then such amount shall be credited against any tax due, or to become due, under this Article from the taxpayer who made the erroneous payment; provided that no amounts erroneously paid more than **three (3) years** prior to the filing of a claim therefor shall be so credited.

No action to recover any amount of tax due under the provisions of this Article shall be commenced more than **three (3) years** after the due date of such amount.

**36-4-7**        **PENALTY.** Any taxpayer who fails to make a return, or who makes a fraudulent return, or who willingly violates any other provision of this Article shall, upon conviction, be fined as provided in **Section 1-1-20** of the Village Code and in addition, shall be liable in a civil action for the amount of tax due.

**(65 ILCS 5/8-11-2)**

**ARTICLE V - ELECTRICITY TAX**

**36-5-1**        **TAX IMPOSED.** A tax is imposed on all persons engaged in the following occupations or privileges:

(A)            The privilege of using or consuming electricity acquired in a purchase at retail and used or consumed within the corporate limits of the Village at the following rates, calculated on a monthly basis for each purchaser:

(1)	First 2,000 KWH	0.61 cents per KWH
(2)	Next 48,000 KWH	0.40 cents per KWH
(3)	Next 50,000 KWH	0.36 cents per KWH
(4)	Next 400,000 KWH	0.35 cents per KWH
(5)	Next 500,000 KWH	0.34 cents per KWH
(6)	Next 2,000,000 KWH	0.32 cents per KWH
(7)	Next 2,000,000 KWH	0.315 cents per KWH
(8)	Next 5,000,000 KWH	0.310 cents per KWH
(9)	Next 10,000,000 KWH	0.305 cents per KWH
(10)	Over 20,000,000 KWH	0.300 cents per KWH

(B)            Pursuant to **65 ILCS 5/8-11-2**, the rates set forth in subsection (A) above shall be effective **January 1, 2020**.

**36-5-2**        **EFFECTIVE DATE FOR ARTICLE.** The provisions of this Section shall not be effective until **January 1, 2020**.

**36-5-3**        **EXCEPTIONS.** None of the taxes authorized by this Article may be imposed with respect to any transaction in interstate commerce or otherwise to the extent to which the business or privileges may not, under the Constitution and statutes of the United States, be made the subject of taxation by this State or any political subdivision thereof; nor shall any persons engaged in the business of distributing, supplying, furnishing, or selling or transmitting gas, water, or electricity, or engaged in the business of transmitting messages, or using or consuming electricity acquired in a purchase at retail, be subject to taxation under the provisions of this Article for those transactions that are or may become subject to taxation under the provisions of the **"Municipal Retailer's Occupation Tax Act"** authorized by Section 8-11-1; nor shall any tax authorized by this Article be imposed upon any person engaged in a business or on any privilege unless the tax is imposed in like manner and at the same rate upon all persons engaged in business of the same class in the Municipality, whether privately or municipally owned or operated, or exercising the same privilege within the Municipality. Furthermore, the Village accounts for the purchase of electricity by the Village shall not be subject to the municipal utility tax set forth in this Article.

**36-5-4**        **ADDITIONAL TAXES.** Such tax shall be in addition to other taxes levied upon the taxpayer or its business.

**36-5-5**        **COLLECTION.** The tax authorized by this Article shall be collected from the purchaser by the person maintaining a place of business in this State who delivers the electricity to the purchaser. This tax shall constitute a debt of the purchaser to the person who delivers the electricity to the purchaser and if unpaid, is recoverable in the same manner as the original charge for delivering the electricity. Any tax required to be collected pursuant to this Article and any such tax collected by a person delivering electricity shall constitute a debt owed to the Municipality by such person delivering the electricity. Persons delivering electricity shall collect the tax from the purchaser by adding such tax to the gross charge for delivering the electricity. Persons delivering electricity shall also be authorized to add to

such gross charge an amount equal to **three percent (3%)** of the tax to reimburse the person

delivering electricity for the expense incurred in keeping records, billing customers, preparing and filing returns, remitting the tax and supplying data to the Municipality upon request. If the person delivering electricity fails to collect the tax from the purchaser, then the purchaser shall be required to pay the tax directly to the Municipality in the manner prescribed by the Municipality. Persons delivering electricity who file returns pursuant to this Section shall, at the time of filing such return, pay the Municipality the amount of the tax collected pursuant to this Article.

**36-5-6**        **REPORTS TO VILLAGE.** On or before the last day of each month, each taxpayer shall make a return to the Village for the preceding month stating:

- (A)                His name.
- (B)                His principal place of business.
- (C)                His gross receipts and/or kilowatt-hour usage during the month upon the basis of which the tax is imposed.
- (D)                Amount of tax.
- (E)                Such other reasonable and related information as the corporate authorities may require.

The taxpayer making the return herein provided for shall, at the time of making such return, pay to the Village, the amount of tax herein imposed; provided that in connection with any return, the taxpayer may, if he so elects, report and pay an amount based upon his total billings of business subject to the tax during the period for which the return is made (exclusive of any amounts previously billed) with prompt adjustments of later payments based upon any differences between such billings, and the taxable gross receipts.

**36-5-7**        **CREDIT FOR OVER-PAYMENT.** If it shall appear that an amount of tax has been paid which was not due under the provisions of this Article, whether as the result of a mistake of fact or an error of law, then such amount shall be credited against any tax due, or to become due, under this Article from the taxpayer who made the erroneous payment; provided that no amounts erroneously paid more than **three (3) years** prior to the filing of a claim therefor shall be so credited.

No action to recover any amount of tax due under the provisions of this Article shall be commenced more than **three (3) years** after the due date of such amount.

**36-5-8**        **PENALTY.** Any taxpayer who fails to make a return, or who makes a fraudulent return, or who willfully violates any other provision of this Article is guilty of a misdemeanor and, upon conviction thereof, shall be fined as provided in **Section 1-1-20** of this Code and in addition, shall be liable in a civil action for the amount of tax due.

**(65 ILCS 5/8-11-2)**

## ARTICLE VI - FOREIGN FIRE INSURANCE COMPANIES

**36-6-1**        **CONFORMANCE.** It shall be unlawful for any corporation or association, not incorporated under the laws of the State of Illinois to engage in the Village in effecting fire insurance or to transact any business of fire insurance in this Village, while in default by not fully complying with any of the requirements of this Section, and until such requirements shall have been fully complied with; but this provision shall not relieve any company, corporation or association from the payment of any risk that may be undertaken in violation of this Section.

**36-6-2**        **FEES.** Any such corporation, company or association not incorporated under the laws of the State of Illinois, which is engaged in the Village in effecting fire insurance, shall pay the Village Treasurer for the maintenance, use, and benefit of the Fire Department of the Village, a sum of money equal in amount to **two percent (2%)** per annum of the gross receipts received as premiums upon fire insurance policies by any and all agents of such corporation, company, association during the year ending on the first day of July in each year, for any insurance effected or agreed to be effected on property located in the Village by or with such corporation, company, or association during such year.

**36-6-3**        **REQUIRED REPORTS.** Every person acting in the Village as agent for or on behalf of any such corporation, company, or association shall, on or before the **fifteenth (15<sup>th</sup>) day** of July of each and every year, render the Village Clerk a full, true, and just account verified by oath of all premiums upon fire insurance policies which, during the year ending the first day of July preceding such report, shall have been received by him, or by some other person for him, in his behalf of any such corporation, company or association on property located in the Village. Such agent shall also, at the time of rendering the aforesaid report, pay to the Village Treasurer the sum of money for which company, corporation, or association represented by him is chargeable, by virtue of the provisions of this Section.

**36-6-4**        **RECOVERY OF MONIES.** The sum of money for which such company, corporation, or association is so chargeable may be recovered of it, or its agents or agent, by an action in the name of and for the use of the Village as for money had and received. Nothing in this Section shall be held to exempt any person, corporation, company, association from indictment and conviction under the provisions of an act entitled "An Act to enable cities, towns, and villages, organized under any general or special law, to levy and collect a tax or license fee from foreign insurance companies for the benefit of organized fire department," in force **July 1, 1895**.

**36-6-5**        **UNLAWFUL OPERATION.** No insurance agent in the Village shall have any insurance business or dealings with any company, association, or corporation not incorporated under the laws of this state, which shall be in default for not reporting or making payments as hereinbefore provided, until it shall have complied with all the requirements of this Section.

**36-6-6**        **PENALTY.** Any person violating any of the provisions of this Section shall, upon conviction, be fined as provided in **Section 1-1-20** of the Village Code.

**CHAPTER 37 – TREE CODE**

<b><u>ARTICLE</u></b>	<b><u>TITLE</u></b>	<b><u>PAGE</u></b>
<i>Section 37-1-1</i>	- <i>Title</i>	<i>37-1</i>
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CHAPTER 37

TREE CODE

**37-1-1** **TITLE.** This Chapter shall be known and may be cited as the "Tree Code" of Evansville, Illinois.

**37-1-2** **PURPOSE AND INTENT.**

(A) **Purpose.** It is the purpose of this Code to promote and protect the public health, safety, and general welfare by providing for the regulation of the planting, maintenance and removal of trees, shrubs and other plants within Evansville, Illinois.

(B) **Intent.** It is the intent of the Mayor and Board of Trustees of Evansville that the terms of this Code shall be construed so as to promote:

- (1) the planting, maintenance, restoration and survival of desirable trees, shrubs and other plants within the Village; and
- (2) the protection of community residents from personal injury and property damage, and the protection of Evansville from property damage, caused or threatened by the improper planting, maintenance, or removal of trees, shrubs, or other plants located within the community.

**37-1-3** **DEFINITIONS.** As used within this Code, the following terms shall have the meanings set forth in this Section:

(A) **Arboricultural Specifications and Standards of Practice for Evansville, Illinois.** (The title hereinafter, shall be "Arboricultural Specifications Manual".) A manual prepared by the Arborist pursuant to the ordinance containing regulations and standards for the planting, maintenance and removal of trees, shrubs and other plants upon Village-owned property.

(B) **Arborist.** The Village Arborist of Evansville, Illinois.

(C) **Village-Owned Property.** Property within the Village limits of Evansville, Illinois, and;

- (1) owned by the Village in fee simple absolute or;
- (2) implied or expressly dedicated to the public for present or future use for purposes of vehicular or pedestrian traffic or for public easements.

(D) **Property Owner.** The record owner or contract purchaser of any parcel of land.

(E) **Trees, Shrubs and Other Plants.** All vegetation, woody or otherwise, except lawn grass and flowers less than **twenty-four (24) inches** in height.

**37-1-4** **THE EVANSVILLE TREE COMMISSION: ESTABLISHMENT, COMPOSITION, APPOINTMENT OF MEMBERS, DUTIES.**

(A) **Establishment.** The Evansville Tree Commission (hereinafter "Tree Commission") is hereby established. Its functions and duties are limited to those set forth in this Code.

(B) **Composition.** The Tree Commission shall be composed of **eight (8) Commissioners**. **Five (5) Commissioners** shall be appointed by the Mayor with the approval of the Board of Trustees. These **five (5) Commissioners** shall serve without pay and shall reside within the Village of Evansville, Illinois. The remaining **three (3) Commissioners** shall be ex-officio and shall not vote. For example, the **three (3)** ex-officio Commissioners shall be: the Director of Public Works, the Director of Parks and Recreation of the Evansville Park District or his/her representative, and the Arborist. Subject to the exceptions in paragraph (C), immediately below, each Commissioner of the Tree Commission shall serve for a term of **three (3) years**.

(C) **Appointment of Members.** One (1) of the five (5) Commissioners initially appointed to the Tree Commission, who is not an ex-officio member, shall serve for a term of one (1) year; two (2) of the five (5) Commissioners initially appointed shall serve for a term of three (3) years. Term shall start on a common date. Determination of the length of terms of the five (5) Commissioners initially appointed shall be by lot. The Mayor shall designate the Chairperson of the Tree Commission.

(D) **Expiration or Vacation of Terms.** Within thirty (30) days following the expiration of the term of any appointed Commissioner, a successor shall be appointed by the Mayor with the approval of the Board, and the successor shall serve for a term of three (3) years. Should any Commissioner resign or be removed from the Tree Commission, a successor shall be appointed by the Mayor and shall serve for the unexpired period of the vacated term. A member of the Tree Commission may be removed by the Mayor with the approval of a majority of the Board of Trustees.

(E) **Duties.** The Tree Commission shall perform the following duties:

- (1) Within a reasonable time after the appointment of the Tree Commission, upon call of the Chairperson of the Tree Commission, the Tree Commission shall meet and adopt rules of procedure for regular and special meetings to fulfill the duties imposed upon it by this Code.
- (2) The Tree Commission shall advise and consult the Arborist on any matter pertaining to the Evansville Tree Code and its enforcement. The topics under this advice and consultation may be given may include, but are not limited to, any of the following:
  - (a) amendments to the Evansville Code, and alterations or revisions to the Arboricultural Specifications Manual, and alterations or revisions of the Urban Forestry Plan;
  - (b) policy concerning selection, planting, maintenance and removal of trees, shrubs and other plants within the Village;
  - (c) allocation of funds to the Arbor Division, and expenditures of funds by the Arbor Division;
  - (d) establishment of educational and informational programs;
  - (e) development of policies and procedures regarding the Arborist's duties; and/or
  - (f) issuance of permits required by this Code;
- (3) The Tree Commission, upon the request of any person who disagrees with the decision of the Arborist, shall hear all issues of the disputes which arise between the Village Arborist and any such person whenever those issues involve matters or the interpretation or enforcement of the Arboricultural Specifications Manual, the Urban Forest Plan, or of the interpretation or enforcement of this Code, including disputes regarding the issuance of permits or the abatement of nuisances. The decision of a majority of the appointed members of the Tree Commission with regard to such dispute shall be binding upon the Arborist. Nothing in this Section shall be construed to limit the jurisdiction of any Court of Law with respect to such disputes.

**37-1-5**

**VILLAGE ARBORIST; ESTABLISHMENT; DUTIES.**

(A) **Establishment.** The position of the Arborist is hereby established.

(B) **Duties.** The Arborist shall perform the following duties:

- (1) The Arborist, with the assistance of the Tree Commission, shall develop and each subsequent year, update the Urban Forestry Plan. The Plan shall outline urban forestry program activities for a minimum of the next five (5) years. This plan shall describe the urban forestry activities to be undertaken by the Village, the reasons for those activities, the possible funding source(s), the means of accomplishing the activities, the

alternatives available to the Village to fund or accomplish the activity, the projected date of completion, and the consequences if the activity is not completed. Activities may include but are not limited to street tree inventory, planting, tree removal, beautification projects and educational projects.

- (2) The Arborist with the assistance of the Tree Commission shall develop and periodically review and revise, as necessary, the Arboricultural Specifications Manual. This manual shall contain regulations and standards for the planting, maintenance and removal of trees, shrubs and other plants upon Village owned property.
- (3) The Arborist shall cause the Urban Forestry Plan and the Arboricultural Specifications Manual and all revisions and amendments to it, to be published and promulgated and shall cause **three (3) copies** of the Manual, and all revisions and amendments to it, to be available for public inspection at the office of the Village Clerk. Notice that such information is available for public inspection shall be published in a newspaper of general circulation within Mason County at least **one (1) weekday** of each of **four (4)** consecutive weeks immediately following the initial availability of the Arboricultural Specifications Manual or revisions or amendments thereto. The Arboricultural Specifications Manual and any revisions and additions thereto shall become effective on the **tenth (10<sup>th</sup>) day** following the final publication in a newspaper of general circulation required under this paragraph.
- (4) The Arborist shall make available to any interested person copies of the Tree Code, information about the activities of the Tree Commission, copies of the Arboricultural Specifications Manual and copies of the Urban Forestry Plan.
- (5) The Arborist shall administer the Urban Forestry Plan, the Tree Code and the provisions of the Arboricultural Specifications Manual.
- (6) The Arborist shall perform whatever acts are necessary, including the planting and maintenance of trees, shrubs and other plants located on Village owned property conform with the Urban Forestry Plan, the Arboricultural Specifications Manual and this Code.
- (7) The Arborist shall issue such permits as are required by this Code and shall obtain as a condition precedent to the issuance of such permits the written agreement of each person who applies for such permits that he or she will comply with the requirements of this Code, the Urban Forestry Plan and with the regulation and shall have the right to inspect all work performed pursuant to such permits. If the Arborist finds that the work performed is not in compliance with the requirements of this Code, the Urban Forestry Plan or with the regulations or standards of the Arboricultural Specifications Manual. The Arborist shall provide written notice of his/her finding to the permit applicant. The notice shall contain a copy of **Section 37-1-5(B)(5)** of this Code and;
  - (a) the permit shall be nullified and shall be void and;
  - (b) the Arborist may issue a written order that the permit applicant cease and desist all work for which the permit was required and;
  - (c) the permit applicant shall be subject to penalty under the terms of this Code and;
  - (d) the Arborist may take steps to correct the results of the noncomplying work and the reasonable costs of such steps shall be charged to the permit applicant.

- (8) The Arborist shall establish a program of public information and education that will encourage the planting, maintenance, or removal of trees, shrubs and other plants on private property in furtherance of the goals of the Urban Forestry Plan.

**37-1-6 PERMITS.**

(A) **Scope of Requirement.** No person except the Arborist, an agent of the Arborist, public utility company or a contractor hired by the Arborist may perform any of the following acts without first obtaining from the Arborist a permit for which no fee shall be charged, and nothing in this Section shall be construed to exempt any person from the requirements of obtaining any additional permits as are required by law.

- (1) plant trees or shrubs on Village owned property or treat, prune, remove or otherwise disturb any tree, shrub or other plant located on Village owned property, except that this provision shall not be construed to prohibit owners of property adjacent to Village owned property from watering or fertilizing, without a permit, any tree, shrub or other plant located on such Village owned property;
- (2) trim, prune or remove any tree or portions thereof if such tree or portions thereof reasonably may be expected to fall on Village owned property and thereby to cause damage to persons or property;
- (3) place on Village owned property, either above or below ground level, a container for trees, shrubs or other plants;
- (4) damage, cut, tap, carve, or transplant any tree, shrub, or other plant located on Village owned property;
- (5) attach any rope, wire, nail, sign, poster or any other manmade object to any tree, shrub or other plant located on Village owned property;
- (6) dig a tunnel or trench on Village owned property;

(B) **Issuance.** Within **seven (7) days** of receipt of the application, the Arborist shall issue a permit to perform within **thirty (30) days** of the day of issuance of any of the acts specified in parts (A) and (B), immediately above, for which a permit is requested whenever;

- (1) such acts would result in the abatement of a public nuisance;
- (2) such acts are not inconsistent with the development and implementation of the Urban Forestry Plan or with any regulations or standards of the Arboricultural Specifications Manual; and whenever;
- (3) an application has been signed by the applicant and submitted to the Arborist detailing the location, number, size and species of trees, shrubs or other plants that will be affected by such acts, setting for the purpose of such acts and the methods to be used and presenting any additional information that the Arborist may find reasonably necessary.
- (4) the applicant agrees to perform the work for which the permit is sought in accordance with the provisions of this Code, the Urban Forestry Plan and with the regulations and standards set forth in the Arboricultural Specifications Manual; and
- (5) the applicant certifies that he or she has read and understands those provisions of the Urban Forestry Plan, this Code and of the Arboricultural Specifications Manual which are pertinent to the work for which the permit is sought; and
- (6) if the work for which a permit is issued entails the felling of any tree or part thereof, located on private property, which, as a result of such felling reasonably may be expected to fall upon Village owned property and if such felling is done by one other than the owner of the property on which such felling is done, then the applicant shall agree to indemnify and to hold the Village of Evansville harmless for all damages resulting

from work conducted pursuant to the permit and shall deposit with the Village Clerk a Liability Insurance Policy in the amount of **One Hundred Thousand Dollars (\$100,000.00)** per person/**Three Hundred Thousand Dollars (\$300,000.00)** per accident for Bodily Injury Liability and **Fifty Thousand Dollars (\$50,000.00)** aggregate for Property Damage Liability, which policy shall name the Village of Evansville as an additional insured.

(C) **Public Utility Companies.** Public utility companies, shall notify the Village Arborist prior to the initiation of pruning cycles which will involve trees located on Village owned property for the purpose of maintaining safe line clearance. The notice shall state the estimated timeframe of the pruning cycle as well as the planned locations in the Village where the work will be performed. All pruning work shall be carried out in accordance with accepted arboricultural standards. Public utility companies shall also notify the Village Arborist prior to the installation or maintenance of underground utilities if such activity will occur within the dripline of trees located on Village owned property. In the case of severe storms, natural disasters or other emergency situations, a public utility company may perform any required pruning or underground utility maintenance necessitated by such situation and thereafter notify the Village Arborist of the work performed.

**37-1-7**

**PUBLIC NUISANCES.**

(A) **Definition.** The following are hereby declared public nuisances under this Code:

- (1) any dead or dying tree, shrub, or other plant, whether located on Village owned property or on private property;
- (2) any otherwise healthy tree, shrub or other plant, whether located on Village owned property or on private property, which harbors insects or diseases which reasonably may be expected to injure or harm any tree, shrub or other plant;
- (3) any tree, shrub or other plant or portion thereof, whether located on Village owned property or on private property, which by reason of location or condition constitutes an imminent danger to the health, safety or welfare of the general public;
- (4) any tree, shrub or other plant or portion thereof whether located on Village owned property or on private property which obstructs the free passage of pedestrian or vehicular traffic or which obstructs a street sign on Village property.
- (5) any tree, shrub or other plant or portion thereof whether located on Village owned property or on private property which dangerously obstructs the view as such may be determined by the City Engineer pursuant to Code.

(B) **Right to Inspect.** The officers, agents, servants and employees, of the Village have the authority to enter onto private property whereon there is located a tree, shrub, plant or plant part that is suspected to be a public nuisance.

(C) **Abatement.** The following are the prescribed means of abating public nuisances under this Code:

- (1) Any public nuisance under this Code which is located on Village owned property shall be pruned, removed or otherwise treated by the property owner or his/her agent in whatever fashion is required to cause the abatement of the nuisance within a reasonable time after its discovery.
- (2) Any public nuisance under this Code which is located on private owned property shall be pruned, removed or otherwise treated by the property owner or his/her agent in whatever fashion is required to cause the abatement of the nuisance. No property owner may be found guilty of

violating this provision unless and until the following requirements of notice have been satisfied.

- (a) the Arborist shall cause a written notice to be personally served or sent, by registered mail, to the person to whom was sent the tax bill for the general taxes for the last preceding year;
  - (b) such notice shall describe the kind of tree, shrub or other nuisance, its location on the property and the reason for declaring it a nuisance;
  - (c) such notice shall describe by legal description or by common description the premises;
  - (d) such notice shall state the actions that the property owner may undertake to abate the nuisance;
  - (e) such notice will require the elimination of the nuisance no less than **thirty (30) days** after the notice is delivered or sent to the person to whom was sent the tax bill for the general taxes for the last preceding year.
- (3) The Arborist is empowered to cause the immediate abatement of any public nuisance provided that the nuisance is determined by the Arborist to be an immediate threat to any person or property.

**37-1-8 INTERFERENCE WITH ARBORIST.** No person shall unreasonably hinder, prevent, delay or interfere with the Arborist or his/her agents while engaged in the execution or enforcement of this Code.

## **CHAPTER 38 - UTILITIES**

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## CHAPTER 38

## UTILITIES

## ARTICLE I – DEPARTMENT ESTABLISHED

**38-1-1 DEPARTMENT ESTABLISHED.** There shall be an executive department of the Village known as the **Utilities Department**. It shall include the Superintendent and employees of the Department. The designated office shall be the Village Hall.

**38-1-2 WATER AND SEWER COMMITTEES.** The Village Board standing committee on Water and Sewer shall exercise a general supervision over the affairs of the Departments. They shall ascertain the condition and needs thereof; and shall, from time to time, report the same to the Mayor and Village Board so that a full understanding thereof shall be had; and generally, shall do all acts necessary to promote the efficiency of the Departments.

**38-1-3 SUPERINTENDENTS.** The Superintendents of Water and Sewer shall be subject to the supervision of the Utilities Committee and shall be hereinafter be referred to as the **"Superintendent"**. The Superintendent shall be appointed by the Mayor, by and with the advice and consent of the Village Board and shall hold office until his successor is appointed and qualified. He shall receive such salary as may be provided by the annual budget of the Village Board at the time of his appointment.

**38-1-4 DUTIES OF THE SUPERINTENDENT.** The Superintendent shall exercise general management and control over his respective department.

(A) He shall supervise over and be responsible for the conduct and performance of all employees of the department as a Department Head in accordance with the Employee Code, if any.

(B) He shall be responsible for the operation and maintenance of the Village 's water system and sewer system as provided in this Code.

(C) He shall be the custodian of all vehicles, equipment, structures, and property provided by the Village for the use of his department.

(D) He shall enforce the provisions of this Chapter and make such inspections, measurements, and tests as necessary for that purpose.

(E) He shall perform such other duties as may be assigned to him by the provisions of this Code or by the Village Board.

## ARTICLE II – UTILITY REGULATIONS

**38-2-1 CONTRACT FOR UTILITY SERVICES.**

(A) **Customer Accepts Service.** The rates, rules and regulations contained in this Chapter shall constitute and be considered a part of the contract with every person, company or corporation who is supplied with water and sewer services from the waterworks and sewer system and every person, company or corporation, hereinafter called a “customer” who accepts and uses Village water and sewer services shall be held to have consented to be bound thereby. The term “utilities” shall mean water service and sewer service provided by the Village of Evansville, Illinois.

(B) **Not Liable for Interrupted Service.** The Department shall endeavor at all times to provide a regular and uninterrupted supply of service, however, in case the supply of service shall be interrupted or irregular or defective or fail from causes beyond its control or through ordinary negligence of employees, servants or agents, the Departments shall not be liable therefor.

(C) **Using Services Without Paying.** Any person using utility services from the Village without paying therefor, or who shall be found guilty of breaking the seal of any meter or appurtenances, or bypassing any meter, shall be guilty of violating this Code, and upon conviction, shall be fined a sum as provided in Section 1-1-20 of the Revised Code.

(D) **Destroying Property.** Any person found guilty of defacing, tampering, injuring or destroying, or in any manner, limiting the use or availability of any meter or any property of the waterworks system and sewer system, or erecting signs on the property of the Department without permission shall, upon conviction of such act, be fined as provided in Section 1-1-20 of the Revised Code.

(E) **Service Obtained By Fraud.** All contracts for water and sewer services shall be made in the name of the head of the household, firm or corporation using the established spelling of that person's or firm's name. Attempts to obtain service by the use of other names, different spellings or by substituting other persons or firms shall be considered a subterfuge and service shall be denied. If service has been discontinued because of nonpayment of bills, or any unpaid obligation and service has again been obtained through subterfuge, misrepresentation or fraud, that service shall be promptly disconnected and the whole or such part of the advanced payment as may be necessary to satisfy the unpaid obligation shall be retained by the Village and credited to the appropriate account.

(F) **Failure to Receive Bill.** Failure to receive a bill shall not excuse a customer from his obligation to pay within the time specified. Should the Department be unable to bill a customer for services used during any month, the following billing shall include the charges for services used during the unbilled month.

(G) **Request to Discontinue Service.** Services shall have been deemed to have been supplied to any property connected to the Water and Sewer Systems during a month unless the customer notifies the Village prior to the first day of the new billing month in which the services are to be discontinued.

(H) **Removal of Meters.** All meters shall remain the property of the Village and may be removed from the customer's premises at any time without notice for the purpose of testing and repairing the same or upon discontinuance of service. Upon discovery of any act by any customer, his agent, or employee herein prohibited, or upon failure to comply with any other rules and regulations of the Department, such service shall be disconnected.

(I) **Billing; Utility Shut-off; Hearing.**

(1) All bills for utility services shall be due and payable upon presentation and if a bill is not paid within **ten (10) days**, a penalty equal to **ten percent (10%)** of the amount due on said bill shall be added thereto. This penalty shall be in addition to the charges heretofore established for the utility service.

(2) If a utility bill is not paid in full by the next monthly billing date, then along with the next monthly bill, the customer shall be mailed a notice by first class mail demanding payment in full for the utility services provided to the customer plus the penalty thereon by the **tenth (10<sup>th</sup>) day** of the following month or the utility services to the customer will be terminated the following day.

- (3) (a) No Village utility service shall be discontinued for non-payment of the utility bill unless prior to the discontinuation, the notice referred to in paragraph (2) above has been given to the customer.
- (b) The notice referred to in paragraph (2) above shall inform the customer of the customer's right to request in writing a hearing to show just cause why the customer has failed to pay the customer's utility bill and why the customer's utility services should not be terminated. If the customer fails to pay the utility bill in full by the date due and the customer has failed before the date that payment in full is due to make a written request for a hearing, the utility service to the customer shall be discontinued the day after the date payment in full is due from the customer.
- (c) The notice referred to above shall state:
- (i) The date of the notice;
  - (ii) The name and address of the customer;
  - (iii) The total amount of the utility bill due, including the penalty;
  - (iv) That if the total amount of the customer's utility bill due is not paid by the **tenth (10<sup>th</sup>) day** of the following month, the customer's utility service shall be discontinued the day after the date payment in full is due from the customer; and
  - (v) That the customer has until the date that payment in full is due to make a written request for a hearing to show just cause why the customer has failed to pay the customer's utility bill and why the customer's utility services should not be terminated.
- (d) If the customer, before the date that payment in full is due, makes a written request for a hearing to show just cause why the customer has failed to pay the customer's utility bill and why the customer's utility services should not be terminated, the Mayor shall schedule a hearing before the Mayor and Village Collector or designee of the Mayor. The customer shall be notified of the time, date and location of the hearing by first class mail at least **five (5) business days** prior to the hearing.
- (e) At the hearing the Mayor and Village Collector or designee of the Mayor shall hear evidence from the customer. If the customer fails to appear at the hearing and has failed to pay the utility bill in full before the date of the hearing, the customer's utility service shall be discontinued without further proceedings. If the customer appears at the hearing and fails to present just cause why the utility bill has not been paid and why the utility service should not be terminated, the customer shall be notified by first class mail that the customer's utility services will be terminated within **five (5) business days** after the date of the notice. If the notice of the hearing is returned non-accepted, then the Village shall have the right to discontinue the utility services without further proceedings.
- (f) If at the hearing the Mayor and Village Collector or designee of the Mayor determines that the customer has provided just cause why the customer has not paid the customer's utility bill or just cause why the customer's utility service should not be terminated, the Mayor and Village Collector or designee of the Mayor may make such arrangements with the customer to pay

the unpaid balance of the customer's utility bill as they deem appropriate, but the customer must comply with this Section regarding all future utility bills and the payment thereof.

(J) **Liability for Charges and Lien on Property.** The owner of any lot, parcel of land or premises receiving utility services, the occupant of such premises and the user of the services shall be jointly and severally liable for the payment of the services to such lot, parcel of land or premises and all services are rendered to the premises by the Village only on the condition that such owner, occupant and user shall be jointly and severally liable for the payment for the services to the Village. If the consumer of water or sewer, whose bill is unpaid is not the owner of the premises receiving any such municipal utility services and the Village Collector has notice of whom the owner of the premises is, then notice referred to in paragraph (I)(2) above shall also be mailed to the owner of the premises if his address has been furnished or is otherwise known to the Village Collector whenever such bills for such utility services remain unpaid or delinquent.

Failure of the customer or owner to receive a delinquent notice shall not excuse the customer or owner from his obligation to pay within the time specified. Failure of the Clerk to learn, ascertain, or mail any such delinquent notice to the owner of the premises receiving the utility services shall not relieve the owner of his obligation nor in any way affect the right of the Village to file a lien claim for unpaid utility services or to foreclose on any lien for any unpaid utility service charges on any such premises.

The Village Collector, upon application being made for any new or future utility services, shall ascertain from the applicant the identity and address of the owner of the premises in the event that the owner of the premises and the customer are not the same person.

In the event the charges for utility services, including any penalties then due, excepting any penalty incurred by a tenant as set forth above, are not paid within **sixty (60) days** after the rendition of the bill for such service, such charges and penalties shall constitute a lien upon the real estate for which such services are supplied. The Village Collector shall file with the Randolph County Recorder of Deeds a statement of lien claim. This statement shall contain the name and address of the owner, the address of the premises receiving the service and legal description of the premises receiving the services, the amount of the unpaid bill, and a notice that the Village claims a lien for this amount as well as for all charges subsequent to the period covered by the bill.

Property subject to a lien for unpaid charges may be sold for non-payment of the same and such lien foreclosed as in the foreclosure of statutory liens and the Village Attorney is authorized and directed to institute such proceedings in the Circuit Court of Randolph County.

(K) **Reconnect Charge.** If a utility service is disconnected from any customer for non-payment of a bill, service shall not be reconnected to that customer until all charges and penalties have been paid, plus a service charge of **Fifty Dollars (\$50.00)** for the reconnection of each utility service. **(Ord. No. 14-03; 09-08-14)**

(L) **Inspection.** The Superintendent and any other duly authorized employees or agents of the Village, the Illinois Environmental Protection Agency and the United States Environmental Protection Agency or any other appropriate governing agency shall have access to and be permitted to enter all portions of the premises, at any reasonable time, of any customer of the Village who receives water service and/or sewer service from the Village for the purpose of inspection, observation, measurement, sampling and testing the customer's pipes, fixtures, plumbing, drainage system, and any other apparatus in any manner connected to the water system and/or sewer system of the Village, and additionally to check, test and verify that down spouts and any other drainage system or apparatus of the customer that is prohibited from being connected to the water system or sewer system of the Village is not connected to the water system or sewer system of the Village. The Village shall have the right and option to demand change of use or stopping of use or to require any repair, change, removal or improvement of any pipe, fixture, plumbing, down spout, gutter, drainage system or other apparatus that would, in any manner, affect the water supply or system or sewer system of the Village or the water supply or system or sewer system or fixtures of other customers.

**(Ord. No. 2012-07; 12-10-12)**

**38-2-2 CONSUMER LISTS.** It is hereby made the duty of the Clerk to prepare or cause to be prepared a complete and accurate list of all premises and properties receiving utility services, showing the name and address of the occupant and the owner of the same. The list shall be kept up-to-date, and shall be corrected from time to time to allow changes in the occupancy or ownership of any such property or premises. It shall be presented at the regular monthly meeting if requested.

**38-2-3 LIABILITY FOR CHARGES.** The owner of any lot, parcel of land or premises and the user of the services shall be jointly and severally liable for the payment of the services to such lot, parcel of land or premises, and all services are rendered to the premises by the Village only on the condition that such owner, occupant and user shall be jointly and severally liable therefor to the Village.

**38-2-4 ESTIMATED CHARGE.** Whenever any meter, by reason of its being out of repair or from any cause fails to properly register the utilities passing through the same, the consumer shall be charged the average charge of the **previous three (3) months usage**. If no record of the previous **three (3) months** exists, then it shall be the duty of the Water Clerk to estimate the amount of utilities consumed during the time the meter fails to operate and the consumer shall be charged with such estimated amount. Bills may be estimated whenever it is impossible to read the meters during inclement weather.

**38-2-5 NO FREE UTILITY SERVICE.** No free utility service shall be furnished to any person, public or private, and all rates and charges shall be non-discriminatory, provided that the Mayor and Village Board reserve the right to impose special rates and charges in cases where particular circumstances render the regular rates inadequate or unjust.

**38-2-6 METER MALFUNCTION.** Any municipal water meter shall be taken out and tested upon complaint of the consumer, upon payment of a fee of **Twenty Dollars (\$20.00)**. If upon test the meter is not within **three percent (3%)** of being accurate, it shall be repaired or replaced and the **Twenty Dollar (\$20.00)** fee returned to the consumer.

**38-2-7 UTILITY DEPOSITS.**

(A) **Residential.** When any application is made for utility services in accordance with the provisions of this Chapter, all applicants for which the service is requested shall deposit with the application the amount of **One Hundred Fifty Dollars (\$150.00)**. **(Ord. No. 14-03; 09-08-14)**

When the amount of the deposit provided for above is not sufficient to adequately protect the Department, a greater amount than stated above may be required, based on the consumer's estimated bill for a customary billing period.

(B) **Commercial or Industrial.** In the case of a commercial or industrial user, the advanced payment for each utility shall be a minimum of **One Hundred Fifty Dollars (\$150.00)** or an amount determined by the Village Board, based upon the history of similar establishments. Where the amount of the deposit provided herein is not sufficient to adequately protect the Utility Department, a greater amount than stated above may be required, based on the consumer's estimated bill for a customary period. **(Ord. No. 14-03; 09-08-14)**

(C) **Security for Payment - No Interest.** The deposits made under the provisions of this Chapter shall be held by the Village as security for the payment of utility services used by the applicant upon the premises to which his application pertains, and may be so applied when any default is made in the payment in the utilities bill in accordance with this Chapter. The depositor shall earn no interest.

(D) **Liability for Deposit.** The owner of the premises and the tenant thereof shall be jointly and severally liable to pay the required deposit herein established before water and sewer facilities shall be made available to the tenant-occupied premises. In case a portion of the deposit is used as aforesaid, the tenant and/or owner of the premises shall immediately deposit with the Village Collector an amount sufficient to bring the deposit to the established rate of deposit.



## ARTICLE III - WATER SYSTEM

## DIVISION I - GENERAL REGULATIONS

- 38-3-1** **DEFINITIONS.** Unless the context specifically indicates otherwise, the meaning of the terms used in this Chapter shall be as follows:
- (A) **Federal Government.**
- (1) **"Federal Act"** means the federal 1996 Safe Drinking Water Acts Amendments.
  - (2) **"Administrator"** means the Administrator of the U.S. Environmental Protection Agency.
- (B) **State Government.**
- (1) **"State Act"** means the Illinois Anti-Pollution Bond Act of 1970.
  - (2) **"Director"** means the Director of the Illinois Environmental Protection Agency.
  - (3) **"State Loan"** shall mean the State of Illinois participation in the financing of the construction of water works as provided for by the Illinois Anti-Pollution Bond Act and for making such loans as filed with the Secretary of State of the State of Illinois.
- (C) **Local Government.**
- (1) **"Approving Authority"** means the Board of Trustees of the Village of Evansville or where such authority is specifically delegated, the Superintendent of the Water and Sewer Department.
- (D) **"Person"** shall mean any and all persons, natural or artificial, including any individual, firm or company, municipal, or private corporation, association, society, institution, enterprise, governmental agency or other entity.
- (E) **Clarification of Word Usage.** **"Shall"** in mandatory; **"may"** is permissible.
- (F) **Water and Its Characteristics.**
- (1) **"ppm"** shall mean parts per million by weight.
  - (2) **"milligrams per liter"** shall mean a unit of the concentration of water constituent. It is 0.001 g of the constituent in 1,000 ml of water. It has replaced the unit formerly used commonly, parts per million, to which it is approximately equivalent, in reporting the results of water analysis.
  - (3) **"PH"** shall mean the logarithm (base 10) of the reciprocal of the hydrogen-ion concentration expressed by one of the procedures outlined in the IEPA Division of Laboratories Manual of Laboratory Methods.
- (G)
- (1) **"Curb Cock"** shall mean a shutoff valve attached to a water service pipe from a water main to a building installed near the curb, which may be operated by a valve key to start or stop flow in the water-supply lines of a building. Also called a curb stop.
  - (2) **"Easement"** shall mean an acquired legal right for the specific use of land owned by others.
  - (3) **"Service Box"** shall mean a valve box used with corporation or curb cock.
- (H) **Types of Charges.**
- (1) **"Water Service Charge"** shall be the charge per quarter or month levied on all users of the Water Facilities. The service charge shall be computed as outlined in this Article, and shall consist of the total of the Basic User Charge and the Local Capital Cost if applicable.
  - (2) **"User Charge"** shall mean a charge levied on users of water works for the cost of operation, maintenance and replacement.
  - (3) **"Basic User Charge"** shall mean the basic assessment levied on all users of the public water system.

- (4) ***"Debt Service Charge"*** shall be the amount to be paid each billing period for payment of interest, principal and coverage of (loan, bond, etc.) outstanding.
- (5) ***"Capital Improvement Charge"*** shall mean a charge levied on users to improve, extend or reconstruct the water works.
- (6) ***"Local Capital Cost Charge"*** shall mean charges for costs other than the operation, maintenance and replacement costs, i.e. debt service and capital improvement costs.
- (7) ***"Replacement"*** shall mean expenditures for obtaining and installing equipment, accessories, or appurtenances, which are necessary during the useful life of the works to maintain the capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement.
- (8) ***"Useful Life"*** shall mean the estimated period during which the water works will be operated.
- (9) ***"Water and Sewer Fund"*** is the principal accounting designation for all revenues received in the operation of the water system.

**38-3-2 APPLICATION FOR TAPS AND SERVICE CONNECTIONS TO THE WATERWORKS SYSTEM.** An applicant desiring a water tap or service connection with the Waterworks System of the Village shall file a written application at the Village Hall, signed by the owner of the property for which the tap or service connection is desired, or by the duly authorized agent of such owner. The application shall be accompanied by payment of the fee hereinafter prescribed to cover the cost of such service connection. In the event the application is made by an agent for the owner, then the application shall also be accompanied by the written authority of the owner to the agent for the making of the application. **(See Appendix #1)**

**38-3-3 ALL SERVICE TO BE BY METER.** All water service, whether for domestic, commercial or industrial use shall be metered. All meters shall be so placed and installed as to render the same accessible at all times for the purpose of reading or repairing and so as to be free from danger of freezing. Meters outside of a building shall be set in a suitable meter box approved by the Water and Sewer Committee. Water shall not be turned on for new connections until the meter has been installed and all other requirements of this Chapter on the part of the property owner have been fully complied with.

**38-3-4 REMOVAL OF METERS.** All meters shall remain the property of the department and may be removed from the customer's premises at any time without notice for the purpose of testing and repairing the same or upon discontinuance of service. Upon discovery of any unlawful act by any customer, his agent, or employee herein prohibited or upon failure to comply with any other rules and regulations of the department, such service shall be disconnected.

**38-3-5 INSTALLING AND MAINTAINING SERVICE LINES.** The user shall be responsible for installation and maintenance of service lines between the meter and the residence or business. Such service lines must be at least **three-fourths (3/4) inch** in diameter, and must be installed at a minimum depth of **three (3) feet**. Service lines must have a minimum working pressure rating of **160 psi at 73.4 degrees F** and must be constructed of one of the following types of materials: Copper, (Type K), polyvinyl chloride (PVC), polyethylene or polybutylene. Service lines shall not be covered until they are inspected and approved by the Superintendent.

The user shall not connect any service line or any plumbing connected with the service line to any other water source. The service line shall meet all requirements of the Illinois Environmental Protection Agency's rules and regulations, the Illinois Plumbing Code, and the regulations in this Chapter.

**38-3-6      INSPECTION.**

(A)      **Access to Premises.** The Village shall have access to all portions of the premises of the consumer at any reasonable time for inspection of the use of water and the consumer's pipe, fixtures, plumbing, and any other apparatus in any manner connected to the Waterworks System of the Village. The Village shall have the right and option to demand change or stopping of use or to require any repair, change, removal or improvement of any pipe, fixture, plumbing or other apparatus that would in any manner affect the water supply or system of the Village or the supply or fixtures of other consumers.

(B)      **Meters to be Open to Inspection.** All water meters and water fixtures, connections and appurtenances on private property connected with the Waterworks System of the Village shall be open to the inspection of the proper officers and employees of the Village at all reasonable hours.

**38-3-7      METER DAMAGED.** Whenever a meter is found to have been damaged by hot water being forced back into it from the consumer's hot water or heating apparatus or for any other cause within control of the consumer, the consumer shall pay the Village for the actual cost of the removal, repair, and replacement of the damaged meter and all previous water bills shall be corrected on an estimated basis to cover such period as it appears that the meter was out of order for such damage.

**38-3-8      DAMAGE DUE TO INTERRUPTION OF SERVICE; LIABILITY.** All connections for the water services applied for hereunder and all connections now attached to the present Village Waterworks System and all use or service of the system shall be upon the express condition that the Village shall not be liable for nor shall any claim be made against it for damages or injury caused by reason of the breaking of any main, service, pipe, apparatus or appurtenance connected with the Waterworks System or for any interruption of the supply of water by reason of the breaking of machinery or by reason of stoppages, alterations, extensions or renewals.

**38-3-9      RESALE OF WATER.** No water supplied by the waterworks system shall be resold by any user. No water user may supply water to other families or allow them to take it, except for use on the premises and for the purpose specified in such user's approved application, nor after water is introduced into any building or upon any premises shall any person make or employ any other person to make any tap or connection with work upon the premises for alterations, repairs, extension or attachments without written permit therefore. Resale or unauthorized use of water shall be grounds for discontinuance of water service to the user, or the premises, or both.

**38-3-10      DISCONTINUING SERVICE - DANGEROUS USAGE.** The Village shall have the right to refuse water service or to discontinue water service, without notice, at any time to any consumer if the Village finds any apparatus or appliances, the operation of which will be detrimental to the water system of the Village or to any or all of its consumers. Standpipes, hydrants, gate valves and any other apparatus that cause water hammer or any danger to the water system or other customer's plumbing shall be immediately repaired or removed upon notice from the Village or, at its option, the Village may immediately discontinue service without notice and without any liability for direct or resulting damages therefrom.

**38-3-11      ELECTRIC GROUND WIRES.** All persons are strictly forbidden to attach any electric ground wire to any plumbing or water piping which is or may be connected to any water service pipe, water meter, or water main belonging to the Village.

The Village shall hold the owner of the premises responsible and liable for any damage to the property or injury to the employees of the Village caused by such ground wire. Any and all owners and

consumers shall remove any existing ground wires immediately upon written notice from the Village. If not so disconnected **five (5) days** after notice, the Village, through its officials, may enter the property and remove such ground wires and the consumer shall pay all costs.

**38-3-12 WATER FOR BUILDING OR CONSTRUCTION PURPOSES.** Applicants desiring to use water from the Village Waterworks System for building or construction purposes shall make application therefor to the Superintendent on a form provided by the Water and Sewer Department for that purpose.

Upon a permit being granted, the service pipe shall be carried at the expense of the applicant to the inside of the curb line where a service cock and meter shall be placed with pipe leading to the surface and a faucet placed at the end thereof above the surface. When the building or construction is completed, the faucet and meter shall be removed and the water shut off unless permanent connection is made in accordance with the provisions of this Chapter. Charge for the use and connection of the meter shall be prescribed by the Superintendent.

**38-3-13 FIRE HYDRANTS.**

(A) All public fire hydrants with gate valves, tees, and connections from the main, inside the Village Limits, shall be owned, maintained and used only by the Village and shall be solely responsible for same. Use of water from fire hydrants by contractors and others shall be only upon permission by the Village and after approved application to the Village.

(B) The Village shall not be held liable and will not assume any responsibility for the condition of any fire hydrant inside or outside of the Village Limits or the pressure or amount of water obtainable therefrom or any damage either direct or resultant because of the condition, pressure or amount of water available at any fire hydrant.

(C) All public fire hydrants located outside the Village Limits owned by the Village shall be maintained in as good order as reasonably possible, but the Village will not undertake or assume any responsibility or liability for their condition or use or abuse. Such public fire hydrants shall be used only for the purpose of extinguishing fires except when the Village may issue a special permit for their use to contractors who shall then be responsible for the hydrants and the use of water from them.

**38-3-14 LIMITED WATER USAGE IN EMERGENCIES.**

(A) The Mayor is hereby authorized to proclaim the existence of an emergency whenever it appears that the Village water supply is inadequate for all general uses and purposes, which proclamation shall be published in a newspaper of general circulation in the community and the Mayor is further authorized to declare in similar manner the end of an emergency period.

(B) From and after the publication of a proclamation as provided for in subsection (A) of this Section, the following uses of water shall be prohibited:

- (1) the washing of cars and other vehicles;
- (2) the sprinkling of lawns and shrubbery;
- (3) the watering of gardens;
- (4) other nonessential uses;

and it shall be unlawful for any person to so use water from the Village supply during such an emergency.

**38-3-15 SHORTAGE AND PURITY OF SUPPLY.** The Village shall not be held responsible for or in any manner liable to any person, company, consumer or public body for any claim or damage, either direct or resultant because of any shortage of water supply, any shutoff of water for any reason, any bursting or leakage of either the consumer's or Village 's mains, pipes and fixtures, any pollution or impurity in water supply or any fire or water damage.

**38-3-16**      **NON-COMPLIANCE WITH RULES AND REGULATIONS.** If any consumer fails to comply with any of the rules and regulations in force, the Village shall notify the consumer of such failure. If the consumer does not remedy the same as the rules provide and within a reasonable time, the Village shall have the right to discontinue service. Except in case of non-payment, emergency, necessity, or as otherwise provided, the Village will not discontinue service for violation of any rule until **five (5) days** after notice has been given and the violation has not been remedied.

**38-3-17**      **EASEMENTS.** The consumer shall give such easements and rights-of-way as necessary to the Village and allow access for the purpose of construction, repair, maintenance, meter reading, relocation or expansion of the water system. The necessity shall be determined by the Superintendent.

**38-3-18**      **USE OF WATER ON CONSUMER'S PREMISES.** The Village shall reserve the right to use the water from the consumer's facilities at any time deemed necessary. No charge shall be made by the consumer for the use of the facilities and no charge shall be made by the Village for the water used by the Village.

**38-3-19**      **ALLOCATION OF MAINTENANCE COSTS BETWEEN USER AND VILLAGE.** The Village shall maintain and repair all water service pipes between the water mains and the curb lines. Any repairs to service lines or taps between the water mains and the sidewalk or property line shall be the Village's expense. Any repairs or renewals of water service pipes between the property line or curb line and extending to the owner's premises shall be made at the sole expense of the consumer or owner of the premises.

**38-3-20**      **VILLAGE NOT LIABLE FOR INTERRUPTION OF SUPPLY.** The Village shall have the right to shut off the supply of water whenever it is necessary to make repairs, improvements, enforce rules or for any notice as circumstances allow, will be given to consumers but in emergencies, the water may be shut off without notice. All hot water faucets shall be left open during any shut-off to prevent damage to plumbing. Such necessary work will be done as rapidly as may be practical and whenever feasible at such times as will cause the least inconvenience. The Village shall not be held responsible for or liable because of any shut-off of supply for any direct or resultant damages to any person, company or consumer or to any pipe, fixtures, or plumbing.

Water for steam boilers, gas engines, ice plants, or other industrial use, shall not be furnished by direct pressure from the mains, but only to tanks holding ample reserve supply. Should any equipment be supplied direct from mains, then in case of any shutoff of water, the Village will not be held responsible or liable for any direct or resulting damage because of interrupted supply, insufficient pressure, or otherwise.

Whenever water mains, pipes and service connections are taken up, shut-off or interfered with by reason of any Village street improvements, the Village will endeavor to maintain service so far as reasonably possible, but will not be directly or indirectly liable for any interruption, poor pressure, or damage of any kind either to consumers, adjacent or to other consumers affected thereby.

The Village expressly stipulates with all its consumers and other persons that it will not insure or be responsible or liable in any manner for any losses, or damages, direct or resultant by reason of any fire, and all water service furnished shall always be conditional upon acts of God, inevitable accidents, fire, strikes, riots, war, or any other cause not within the reasonable control of the Village.

**38-3-21**      **WATER WELL PERMITS REQUIRED.** It shall be unlawful to drill a water-well in the Village without the proper permits from the State of Illinois and the Village Board. All wells shall comply with the Cross-Connection Code in this Chapter. No wells shall be drilled when the property is within **two hundred (200) feet** of the municipal water main.

**38-3-22 ABANDONED CONNECTION.** Whenever any connection to the waterworks system is abandoned, because the building to which the water connection is made has been abandoned, destroyed or removed, the Superintendent may remove the meter and any pipe or connections in the public right-of-way or easement, and cap, plug or otherwise seal the pipe or main. Before taking any such steps the Superintendent shall notify the owner of the real estate if the owner's name and address is known, and shall notify the person shown on the real estate tax records as having paid taxes on the property the last time taxes were paid. Such notice shall be made by mail, at least **thirty (30) days** before any action is taken under this Section. If water is leaking, the Superintendent shall take immediate action, and send the notices within **three (3) working days** of the time action was taken.

**38-3-23 ALTERNATIVE WATER SOURCE.** Any customer with critical water requirements shall have an alternate water source. Failure to provide such shall be considered a violation of customer rules and loss or damages resulting therefrom shall be the responsibility of the customer. Those customers shall include but not be limited to manufacturers, hospitals, nursing homes, schools, greenhouses, hatcheries or any other building or business which might suffer any type of loss due to interruption of water service.

The Village expressly stipulates with all customers and other persons who may be affected by the discontinuance of service that it will neither insure nor be responsible or liable in any manner for any loss or damages, direct or indirect, by reason of fire or any other cause and all water service furnished shall also be conditional upon acts of God, inevitable accidents, failure of supply, fire, strikes, riots or any other causes.

**38-3-24 RULES TO BECOME PART OF CONTRACT.** All of the rules and regulations concerning the use of the facilities of the water system and the consumption of water shall be adopted and the same shall become part of the contract with every water consumer and every water consumer shall be considered to take water from the Village, subject thereto and bound thereby.

**38-3-25 - 30-3-30 RESERVED.**

## **DIVISION II - CROSS-CONNECTION ADMINISTRATION**

**38-3-31 APPROVED BACKFLOW DEVICE.** All plumbing installed within the Village shall be installed in accordance with the Illinois Plumbing Code, 77 Ill. Adm. Code 890. If, in accordance with the Illinois Plumbing Code or in the judgment of the Inspector, an approved backflow prevention device is necessary for the safety of the public water supply system, the Inspector shall give notice to the water customer to install such an approved device immediately. The water customer shall, at his own expense, install such an approved device at a location and in a manner in accordance with the Illinois Plumbing Code, Illinois Environmental Protection Agency and all applicable local regulations, and shall have inspections and tests made of such approved devices upon installation and as required by the Illinois Plumbing Code, Illinois Environmental Protection Agency and local regulations.

**38-3-32 CROSS-CONNECTION PROHIBITED; EXCEPTION.** No person shall establish or permit to be established or maintain or permit to be maintained any connection whereby a private, auxiliary or emergency water supply other than the regular public water supply enters the supply or distribution system of the Village, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the Superintendent and the Illinois Environmental Protection Agency.

**38-3-33**      **INVESTIGATIONS BY SUPERINTENDENT.** It shall be the duty of the Superintendent to cause surveys and investigations to be made of commercial industrial and other properties served by the public water supply to determine whether actual or potential hazards to the public water supply may exist. Such surveys and investigations shall be made a matter of public record and shall be repeated at least every **two (2) years** or as often as the Inspector shall deem necessary. Records of such surveys shall be maintained and available for review for a period of at least **five (5) years**.

**38-3-34**      **RIGHT TO ENTER PREMISES.** The approved cross-connection control device inspector shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system for the purpose of verifying the presence or absence of cross-connections and that the Inspector or his authorized agent shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system for the purpose of verifying information submitted by the customer regarding the required cross-connection control inspection. On demand, the owner, lessee or occupants of any property so served shall furnish to the Inspector any information which he may request regarding the piping system or systems or water use on such property. The refusal of such information when demanded shall, within the discretion of the Inspector, be evidence of the presence of improper connections as provided in this Chapter.

**38-3-35**      **NOTICE TO CUSTOMER; RECONNECT FEE.**  
 (A)            The Village Clerk is hereby authorized and directed to discontinue, after reasonable notice to the occupant thereof, the water service to any property wherein any connection in violation of the provisions of this Chapter is known to exist, and to take such other precautionary measures as he may deem necessary to eliminate any danger of contamination of the public water supply distribution mains. Water service to such property shall not be restored until such conditions have been eliminated or corrected in compliance with the provisions of this Chapter and until a reconnection fee of **Fifty Dollars (\$50.00)** is paid to the Village Clerk.

(B)            Immediate disconnection with verbal notice can be effected when the Inspector is assured that imminent danger of harmful contamination of the public water supply system exists. Such action shall be followed by written notification of the cause of disconnection. Immediate disconnection without notice to any party can be effected to prevent actual or anticipated contamination or pollution of the public water supply, provided that, in the reasonable opinion of the Inspector or the Illinois Environmental Protection Agency, such action is required to prevent actual or potential contamination or pollution of the public water supply.

(C)            The public water supply, the Inspector or the agents or assigns shall not be liable to any customer for any injury, damages or lost revenues which may result from termination of the customer's water supply in accordance with the terms of this Chapter, whether or not said termination was with or without notice.

**38-3-36**      **CONTAMINATIONS COST AND THE CONSUMER.** The consumer responsible for backsiphoned material or contamination through backflow, if contamination of the potable water supply system occurs through an illegal cross-connection or an improperly installed, maintained or repaired device, or a device which has been bypassed, shall bear the cost of clean-up of the potable water supply system.

**(In Part Ord. No. 356; 10-01-89)**

**38-3-37 - 38-3-40**      **RESERVED.**

**DIVISION III - CROSS-CONNECTION CONTROL CODE**

**38-3-41**      **PURPOSE.** The purpose of these Rules and Regulations is:

(A)            To protect the public water supply system from contamination or pollution by isolating within the customer's water system contaminants or pollutants which could backflow through the service connection into the public water supply system.

(B)            To promote the elimination or control of existing cross-connections, actual or potential, between the public or consumer's potable water system and non-potable water systems, plumbing fixtures and sources or systems containing substances of unknown or questionable safety.

(C)            To provide for the maintenance of a continuing program of cross-connection control which will prevent the contamination or pollution of the public and consumer's potable water systems.

**38-3-42**      **APPLICATION.** These Rules and Regulations shall apply to all premises served by the public potable water supply system of the Village.

**38-3-43**      **RESPONSIBILITY OF OWNER.** The owner or official custodian shall be responsible for protection of the public water supply system from contamination due to backflow or back-siphonage of contaminants through the customers water service connection. If, in the judgment of the Superintendent or his authorized representative, an approved backflow prevention device is necessary for the safety of the public water supply system, the Superintendent shall give notice to the consumer to install such approved backflow prevention device at each service connection to the premises. The consumer shall immediately install such approved device or devices at his own expense; failure, refusal or inability on the part of the consumer to install such device or devices immediately shall constitute grounds for discontinuing water service to the premises until such device or devices have been installed. The consumer shall retain records of installation, maintenance, testing and repair as required in **Section 38-4-37(D)** below for a period of at least **five (5) years**. The Superintendent may require the consumer to submit a cross-connection inspection report to the Village to assist in determining whether or not service line protection will be required. All cross-connection inspections shall be conducted by a Cross-Connection Control Device Inspector certified by the Illinois Environmental Protection Agency.

**38-3-44**      **DEFINITIONS.** The following definitions shall apply in the interpretation and enforcement of these regulations:

**"Fixed Proper Air Gap"** means the unobstructed vertical distance through the free atmosphere between the water discharge point and the flood level rim of the receptacle.

**"Agency"** means Illinois Environmental Protection Agency.

**"Approved"** means backflow prevention devices or methods approved by the Research Foundation for Cross-Connection Control of the University of Southern California, Association of State Sanitary Engineers, American Water Works Association, American National Standards Institute or certified by the National Sanitation Foundation.

**"Auxiliary Water System"** means any water source or system on or available to the premises other than the public water supply system and includes the water supplied by the system. These auxiliary waters may include water from another purveyor's public water supply system; or water from a source such as wells, lakes, or streams or process fluids; or used water. These waters may be polluted or contaminated or objectionable or constitute a water source or system over which the water purveyor does not have control.



**"Backflow"** means the backflow of water or other liquids, mixtures, or substances into the distribution pipes of a potable water system from any source other than the intended source of the potable water supply.

**"Backflow Prevention Device"** means any device, method, or type of construction intended to prevent backflow into a potable water system. All devices used for backflow prevention in Illinois must meet the standards of the Illinois Plumbing Code and the Illinois Environmental Protection Agency.

**"Consumer" or "Customer"** means the owner, official custodian or person in control of any premises supplied by or in any manner connected to a public water system.

**"Consumer's Water System"** means any water system located on the customer's premises. A building plumbing system is considered to be a customer's water system.

**"Contamination"** means an impairment of the quality of the water by entrance of any substance to a degree which could create a health hazard.

**"Cross-Connection"** means any physical connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other a substance of unknown or questionable safety or quality, whereby there may be a flow from one system into the other.

**"Direct Cross-Connection"** means a cross-connection formed when a water system is physically joined to a source of unknown or unsafe substance.

**"Indirect Cross-Connection"** means a cross-connection through which an unknown substance can be forced, drawn by vacuum or otherwise introduced into a safe potable water system.

**"Double Check Valve Assembly"** means an assembly composed of single, independently acting check valves approved under ASSE Standard 1015. A double check valve assembly and suitable connections for testing the water-tightness of each check valve.

**"Health Hazard"** means any condition, device or practice in a water system or its operation resulting from a real or potential danger to the health and well-being of consumers. The word "severe" as used to qualify "health hazard" means a hazard to the health of the user that could be expected to result in death or significant reduction in the quality of life.

**"Inspection"** means a plumbing inspection to examine carefully and critically all materials, fixtures, piping and appurtenances, appliances and installations of a plumbing system for compliance with requirements of the Illinois Plumbing Code, 77 Ill. Admn. Code 890.

**"Non-potable Water"** means water not safe for drinking, personal, or culinary use as determined by the requirements of 35 Ill. Adm. Code 604.

**"Plumbing"** means the actual installation, repair, maintenance, alteration or extension of a plumbing system by any person. Plumbing includes all piping, fixtures, appurtenances and appliances for a supply of water for all purposes, including without limitation lawn sprinkler systems, from the source of a private water supply on the premises or from the main in the street, alley or at the curb to, within and about any building or buildings where a person or persons live, work or assemble. Plumbing includes all piping, from discharge of pumping units to and including pressure tanks in water supply systems. Plumbing includes all piping, fixtures, appurtenances, and appliances for a building drain and a sanitary drainage and related ventilation system of any building or buildings where a person or persons live, work or assemble from the point of connection of such building drain to the building sewer or private sewage disposal system **five (5) feet** beyond the foundation walls.

**"Pollution"** means the presence of any foreign substance (organic, inorganic, radiological, or biological) in water that tends to degrade its quality so as to constitute a hazard or impair the usefulness of the water.

**"Potable Water"** means water which meets the requirements of 35 Ill. Adm. Code 604 for drinking, culinary, and domestic purposes.

**"Potential Cross-Connection"** means a fixture or appurtenance with threaded hose connection, tapered spout, or other connection which would facilitate extension of the water supply line beyond its legal termination point.

**"Process fluid(s)"** means any fluid or solution which may be chemically, or biologically or otherwise contaminated or polluted in a form or concentration such as would constitute a health, pollutional, or system hazard if introduced into the public or a consumer's potable water system. This includes but is not limited to:

- (A) polluted or contaminated waters;
- (B) process waters;
- (C) used waters originating from the public water supply system which may have deteriorated in sanitary quality;
- (D) cooling waters;
- (E) questionable or contaminated natural waters taken from wells, lakes, streams, or irrigation systems;
- (F) chemicals in solution or suspension;
- (G) oils, gases, acids, alkalis and other liquid and gaseous fluids used in industrial or other processes, or for fire fighting purposes.

**"Public Water Supply"** means all mains, pipes and structures through which water is obtained and distributed to the public, including wells and well structures, intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water for drinking or general domestic use and which serve at least 15 service connections or which regularly serve at least 25 persons at least 60 days per year. A public water supply is either a "community water supply" or a "non-community water supply".

**"Reduced Pressure Principle Backflow Prevention Device"** means a device containing a minimum of two independently acting check valves together with an automatically operated pressure differential relief valve located between the two check valves and approved under ASSE Standard 1013. During normal flow and at the cessation of normal flow, the pressure between these two checks shall be less than the supply pressure. In case of leakage of either check valve, the differential relief valve, by discharging to the atmosphere, shall operate to maintain the pressure between the check valves at less than the supply pressure. The unit must include tightly closed shutoff valves located at each end of the device, and each device shall be fitted with properly located test cocks.

**"Service Connection"** means the opening, including all fittings and appurtenances, at the water main through which water is supplied to the user.

**"Survey"** means the collection of information pertaining to a customer's piping system regarding the location of all connections to the public water supply system and must include the location, type and most recent inspection and testing date of all cross-connection control devices and methods located within that customer's piping system. The survey must be in written form, and should not be an actual plumbing inspection.

**"System Hazard"** means a condition through which an aesthetically objectionable or degrading material not dangerous to health may enter the public water supply system or a consumer's potable water system.

**"Used Water"** means any water supplied by a public water supply system to a consumer's water system after it has passed through the service connection and is no longer under the control of the water supply official custodian.

**"Water Purveyor"** means the owner or official custodian of a public water system.

**38-3-45**      **WATER SYSTEM.**

(A)            The water system shall be considered as made up of two parts: the public water supply system and the consumer's water system.

(B)            The public water supply system shall consist of the source facilities and the distribution system, and shall include all those facilities of the potable water system under the control of the Superintendent up to the point where the consumer's water system begins.

(C)            The source shall include all components of the facilities utilized in the production, treatment, storage, and delivery of water to the public water supply distribution system.

(D)            The public water supply distribution system shall include the network of conduits used to deliver water from the source to the consumer's water system.

(E)            The consumer's water system shall include all parts of the facilities beyond the service connection used to convey water from the public water supply distribution system to points of use.

**38-3-46**      **CROSS-CONNECTION PROHIBITED.**

(A)            Connections between potable water systems and other systems or equipment containing water or other substances of unknown or questionable quality are prohibited except when and where approved cross-connection control devices or methods are installed, tested and maintained to insure proper operation on a continuing basis.

(B)            No physical connection shall be permitted between the potable portion of a supply and any other water supply not of equal or better bacteriological and chemical quality as determined by inspection and analysis by the Agency.

(C)            There shall be no arrangement or connection by which an unsafe substance may enter a supply.

**38-3-47**      **SURVEY AND INVESTIGATIONS.**

(A)            The consumer's premises shall be open at all reasonable times to the approved cross-connection control device inspector for the inspection of the presence or absence of cross-connections within the consumer's premises, and testing, repair and maintenance of cross-connection control devices within the consumer's premises.

(B)            On request of the Superintendent, or his authorized representative, the consumer shall furnish information regarding the piping system or systems or water use within the customer's premises. The consumer's premises shall be open at all reasonable times to the Superintendent for the verification of information submitted by the inspection consumer to the public water supply custodian regarding cross-connection inspection results.

(C)            It shall be the responsibility of the water consumer to arrange periodic surveys of water use practices on his premises to determine whether there are actual or potential cross-connections to his water system through which contaminants or pollutants could backflow into his or her public potable water system. All cross-connection control or other plumbing inspections must be conducted in accordance with Ill. Comp. Stat., Ch. 225, Sec. 320/3.

(D)            It is the responsibility of the water consumer to prevent backflow into the public water system by ensuring that:

- (1)            All cross-connections are removed; or approved cross-connection control devices are installed for control of backflow and back-siphonage.
- (2)            Cross-connection control devices shall be installed in accordance with the manufacturer's instructions.

- (3) Cross-connection control devices shall be inspected at the time of installation and at least annually by a person approved by the Agency as a cross-connection control device inspector (CCCDI). The inspection of mechanical devices shall include physical testing in accordance with the manufacturer's instructions.
- (4) Testing and Records
  - (a) Each device shall be tested at the time of installation and at least annually or more frequently if recommended by the manufacturer.
  - (b) Records submitted to the community public water supply shall be available for inspection by Agency personnel in accordance with Ill. Comp. Stat., Ch. 415, Sec. 5/4(e).
  - (c) Each device shall have a tag attached listing the date of most recent test, name of CCCDI, and type and date of repairs.
  - (d) A maintenance log shall be maintained and include:
    - 1. date of each test;
    - 2. name and approval number of person performing the test;
    - 3. test results;
    - 4. repairs or servicing required;
    - 5. repairs and date completed; and
    - 6. serving performed and date completed.

**38-3-48      WHERE PROTECTION IS REQUIRED.**

(A) An approved backflow device shall be installed on all connections to the public water supply as described in the Plumbing Code, 77 Ill. Adm. Code 890 and the Agency's regulations 35 Ill. Adm. Code 680. In addition, an approved backflow prevention device shall be installed on each service line to a consumer's water system serving premises, where in the judgment of the Superintendent, actual or potential hazards to the public water supply system exist.

(B) An approved backflow prevention device shall be installed on each service line to a consumer's water system serving premises where the following conditions exist:

- (1) Premises having an auxiliary water supply, unless such auxiliary supply is accepted as an additional source by the Superintendent and the source is approved by the Illinois Environmental Protection Agency.
- (2) Premises on which any substance is handled which can create an actual or potential hazard to the public water supply system. This shall include premises having sources or system containing process fluids or waters originating from the public water supply system which are no longer under the sanitary control of the Superintendent.
- (3) Premises having internal cross-connections that, in the judgment of the Superintendent, are not correctable or intricate plumbing arrangements it make which impractical to determine whether or not cross-connections exist.
- (4) Premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete cross-connection survey.
- (5) Premises having a repeated history or cross-connections being established or reestablished.

(C) An approved backflow device shall be installed on all connections to the public water supply as described in the Plumbing Code, 77 Ill. Adm. Code 890 and the Agency's regulations 35 Ill. Adm. Code 653. In addition, an approved backflow prevention device shall be installed on each service line to a consumer's water system serving, but not necessarily limited to, the following types of facilities unless the Superintendent determines that no actual or potential hazard to the public water supply system exists:

- (1) Hospitals, mortuaries, clinics, nursing homes.
- (2) Laboratories.
- (3) Piers, docks, waterfront facilities.
- (4) Sewage treatment plants, sewage pumping stations or storm water pumping stations.
- (5) Food or beverages processing plants.
- (6) Chemical plants.
- (7) Metal plating industries.
- (8) Petroleum processing or storage plants.
- (9) Radioactive material processing plants or nuclear reactors.
- (10) Car washes.
- (11) Pesticide, or herbicide or extermination plants and trucks.
- (12) Farm service and fertilizer plants and trucks.

**38-3-49**      **TYPE OF PROTECTION REQUIRED.**

(A)      The type of protection required under **Section 38-3-38** of these regulations shall depend on the degree of hazard which exists as follows:

- (1)      An approved fixed proper air gap separation shall be installed where the public water supply system may be contaminated with substances that could cause a severe health hazard.
- (2)      An approved fixed proper air gap separation or an approved reduced pressure principle backflow prevention assembly shall be installed where the public water supply system may be contaminated with a substance that could cause a system or health hazard.
- (3)      An approved fixed proper air gap separation or an approved reduced pressure principle backflow prevention assembly or a double check valve assembly shall be installed where the public water supply system may be polluted with substances that could cause a pollution hazard not dangerous to health.

(B)      The type of protection required under **Section 38-3-38** of these regulations shall be an approved fixed proper air gap separation or an approved reduced pressure principle backflow prevention connected to the public water supply when:

(C)      Where a public water supply or an auxiliary water supply is used for a fire protection system, reduced pressure principle backflow preventers shall be installed on fire safety systems connected to the public water supply when:

- (1)      The fire safety system contains antifreeze, fire retardant or other chemicals;
- (2)      water is pumped into the system from another source; or
- (3)      water flows by gravity from a non-potable source; or water can be pumped into the fire safety system from any other source;
- (4)      there is a connection whereby another source can be introduced into the fire safety system.

(D)      All other fire safety systems connected to the potable water supply shall be protected by a double check valve assembly on metered service lines and a double detector check valve assembly on unmetered service lines.

**38-3-50**      **BACKFLOW PREVENTION DEVICES.**

(A)      All backflow prevention devices or methods required by these rules and regulations shall be approved by the Research Foundation for Cross-Connection Control of the University of Southern California, American Water Works Association, American Society of Sanitary Engineering, or American National Standards Institute or certified by the National Sanitation Foundation to be in compliance with applicable industry specification.

(B) Installation of approved devices shall be made in accordance with the manufacturer's instructions. Maintenance as recommended by the manufacturer of the device shall be performed. Manufacturer's maintenance manual shall be available on-site.

**38-3-51 INSPECTION AND MAINTENANCE.**

(A) It shall be the duty of the consumer at any premises on which backflow prevention devices required by these regulations are installed to have inspection, tests, maintenance and repair made in accordance with the following schedule or more often where inspections indicate a need or are specified in manufacturer's instructions.

- (1) Fixed proper air gap separations shall be inspected to document that a proper vertical distance is maintained between the discharge point of the service line and the flood level rim of the receptacle at the time of installation and at least annually thereafter. Corrections to improper or by passed air gaps shall be made within 24 hours.
- (2) Double check valve assemblies shall be inspected and tested at time of installation and at least annually thereafter, and required service performed within **five (5) days**.
- (3) Reduced pressure principle backflow prevention assemblies shall be tested at the time of installation and at least annually or more frequently if recommended by the manufacturer, and required service performed within **five (5) days**.

(B) Testing shall be performed by a person who has been approved by the Agency as competent to service the device. Proof of approval shall be in writing.

(C) Each device shall have a tag attached listing the date of most recent test or visual inspection, name of tester, and type and date of repairs.

(D) A maintenance log shall be maintained and include:

- (1) date of each test or visual inspection;
- (2) name and approval number of person performing the test or visual inspection;
- (3) test results;
- (4) repairs or servicing required;
- (5) repairs and date completed; and
- (6) servicing performed and date completed.

(E) Whenever backflow prevention devices required by these regulations are found to be defective, they shall be repaired or replaced at the expense of the consumer without delay as required by **Section 38-3-41(A)**.

(F) Backflow prevention devices shall not be bypassed, made inoperative, removed or otherwise made ineffective without specific authorization by the Superintendent.

**38-3-52 BOOSTER PUMPS.**

(A) Where a booster pump has been installed on the service line to or within any premises, such pump shall be equipped with a low pressure cut-off device designed to shut-off the booster pump when the pressure in the service line on the suction side of the pump drops to 20 psi or less.

(B) It shall be the duty of the water consumer to maintain the low pressure cut-off device in proper working order and to certify to the Superintendent, at least once a year, that the device is operable.

**38-3-53 VIOLATIONS AND PENALTIES.**

(A) The Superintendent shall deny or discontinue, after reasonable notice to the occupants thereof, the water service to any premises wherein any backflow prevention device required by these regulations is not installed, tested, maintained and repaired in a manner acceptable to the

Superintendent, or if it is found that the backflow prevention device has been removed or bypassed, or if an unprotected cross-connection exists on the premises, or if a low pressure cut-off required by these regulations is not installed and maintained in working order.

(B) Water service to such premises shall not be restored until the consumer has corrected or eliminated such conditions or defects in conformance with these regulations and to the satisfaction of the Superintendent, and the required reconnection fee is paid.

(C) Water service to such premises shall not be restored until the consumer has corrected or eliminated such conditions or defects on conformance with these Regulations and to the satisfaction of the Superintendent.

(D) Neither the Village, the Superintendent, or its agents or assigns, shall be liable to any customers of the Village for any injury, damages or lost revenues which may result from termination of said customer's water supply in accordance with the terms of this ordinance, whether or not said termination of the water supply was with or without notice.

(E) The consumer responsible for back-siphoned material or contamination through backflow, if contamination of the potable water supply system occurs through an illegal cross-connection or an improperly installed, maintained or repaired device, or a device which has been bypassed, must bear the cost of clean-up of the potable water supply system.

(F) Any person found to be violating any provision of this Code shall be served with written notice stating the notice of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violation.

(G) Any person violating any of the provisions of this Code in addition to the fine provided, shall become liable to the Village for any expense, loss or damage occasioned by the Village by reason of such violation, whether the same was caused before or after notice.

**(Ord. No. 356; 10-01-89)**

**38-3-54 - 38-3-60 RESERVED.**

**DIVISION IV - EXTENSION OF MAINS**

**38-3-61 DETERMINATION OF WHO PAYS EXPENSE OF EXTENSION.** The Village Board shall first determine if an extension of water main is economically feasible based on the estimated cost of the extension and the number of existing potential users that will use water along the extension. If the extension is economically feasible then the Village may install and pay the cost of the extension at the discretion of the Village Board. If the Village elects not to pay the cost of extending the water main then the person or persons desiring water service shall install the extension at their own personal expense upon written consent by the Village Board. The Village shall not pay for any extensions to an undeveloped area, such as a subdivision being developed, unless there are sufficient existing residents or businesses to make the extension economically feasible. All extensions shall comply with the "Standard Specifications for Water & Sewer Construction in the State of Illinois". **(See Appendix #2)**

**38-3-62 EASEMENTS.** Applicants for main extensions shall deliver, without cost to the Village, permanent easements or right-of-way when necessary for the installation and maintenance of the extensions or subsequent additions thereto. The Village shall not be obligated to authorize any construction until all requirements of this Chapter have been met.

**38-3-63 SIZE AND TYPE.** The Village reserves the right to determine and specify the diameter and type of pipe required to provide the service requested, and subject to the requirements of

municipal authorities, its location within or without the limits of a street. The Village further reserves the right to install a main larger in diameter than the main required to render the service requested, in which case, the Village will pay the difference in cost.

**38-3-64**      **TITLE.** Title to all main extensions shall be vested in the Village and the Village shall have the right to further extend any main installed in and to other streets or premises without repayment or refund to any applicant. However, the Village reserves the right to consider extensions made at the applicant's expense and without written agreement as to service lines. Upon such lines, the Village will set a meter at the beginning of the extension to measure all water used and title to the line beyond the meter will be vested in the customer who shall be responsible for maintenance and replacement, when necessary.

**38-3-65**      **MAINTENANCE AND REPLACEMENT.** The Village, at its own expense, shall maintain and when necessary, replace the Village -owned mains used to supply water to its customers, and if adequate service requires the reconstruction or replacement of such mains, the mains shall be reconstructed or replaced by the Village at its expense.

**38-3-66 - 38-3-69**      **RESERVED.**

**DIVISION V – WATER RATES**

**38-3-70**      **BUILDING UNIT DEFINED.** All persons or families residing in a building under one roof, be it an apartment or homes converted into more than one dwelling place, each family or individual resident residing therein shall be deemed an individual customer or such homes or apartments or dwellings shall be billed for at least one minimum water and/or sewer account according to the number of families or individual residents residing therein.

**38-3-71**      **WATER REVENUES.** All revenues and moneys derived from the operation of the Water system shall be deposited in the water account of the water fund. All such revenues and moneys shall be held by the Village Treasurer separate and apart from its private funds and separate and apart from all other funds of the Village Treasurer not more than **ten (10) days** after receipt of the same, or at such more frequent intervals as may from time to time be directed by the Board of Trustees. The Village Treasurer shall receive all such revenues from the water system and all other funds and moneys incident to the operation of such system as the same may be delivered to him and deposit the same in the account of the fund designated as the "Water and Sewer System Fund of the Village". The Treasurer shall administer such fund in every respect in the manner provided by **65 ILCS 5/3.1-35-40 et seq.**

**38-3-72**      **WATER ACCOUNTS.** The Village Treasurer shall establish a proper system of accounts and shall keep proper books, records, and accounts in which complete and correct entries shall be made of all transactions relative to the system, and at regular annual intervals shall cause to be made an audit by an independent auditing concern of the books to show the receipts and disbursements of the water system. In addition to the customary operating statements, the annual audit report shall also reflect the revenues and operating expenses of the water facilities, including a replacement cost. The financial information to be shown in the audit report shall include the following:

- (A)              Flow data showing total gallons received at the water plant for the current fiscal year.
- (B)              Billing data to show total number of gallons billed per fiscal year.



- (C) Debt service for the next succeeding fiscal year.
- (D) Number of users connected to the system.
- (E) Number of non-metered users.

**38-3-73**     **ACCESS TO BOOKS.** The Illinois Environmental Protection Agency or its authorized representative shall have access to any books, documents, papers and records of the Village which are applicable to the Village system of user charges for the purpose of making audit, examination, excerpts and transcriptions thereof to insure compliance with the terms of any Loan Agreement with the Village.

**38-3-74**     **NOTICE OF RATES.** A copy of this Article, properly certified by the Village Clerk, shall be filed in the office of the County Recorder of Deeds and shall be deemed notice to all owners of real estate of the charges of the sewer system of the Village on their properties. Each user shall be notified at least annually, in conjunction with a regular bill, of the rate and that portion of the user charges which are attributable to sewer treatment services.

**38-3-75**     **APPEALS.** The method for computation of rates and service charges established for user charges in **Article IV Division I** shall be made available to a user within **fifteen (15) days** of receipt of a written request for such. Any disagreement over the method used, or in the computation thereof, shall be remedied by a third party selected by both parties within **ninety (90) days** after notification of a formal written appeal outlining the discrepancies.

**38-3-76**     **ADEQUACY OF SERVICE CHARGES.** The adequacy of the water service charge shall be reviewed, not less often than annually by the Village Board of Trustees with assistance if requested by the Board from the Village Engineer and any accountant performing audit services for the Village. The water service charge rates shall be revised periodically to reflect the change in local capital costs or operation, maintenance and replacement costs. The rates established by the Village from time to time shall include a basic user charge, a debt service charge, and a capital improvement charge. The basic user charge is levied on all users to recover the operation, maintenance plus replacement (O, M & R) costs and shall be based on water usage as recorded by water meters. The basic user charge shall be computed as follows:

- (A) Estimate the annual water volume;
- (B) Estimated the projected annual revenue required to operate and maintain the water facilities, including a replacement fund for the year, for all works categories;
- (C) Compute costs per **one thousand (1,000) gallons.**

The debt service charge is computed by apportioning the annual debt service as a charge per **one thousand (1,000) gallons.** The capital improvement charge is levied on users to provide for capital improvements, extensions or reconstruction of the water works. The capital improvement charge is computed by apportioning the annual amount to be accrued as a charge per **one thousand (1,000) gallons.**

**38-3-77**     **COMPUTATION.** The method for computation of rates and service charges established for user charges in this Article shall be made available to a user within **twenty (20) days** of receipt of a written request for such. Any disagreement over the method used or in the computations thereof shall be remedied by the Village of Evansville within **forty-five (45) days** after notification of a formal written appeal outlining the discrepancies.

**38-3-78 CONNECTION CHARGE.**

(A) **Inside Village.** Applicants for water service inside the Village shall pay a charge of **One Hundred Dollars (\$100.00)** per unit served plus labor and materials. Each dwelling, commercial and industrial unit shall be assessed at connection charge. **(Ord. No. 14-03; 09-08-14)**

(B) **Outside Village.** Applicants for water service outside the Village limits shall pay **Five Hundred Dollars (\$500.00)** plus the cost of labor and materials. Each dwelling, commercial and industrial unit shall be assessed at connection charge.

(C) **Illinois Plumbing Code.** All water tap and service connections made to the mains of the Waterworks System of the Village shall conform to the regulations of this Code and of the Illinois Plumbing Code. All connections and installations shall be made by an Illinois licensed plumbing. **(65 ILCS 5/11-150-1)**

**38-3-79 WATER RATES.** There shall be and there are hereby established charges or rates for the use and service supplied by the combined waterworks and Sewage System of the Village, based upon the amount of water consumed as shown by the water meters, as follows effective for the October meter readings to be billed for January, 2019:

(A) **WATER SERVICE – RESIDENTIAL INSIDE – ¾" METER SERVICE.**

First	1,000 gallons per month	\$26.00 MINIMUM CHARGE
Over	1,000 gallons per month	\$0.50 per 100 gallons

(B) **WATER SERVICE – RESIDENTIAL INSIDE – 1 ¼" METER SERVICE.**

First	1,000 gallons per month	\$33.50 MINIMUM CHARGE
Over	1,000 gallons per month	\$0.50 per 100 gallons

(C) **WATER SERVICE – RESIDENTIAL OUTSIDE – ¾" METER SERVICE.**

First	1,000 gallons per month	\$30.50 MINIMUM CHARGE
Over	1,000 gallons per month	\$0.70 per 100 gallons

(D) **WATER SERVICE – RESIDENTIAL OUTSIDE – 1 ¼" METER SERVICE.**

First	1,000 gallons per month	\$35.50 MINIMUM CHARGE
Over	1,000 gallons per month	\$0.70 per 100 gallons

**(Ord. No. 2018-05; 11-13-18)**

(E) **BULK WATER SALES.** The rate for bulk water provided by the Village shall be **Seventy-Five Cents (\$0.75)** per **one hundred (100) gallons.** **(Ord. No. 2022-5; 09-12-22)**

**38-3-80 ELLIS GROVE RATES.** The following rates shall apply to the water consumption for the Ellis Grove customers:

(A) **Water – ¾" Meter – Monthly Rates.**

First	1,000 gallons per month	\$9.00 MINIMUM CHARGE
Over	1,000 gallons per month	\$0.30 per 100 gallons

(B) **Water – 1 ¼" Meter – Monthly Rates.**

First	1,000 gallons per month	\$20.00 MINIMUM CHARGE
Over	1,000 gallons per month	\$0.30 per 100 gallons

**38-3-81 - 38-3-84 RESERVED.**

**ARTICLE IV - WASTEWATER SYSTEM****DIVISION I - DEFINITIONS**

**38-4-1 DEFINITIONS.** Unless the context specifically indicates otherwise, the meaning of terms used in this Chapter shall be as follows:

**"GOVERNMENT, FEDERAL".**

(A) **"Administrator"** means the Administrator of the U.S. Environmental Protection Agency.

(B) **"Federal Act"** means the Federal Clean Water Act (**33 U.S.C. 466 et seq**) as amended, (**Pub. L. 95-217**).

(C) **"Federal Grant"** shall mean the U.S. government participation in the financing of the construction of treatment works as provided for by Title II-Grants for Construction of Treatment Works of the Act and implementing regulations.

**"GOVERNMENT, LOCAL".**

(A) **"Approving Authority"** shall mean the Superintendent of the Village or his authorized deputy, agent, or representative.

(B) **"NPDES Permit"** means any permit or equivalent document or requirements issued by the Administrator, or, where appropriated by the Director, after enactment of the Federal Clean Water Act to regulate the discharge of pollutants pursuant to Section 402 of the Federal Act.

(C) **"Person"** shall mean any and all persons, natural or artificial including any individual, firm, company, municipal or private cooperation, association, society, institution, enterprise, governmental agency or other entity.

(D) **"Inspector"** shall mean the Superintendent or other person or persons duly authorized by the Village to inspect and approve the installation of building sewer and their connection to the sanitary sewer system.

**"GOVERNMENT, STATE".**

(A) **"Director"** means the Director of the Illinois Environmental Protection Agency.

(B) **"State Act"** means the Illinois Anti-Pollution Bond Act of 1970.

(C) **"State Grant"** shall mean the State of Illinois participation in the financing of the construction of treatment works as provided for by the Illinois Anti-Pollution Bond Act and for making such grants as filed with the Secretary of State of State of Illinois.

**"CLARIFICATION OF WORD USAGE"**. "Shall" is mandatory; "may" is permissible.

**"WASTEWATER TYPES AND APPURTENANCES".**

(A) **"Building Drain"** shall mean that part of the lowest piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer or other approved point of discharge, beginning **five (5) feet (1.5 meters)** outside the inner face of the building wall.

(B) **"Building Sewer"** shall mean the extension from the building drain to the public sewer or other place of disposal.

(C) **"Combined Sewer"** shall mean a sewer which is designed and intended to receive sewer, storm, surface and groundwater drainage.

(D) **"Easement"** shall mean an acquired legal right for the specific use of land owned by other.

(E) **"Public Sewer"** shall mean a sewer provided by or subject to the jurisdiction of the Village. It shall also include sewer within or outside the Village boundaries that serve **one (1)** or more persons and ultimately discharge into the Village sanitary sewer or combined sewer system, even though those sewer may not have been constructed with Village funds.

(F) **"Sanitary Sewer"** shall mean a sewer that conveys sewage or industrial wastes or a combination of both, and into which storm, surface and groundwaters or unpolluted industrial wastes are not intentionally admitted.

(G) **"Sewer"** shall mean a pipe or conduit for conveying sewage or any other waste liquids, including storms, surface and groundwater drainage.

(H) **"Sewer"** shall mean the system of sewer and appurtenances for the collection, transportation and pumping of sewage.

(I) **"Storm Sewer"** shall mean a sewer that carries storm, surface and groundwater drainage, but excludes sewage and industrial wastes other than unpolluted cooling water.

(J) **"Stormwater Runoff"** shall mean that portion of the precipitation that is drained into the sewer.

**"TREATMENT":**

(A) **"Pretreatment"** shall mean the treatment of sewer from sources before introduction into the sewer treatment works.

(B) **"Sewer Treatment Works"** shall mean an arrangement of devices and structures for treating sewer, industrial wastes, and sludge. Sometimes used as synonymous with "waste treatment plant" or "sewer treatment plant" or "pollution control plant".

**"TYPES OF CHARGES":**

(A) **"Basic User Charge"** shall mean the basic assessment levied on all users of the public sewer system.

(B) **"Capital Improvement Charge"** shall mean the charge levied on users to improve, extend or reconstruct the sewage treatment works.

(C) **"Debt Service Charge"** shall be the amount to be paid each billing period for payment of interest, principal and coverage of (loan, bond, etc.) outstanding.

(D) **"Local Capital Cost Charge"** shall mean charges for costs other than the Operation, Maintenance and Replacements costs, i.e. debt service and capital improvement costs.

(E) **"Replacement"** shall mean expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the service life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement.

(F) **"Sewer Fund"** is the principal accounting designation for all revenues received in the operation of the sewer system.

(G) **"Surcharge"** shall mean the assessment in addition to the basic user charge and debt service charge which is levied on those persons whose wastes are greater in strength than average concentration values as established by code.

(H) **"Useful Life"** shall mean the estimated period during which the collection system and/or treatment works will be operated.

(I) **"User Charge"** shall mean a charge levied on users of treatment works for the cost operation, maintenance and replacement.

(J) **"Sewer Service Charge"** shall be the charge per quarter or month levied on all users of the Sewer Facilities. The service charge shall be computed as outlined in Article IV of this Code and shall consist of the total or the Basic User Charge, the local capital cost and a surcharge, if applicable.

(K) **"Reserve Fund Charge"** shall mean a revolving fund for expansion and construction of the sewer system.

**"USER TYPES":**

(A) **"Control Manhole"** shall mean a structure located on a site from which industrial wastes are discharged. Where feasible, the manhole shall have an interior drop. The purpose of a "control manhole" is to provide access for the Village representative to sample and/or measure discharges.

(B) **"Industrial User"** shall include establishments engaged in manufacturing activities involving the mechanical or chemical transformation of materials of substance into products.

(C) **"Residential User"** shall mean all dwelling units such as houses, buildings, mobile homes, apartments, permanent multi-family dwellings.

(D) **"User Class"** shall mean the type of user either "residential or commercial" (non-industrial) or "industrial" as defined herein.

(E) **"Commercial User"** shall include transit lodging, retail and wholesale establishments or places engaged in selling merchandise, or rendering services.

(F) **"Institutional/Governmental User"** shall include schools, churches, penal institutions, and users associated with Federal, State and local governments.

**"WASTEWATER FACILITIES"** shall mean the structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and transport effluent to a watercourse.

**"WATERCOURSE AND CONNECTIONS":**

(A) **"Watercourse"** shall mean a channel in which a flow of water occurs, either continuously or intermittently.

(B) **"Natural Outlet"** shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

**"WASTEWATER AND ITS CHARACTERISTICS":**

(A) **"BOD"** (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in **five (5) days at 20 degrees centigrade (20°C)**, expressed in milligrams per liter.

(B) **"Effluent Criteria"** are defined in any applicable "NPDES Permit".

(C) **"Floatable Oil"** is oil, fat, or grease in a physical state such that it will separate by gravity from sewer by treatment in an approved pretreatment facility. A sewer shall be considered free of floatable fat if it is properly pretreated and the sewer does not interfere with the collection system.

(D) **"Garbage"** shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.

(E) **"Industrial Waste"** shall mean any solid, liquid or gaseous substance discharged, permitted to flow or escaping from any industrial, manufacturing, commercial or business establishment or process or from the development, recovery or processing of any natural resource as distinct from sanitary sewage.

(F) **"Major Contributing Industry"** shall mean an industrial user the publicly owned treatment works that:

- (1) Has a flow of 50,000 gallons or more per average work day; or
- (2) Has a flow greater than **ten percent (10%)** of the flow carried by the municipal system receiving the waste; or
- (3) Has in its waste, a toxic pollutant in toxic amounts as defined in standards issued under Section 307(a) of the Federal Act; or
- (4) Is found by the permit issuance authority, in connection with the issuance of the NPDES permit to the publicly owned treatment works receiving the waste, to have significant impact, either singly or in combination with other contributing industries, on that treatment works or upon the quality of effluent from that treatment works.

(G) **"Milligrams per Liter"** (mg/l) shall mean a unit of the concentration of water or sewer constituent. It is 0.001 gram of the constituent in 1,000 milliliter of water. It has replaced the unit formerly used commonly, parts per million, to which it is approximately equivalent, in reporting the results of water and sewer analysis.

(H) **"pH"** shall mean the logarithm (base 10) of the reciprocal of the hydrogen-ion concentration expressed by one of the procedures outlined in the IEPA Division of Laboratories Manual of Laboratory Methods.

(I) **"Population Equivalent"** is a term used to evaluate the impact of industrial or other waste on a treatment works or stream. One population equivalent is 100 gallons of sewage per day, containing 0.17 pounds of BOD and 0.20 pounds of suspended solids.

(J) "ppm" shall mean parts per million by weight.

(K) **"Properly Shredded Garbage"** shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewer, with no particle greater than **one (1/2) half inch (1.27 centimeters)** in any dimension.

(L) **"Sewage"** is used interchangeably with "sewer".

(M) **"Slug"** shall mean any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than **fifteen (15) minutes more than five (5) times** the average **twenty-four (24) hour** concentration or flows during normal operation.

(N) **"Suspended Solids"** (SS) shall mean solids that either float on the surface of, or are in suspension in water, sewage, or industrial waste, and which are removable by a laboratory filtration device. Quantitative determination of suspended solids shall be made in accordance with procedures set forth in the I.E.P.A. Division of Laboratories Methods.

(O) **"Unpolluted Water"** is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewer and sewer treatment facilities provided.

(P) **"Sewer"** shall mean the spent water of a community. From this standpoint of course, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and stormwater that may be present.

(Q) **"Water Quality Standards"** are defined in the Water Pollution Regulations of Illinois.

**38-4-2 - 38-4-3** **RESERVED.**

## **DIVISION II - USE OF PUBLIC WASTEWATERS REQUIRED**

**38-4-4** **DEPOSIT OF WASTES.** It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Village or in any area under the jurisdiction of the Village, any human or animal excrement, garbage or other objectionable waste.

**38-4-5** **SEWAGE IN NATURAL OUTLET.** It shall be unlawful to discharge to any natural outlet within the Village, or in area under the jurisdiction of the Village, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

**38-4-6** **PRIVATE SYSTEM, UNLAWFUL.** Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

**38-4-7** **DISCONTINUANCE OF PRIVATE DISPOSAL SYSTEM.** The owner of all the houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the Village and abutting on any street, alley, right-of-way in which there is now located or may in the future be located any public sanitary (or combined) sewer of the Village is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Code, within **ninety (90) days** after date of official notice to do so, provided that said public sewer is within **one hundred fifty (150) feet** of the property line.

**38-4-8 - 38-4-9** **RESERVED.**

**DIVISION III - PRIVATE SEWAGE DISPOSAL**

**38-4-10 PRIVATE SEWAGE SYSTEM.** Where a public sanitary sewer is not available under the provisions of **Section 38-4-7**, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this division.

**38-4-11 HEALTH DEPARTMENT APPROVAL.** Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit from the appropriate Health Department. The application for such permit shall be made on a form furnished by the Village (**reference Appendix #3**) which the applicant shall supplement by any plans, specifications and other information as deemed necessary by the Superintendent. A permit and inspection fee of **One Hundred Dollars (\$100.00)** shall be paid to the Village at the time the application is filed.

**38-4-12 PERMIT APPROVAL.** A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within **forty-eight (48) hours** of the receipt of written notice by the Superintendent.

**38-4-13 COMPLIANCE WITH STATE REQUIREMENTS.** The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the State of Illinois Private Sewage Disposal Licensing Act and Code and with the State of Illinois Environmental Protection Agency. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than **forty thousand (40,000) square feet**. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

**38-4-14 AVAILABILITY OF PUBLIC WASTEWATER.** At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in **Section 38-4-7**, a direct connection shall be made to the public sewer in compliance with this Code, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

**38-4-15 OPERATION OF PRIVATE SYSTEM.** The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, and at no expense to the Village.

**38-4-16 ADDITIONAL RESTRICTIONS.** No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the Local Health Officer.

**38-4-17 TIME CONSTRAINTS FOR PUBLIC WASTEWATER.** When a public sewer becomes available, the building sewer shall be connected to said sewer within **ninety (90) days** and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

**38-4-18 - 38-4-20 RESERVED.**



**DIVISION IV - BUILDING WASTEWATER AND CONNECTIONS**

**38-4-21**      **DISTURBING SYSTEM UNLAWFUL.** No unauthorized person shall uncover, make any connections with, or opening into; use; alter; or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent.

**38-4-22**      **COMPLIANCE WITH REGULATING AUTHORITIES.** All disposal by any person into the sewer system is unlawful except those discharges in compliance with Federal Standards promulgated pursuant to the Federal Act and more stringent State and local standards.

**38-4-23**      **CLASSES OF PERMITS.**

(A)            There shall be **two (2)** classes of building sewer permits as follows:

- (1)          Residential sewer service.
- (2)          Service to Commercial or Institutional establishments or industrial sewer service.

(B)            In either case, the owner or his agent shall make applications on a special form furnished by the Village. **(See Appendix #4)** The fee per connection shall be paid to the Village at the time the application is filed pursuant to this Division of this Article.

(C)            The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. The industry, as a condition of permit authorization, shall provide information describing its sewer constituents, characteristics and type of activity.

**38-4-24**      **COST BORNE BY OWNER.** All costs and expenses including labor and material incidental to the installation, connection and maintenance of a lateral sewer line shall be borne by the owner(s). The owner(s) shall indemnify the Village from any loss or damage that may directly or indirectly be occasioned by the installation, connection and maintenance of the lateral sewer lines. This section shall apply even where the lateral sewer line runs under a public street, public right-of-way, or public easement.

**38-4-25**      **SEPARATE WASTEWATER: EXCEPTION.** A separate and independent building sewer shall be provided for every building, except that where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer; except for sewer connection charges accruing from such buildings or properties.

**38-4-26**      **OLD BUILDING WASTEWATER.** Old building sewer may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this Code.

**38-4-27**      **CONSTRUCTION METHODS.** The size, slope, depth and alignment, of the building sewer shall be subject to the approval of the Superintendent. In no case shall the inside diameter of the building sewer be less than **four (4) inches**. If **six (6) inch diameter pipe** is used, the slope shall not be less than **one-eighth (1/8) inch** per foot. If **four (4) inch or five (5) inch diameter pipe** is used, the slope shall not be less **one-fourth (1/4) inch** per foot. The depth of the building sewer shall be sufficient to afford protection from frost. The building sewer shall be laid at a uniform grade and in straight alignment, insofar as possible. Changes in direction shall be made only

with properly curved pipe and fittings, unless the break in alignment is made at a manhole facilitating servicing. Installation shall be in accordance with Standard Specifications for Water and Sewer Main Construction in Illinois.

All building sewer shall be constructed of materials approved by the Village. Generally all building sewer shall be constructed of the following materials:

- (A) Cast or ductile iron pipe
- (B) ABS solid wall plastic pipe (6" diameter maximum)
- (C) PVC solid wall plastic pipe (6" diameter maximum) SDR-35

All pipe joints must be gaslight and watertight and are subject to the approval of the Village. Transition joints from one pipe material to another shall be made using fittings manufactured for such transitions.

**38-4-28 PLUMBING CODE REQUIREMENTS.** The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Village. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society of Testing materials, **Water Pollution Control Federation Manual of Practice No. 9**, and **Standard Specifications for Water and Sewer Main Construction in Illinois** shall apply.

**38-4-29 ELEVATION.** Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by a means which is approved in accordance with **Section 38-4-22** and discharged to the building sewer.

**38-4-30 PROHIBITED CONNECTIONS.** No person(s) shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to public sanitary sewer.

**38-4-31 CONNECTIONS TO WASTEWATER MAINS.** Building Sewer connections with any sewer shall be made only at manholes or other such junctions as may be provided or designated by the Village, and then only in such manner as directed. The connection of the building sewer shall be made at a wye branch, if such branch is available. The building service sewer shall generally enter the sewer main or lateral by way of an existing wye. In the event of absence of the wye, the connection to the sewer main or lateral shall be made by one of the methods indicated below.

- (A) Installation of a manhole
- (B) Circular saw-cut sewer main by proper tools ("Sewer Tap" machine or similar), and proper installation of hub wye saddle, in accordance with manufacturer's recommendation. This method shall not be allowed when the wye branch is larger than **four (4) inches** in diameter. The entire sewer main in the location of the wye and the wye shall be encased in concrete.
- (C) Using the pipe cutter only, neatly and accurately cut out desired length of pipe for insertion of proper fitting. Remove both hub and bell ends, or other compression couplings from wye branch fitting to allow the wye branch to be inserted with no more than a total of one-half (1/2) inch gap. Use "Band Seal" couplings, or similar couplings, and shear rings and clamps to fasten the inserted fitting and hold it firmly in place. The entire section shall then be encased in concrete having a minimum thickness of **four (4) inches** and extending **eight (8) inches** beyond each joint.

If another method is desired, a detail shall be submitted for review and approval by the Village before the connection is made. Indiscriminate breaking of the sewer main pipe is not allowed.

**On Site Inspection.** After the wye branch has been inserted and jointed, and before any additional fittings have been placed in the service line, the installation shall be approved by the

Superintendent, or his authorized representative. After approval is granted the contractor shall encase the work area as specified herein.

**Backfill.** To be placed in accordance with The Standard Specifications for Water and Sewer Main Construction in Illinois, Current Edition. In addition, any building sewer crossing any street, or traveled alley shall be backfilled with CA-86 backfill material.

**Concrete Encasement.** When a riser is constructed and its height is **four (4) feet** or more measured from the flowline of the sewer main to the top of the riser pipe, the wye connection shall be encased in concrete to a height of at least **one foot six inches (1' 6")** above the flowline of the sewer main. When the height of the riser is less than **four (4) feet** above the flowline of the sewer main, the wye connection shall be backfilled to the top of the riser pipe with carefully placed and compacted granular backfill.

**38-4-32 CAPACITY OF WASTEWATER.** A building sewer permit will only be issued and a sewer connection shall only be allowed if it can be demonstrated that the downstream sewer facilities, including sewer, pump stations and sewer treatment facilities, have sufficient reserve capacity to adequately and efficiently handle the additional anticipated waste load.

**38-4-33 TAP-IN SUPERVISION AND TESTING.** The applicant for the building sewer permit shall notify the Village when the building sewer is ready for inspection and connection to the public sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Village or its representative.

At any time after the installation of the building sewer, the Village may test the building sewer for violation of this ordinance.

**38-4-34 INSPECTION.** After the building sewer has been constructed in the trench but before the sewer is backfilled, the applicant for the building sewer permit shall notify the Superintendent that the building sewer is ready for inspection. If the sewer has been constructed properly, permission will be given to backfill the trench. If the sewer construction is found to be unsuitable, the permit applicant will correct the installation to meet Village 's requirements.

**38-4-35 PUBLIC WASTEWATER CONNECTION.** The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code, or other applicable rules and regulations of the Village, or the procedures set forth in appropriate specifications of the American Society of Testing Materials, **Water Pollution Control Federation Manual of Practice No. 9**, and **Standard Specifications for Water and Sewer Main Construction in Illinois**. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Village before installation.

**38-4-36 PROTECTION OF PROPERTY.** All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Village.

**38-4-37 BOND REQUIRED.** If the applicant for the building sewer permit does not have a general bond on file with the Village, the applicant shall furnish a corporate surety bond in an amount **one and one-half (1 1/2) times** the cost of the contemplated work for which the permit is to be issued.

**38-4-38**      **UNLAWFUL DISCHARGES.** All disposal by any person into the sewer system is unlawful except those ordinances in compliance with Federal Standards promulgated pursuant to the Federal Act and more stringent State and local standards.

**38-4-39 - 38-4-41**      **RESERVED.**

**DIVISION V - EXTENSION OF COLLECTING WASTEWATERS**

**38-4-42**      **PERMIT REQUIRED; AUTHORIZED PERSONNEL.** No person, other than an authorized employee of the Village, shall make any connection with, uncover, alter or disturb a Village sewer, or open any manhole, intercepting chamber, or any appurtenance thereof without first obtaining a written permit to do so from the Village, and no person shall make any connection or opening into any sewer, the flow of which is directly or indirectly discharged into any Village sewer, without first obtaining a written permit to do so from the Village. **(See Appendix #2)**

**38-4-43**      **EXTENSION PERMITS.** Issuance of sewer extension permits shall be initiated by an application for construction permit. The application shall be made on the forms provided by the IEPA, shall be fully completed by the applicable persons or parties, and shall be accompanied by a set of plans, specifications, and any other information as may be required by the Village.

Plans and specifications shall be prepared by a registered professional engineer and approval thereof must be obtained from the Village and IEPA.

If the application is in proper form, and the sewer extension indicated therein appears to be in accordance with this ordinance and all state and federal requirements, the Village shall issue the permit for construction of the sewer. If otherwise, the application for permit shall be denied by the Village. There shall be no fee charged for sewer extension application or permits.

If the application is denied by the Village, they shall state the reason or reasons therefore in writing, mailed or personally delivered to the applicant. The applicant shall have the right to amend such application in conformity with the reasons given for denial, and resubmit it to the Village for further consideration.

All permits issued under this Article V shall have an expiration date of **two (2) years** after the date of issuance. Any sewer not constructed prior to the date of expiration shall have a new application submitted and a new permit issued prior to their construction.

The applicant for the permit shall furnish a corporate surety bond in an amount **one and one-half (1 1/2) times** the cost of the contemplated work for which the permit is to be issued.

**38-4-44**      **MATERIALS.** All sewer extensions shall be constructed of the following materials:

(A)      Sewer pipe with diameters **eight (8) inches** and larger shall be one of the following:

- (1)      ABS composite pipe conforming to ASTM D-2680 with solvent weld joints or O-ring rubber gasket joints as referenced in ASTM D-2680.
- (2)      PVC sewer pipe SDR-35 conforming to ASTM 03033 or D3034 with joints conforming to ASTM D3212.

(B)      Laterals and fittings from the sewer to the property lines shall be **six (6) inch** diameter and

- (1)      of comparable material to the sewer main for VCP and PVC pipe.
- (2)      for ABS pipe use ABS solid wall pipe SDR-23.5 conforming to ASTM D-2751.

**38-4-45**     **INSPECTIONS OF CONSTRUCTION.** Construction of the sewer shall be inspected under competent supervision supplied by a registered professional engineer and upon completion of construction, accurate detailed plans as constructed ("record drawings") shall be certified and submitted by the professional engineer to the Village before any applications for building sewer permits are filed; all at the expense of the Owner. These plans shall show all elevations as installed as well as accurate measurements showing the locations of service connections. The Engineer shall also submit a certified statement showing the source, place and volume of foreign waters.

All sewer shall be subjected to:

(A)             A lamp test which shall provide that from one manhole to another, at least **one-half (1/2)** of the pipe end area shall be visible.

(B)             Infiltration or exfiltration test with acceptable allowance of 200 gallons per day per inch diameter per mile;

(C)             Under special circumstances, when approved by the Village, air pressure testing with allowance to be specified by the Village.

When any sewer line fails to pass the infiltration test, the exfiltration test, or an air pressure test, the sewer line shall be televised in the presence of the Village 's representatives to determine points of faulty construction. The Owner shall repair all defects; the method of repair shall be subject to the approval of the Village. **(See Appendix #5)**

**38-4-46**     **MANHOLES REQUIRED.** Manholes shall be installed at all changes in grade and/or direction and at distances not greater than **four hundred (400) feet** apart. All manhole covers shall be watertight and self-sealing, incorporating an "O" ring gasket. All covers shall have concealed pick holes. Where manhole covers may be subjected to frequent and extreme submergence, additional watertightness shall be ensured by using bolt down covers.

**38-4-47 - 38-4-48**     **RESERVED.**

## **DIVISION VI - USE OF PUBLIC WASTEWATER FACILITIES**

**38-4-49**     **DISCHARGE OF STORM WATER.** No person shall discharge, or cause to be discharged, any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

**38-4-50**     **STORM WATER.** Stormwater and all other unpolluted drainage shall be discharged to such sewer as are specifically designated as storm sewer, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged on approval of the Village, to a storm sewer, or natural outlet.

**38-4-51**     **REGULATIONS OF WASTES.** No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

(A)             Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solids, or gas.

(B)             Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.

(C)             Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

(D) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewer, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

**38-4-52 HARMFUL EFFECTS OF CERTAIN MATERIALS.** No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewer, sewage treatment process or equipment; have an adverse effect on the receiving stream; or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewer, materials of construction of the sewer, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and maximum limits established by regulatory agencies. The substances prohibited are:

(A) Any liquid or vapor having a temperature higher than **One Hundred Fifty degrees Fahrenheit (150°F), (65°C).**

(B) Any waters or wastes containing toxic or poisonous materials; or oils, whether emulsified or not, in excess of **One Hundred (100) mg/l** or containing substances which may solidify or become viscous at temperatures between **Thirty-Two (32) and One Hundred Fifty degrees Fahrenheit (150°F), (0 and 65°C).**

(C) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of **three-fourths (3/4) horsepower (0.76 hp metric)** or greater shall be subject to the review and approval of the Village.

(D) Any waters or wastes containing strong acid, iron pickling wastes, or concentrated plating solution whether neutralized or not.

(E) Any waters or wastes containing iron, chromium, copper, zinc, or similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Village for such materials.

(F) Any waters or wastes containing phenols or other waste odor-producing substances, in such concentration exceeding limits which may be established by the Village as necessary after treatment of the composite sewage, to meet the requirements of the State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

(G) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Village in compliance with applicable State or Federal regulations.

(H) Any mercury or any of its compounds in excess of **0.0005 mg/l as Hq** at any time except as permitted by the Village in compliance with applicable State and Federal regulations.

(I) Materials which exert or cause:

(1) unusual concentrations or inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate);

(2) excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions);

(3) unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works;

(4) unusual volume of flow or concentrations of wastes constituting "slugs" as defined herein. **(Reference Appendix #7)**

(J) Waters or wastes containing substances which are not amendable to treatment or reduction by the sewage treatment processes employed, or are amendable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of agencies having jurisdiction over discharge to the receiving waters.

- (K) Any waters or wastes having a pH in excess of 9.5.
- (L) Any cyanide in excess of 0.025 mg/l at any time except as permitted by the Village in compliance with applicable State and Federal regulations.

**38-4-53 HARMFUL WASTES; APPROVAL.**

(A) If any waters or wastes are discharged or are proposed to be discharged to the public sewer, which waters contain the substances or possess the characteristics enumerated in **Section 38-4-52** of this Division, and/or which are in violation of the standards for pretreatment provided in 40 CFR 403, June 26, 1978 and any amendments thereto, and which in the judgment of the Superintendent may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

- (1) reject the wastes;
- (2) require pretreatment to an acceptable condition for discharge; and/or;
- (3) require control over the quantities and rates for discharge; and/or;
- (4) require payment to cover the added costs of handling and treating the wastes not covered by existing taxes or sewer charges, under the provisions of **Section 38-4-42**.

(B) If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent, and subject to the requirements of all applicable codes, articles, and laws.

(C) The owner of the pretreatment or equalization facilities shall obtain construction and operating permits from the Illinois Environmental Protection Agency prior to the issuance of final approval by the Superintendent.

(D) Where multiple process or discharges are present or contemplated at an industry, the Village shall have the authority to require the owner or person to furnish and install more than one control manhole with appurtenances and/or require that all sewer be discharged through a single control manhole or structure with appurtenances described herein.

**38-4-54 INTERCEPTORS PROVIDED.**

(A) Grease, oil, and sand interceptors shall be provided in accordance with the Illinois State Plumbing Code to assure the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Village and shall be located as to be readily and easily accessible for cleaning and inspection. All grease interceptors shall be serviced and emptied of accumulated waste content as required or at a minimum of once every **four (4) months** in order to maintain minimum design capability or effective volume of the grease interceptor and to prevent carry over of grease into the sanitary sewer system. All fast food and sit-down restaurants shall install a grease interceptor with a capacity of at least **one thousand five hundred (1,500) gallons**, and designed in accordance with **Appendix "A"**. Food establishments that serve a minimum amount of fried foods such as deli sandwich shops, shall install a grease interceptor with a capacity of at least **one thousand (1,000) gallons**, and designed in accordance with **Appendix "B"**.

(B) Users whose operations cause or allow excessive grease to discharge or accumulate in the Village wastewater collection and treatment system may be liable to the Village for costs related to service calls for sewer line blockages, line cleaning, line and pump repairs, etc. including all labor, materials, and equipment. Failure to pay all service related charges may also be grounds for sewer service discontinuance.

(C) **Maintenance Log.** A grease trap cleaning/maintenance log indicating each pumping for the previous **twenty-four (24) months** shall be maintained by each Food Service Facility. This log shall include the date, time, amount pumped, hauler, and disposal site and shall be kept in a



conspicuous location for inspection. Said log shall be made available to the Village or his representative upon request.

(D) **Submittal of Records.** Each user shall submit all cleaning and maintenance records to the Village. The maintenance records shall include the following information:

- (1) Facility name, address, contact person, and phone number.
- (2) Company name, address, phone number, and contact name of person responsible for performing the maintenance, cleaning, pumping, or repair of grease trap.
- (3) Types of maintenance performed.
- (4) Dates maintenance was performed.
- (5) Date of next scheduled maintenance.
- (6) Copies of manifests.
- (7) The user shall be required to submit maintenance records to the Village on an annual basis. Records shall be submitted by **September 1<sup>st</sup>** of each year. The records shall be submitted to:  
Attn: Wastewater Superintendent

(E) The Village will perform periodic inspections of these facilities and shall notify the user of any additional required maintenance or repairs. Upon written notification by the Village, the user shall be required to perform the maintenance and records of said maintenance within **fourteen (14) calendar days**. Upon inspection by the Village the user may be required to install, at his expense, additional controls to provide a complete system which prevents discharges of undesirable materials into the wastewater collection system.

(F) **Control Plan for Fats, Oils, Greases (FOG) and Food Waste.**

- (1) Any new construction, renovation, or expansion of Food Service Facilities shall be required to submit to the Village a FOG and food waste control plan that will effectively control the discharge of undesirable materials into the wastewater collection system.
- (2) Any existing Food Service facilities shall also be required to submit a FOG and food waste control plan that will effectively control the discharge of undesirable materials into the wastewater collection system. Existing facilities shall not be exempt from the requirements of this Section. There will be no "Grandfathering".

(G) **Exceptions to the Above.** Should existing facilities be hampered by space constraints or restrictions caused by unchangeable plumbing, an alternative interceptor may be approved, provided that:

- (1) Said interceptor and installation is endorsed by a licensed plumbing contractor in regard to its operability.
- (2) Said interceptor and installation is endorsed by the Village Engineer.
- (3) Said interceptor and installation is approved by the Superintendent and the Water and Sewer Committee.

Such installations may be subject to more stringent inspections and maintenance schedules.

**38-4-55 FLOW-EQUALIZING FACILITIES.** Where preliminary treatment or flow-equalizing facilities are provided, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

**38-4-56 INDUSTRIAL WASTES CONTROL MANHOLE.** Each industry shall be required to install a control manhole and, when required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessible and safety

located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

**38-4-57 INDUSTRIAL WASTE TESTING.**

(A) The owner of any property serviced by a building sewer carrying industrial wastes shall provide laboratory measurements, tests, and analyses of waters and wastes to illustrate compliance with this Code and any special conditions for discharge established by the Village or regulatory agencies having jurisdiction over the discharge.

(B) The number, type, and frequency of laboratory analyses to be performed by the owner shall be as stipulated by the Village, but no less than once per year the industry must supply a complete analysis of the constituents of the sewer discharge to assure that compliance with the Federal, State, and local standards are being met. The owner shall report the results of measurements and laboratory analyses to the Village at such times and in such a manner as prescribed by the Village. The owner shall bear the expense of all measurements, analyses, and reporting required by the Village. At such times as deemed necessary the Village reserves the right to take measurements and samples for analysis by an outside laboratory service.

**38-4-58 MEASUREMENTS AND TESTS.** All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Code shall be determined in accordance with the latest edition of **IEPA Division of Laboratories Manual of Laboratory Methods**, and shall be determined at the control manhole provided, or upon suitable samples taken at the control manhole. In the event that no special manhole has been required the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a **twenty-four (24) hour** composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from **twenty-four (24) hour** composites of all outfalls, whereas pH's are determined from periodic grab samples.)

**38-4-59 SPECIAL ARRANGEMENTS.** No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the Village and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Village for treatment, subject to payment therefore, in accordance with the Chapter, hereof, by the industrial concern provided such payments are in accordance with Federal and State guidelines for User Charge System and Industrial Cost Recovery System. **(See Article IV - Division I of this Code)**

**38-4-60 - 38-4-64 RESERVED.**

**DIVISION VII - INSPECTIONS**

**38-4-65 DAMAGE.** No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, or tamper with any structure, appurtenance, or equipment which is part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

**38-4-66**      **INSPECTION AND TESTING.**

(A) The Superintendent and other duly authorized employees of the Village, the Illinois Environmental Protection Agency, and the United States Environmental Agency, bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Code.

(B) The Superintendent or his representative shall have no authority to inquire into any processes, including metallurgical, chemical, oil refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewer or waterway or facilities for waste treatment. **(See Appendix #5)**

**38-4-67**      **LIABILITY OF VILLAGE.** While performing the necessary work on private properties referred to in **Section 38-4-66** above, the Superintendent or duly authorized employees of the Village, the Illinois Environmental Protection Agency, and the United States Environmental Protection Agency shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the Village employees and the Village shall indemnify the company against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain conditions as required in **Section 38-4-57.**

**38-4-68**      **PRIVATE PROPERTY INSPECTIONS.** The Superintendent and other duly authorized employees of the Village bearing proper credentials and identification shall be permitted to enter all private properties through which the Village holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within the easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

**38-4-69 - 38-4-70**      **RESERVED.**

### **DIVISION VIII – SEWER RATES**

**38-4-71**      **BUILDING UNIT DEFINED.** All persons or families residing in a building under one roof, be it an apartment or homes converted into more than one dwelling place, each family or individual resident residing therein shall be deemed an individual customer or such homes or apartments or dwellings shall be billed for at least one minimum water and/or sewer account according to the number of families or individual residents residing therein.

**38-4-72**      **SEWER REVENUES.** All revenues and moneys derived from the operation of the sewer system shall be deposited in the Water Fund. All such revenues and moneys shall be held by the Treasurer separate and apart from his private funds and separate and apart from all other funds of the Village and all of said sum, without any deductions whatever, shall be delivered to the Treasurer not more than **ten (10) days** after receipt of the same, or at such more frequent intervals as may, from time to time, be directed by the Village Board.

The Treasurer shall receive all such revenues from the water and sewer systems and all other funds and moneys incident to the operation of such system as the same may be delivered to him and deposit the same in the account of the fund designated as the "Water and Sewage Fund of the Village".

The Treasurer shall administer such fund in every respect in the manner provided by **65 ILCS 5/3.1-35-40 et seq.**

**38-4-73 SEWER ACCOUNTS.** The Treasurer shall establish a proper system of accounts and shall keep proper books, records, and accounts in which complete and correct entries shall be made of all transactions relative to the water and sewer systems and at regular annual intervals, he shall cause to be made an audit by an independent auditing concern of the books to show the receipts and disbursements of the water and sewer systems.

In addition to the customary operating statements, the annual audit report shall also reflect the revenues and operating expenses of the sewer facilities, including a replacement cost, to indicate that sewer service charges under the waste cost recovery system and capital amounts required to be recovered under the industrial cost recovery system do, in fact, meet these regulations. In this regard, the financial information to be shown in the audit report shall include the following:

- (A) Flow data showing total gallons received at the sewer plant for the current fiscal year.
- (B) Billing data to show total number of gallons billed.
- (C) Debt service for the next succeeding fiscal year.
- (D) Number of users connected to the system.
- (E) Number of non-metered users.
- (F) A list of users discharging non-domestic wastes (industrial users) and volume of waste discharged.

**38-4-74 NOTICE OF RATES.** A copy of this Article, properly certified by the Village Clerk, shall be filed in the office of the County Recorder of Deeds and shall be deemed notice to all owners of real estate of the charges of the sewer system of the Village on their properties. Each user shall be notified at least annually, in conjunction with a regular bill, of the rate and that portion of the user charges which are attributable to sewer treatment services.

**38-4-75 ACCESS TO RECORDS.** The Illinois Environmental Protection Agency, United States Environmental Protection Agency, or its authorized representative shall have access to any books, documents, papers and records of the Village which are applicable to the Village's system of user charges or industrial cost recovery for the purpose of making audit, examination, excerpts and transcriptions thereof to insure compliance with the terms of the special and general conditions to any state grant.

**38-4-76 APPEALS.** The method for computation of rates and service charges established for user charges shall be made available to a user within **fifteen (15) days** of receipt of a written request for such. Any disagreement over the method used, or in the computation thereof, shall be remedied by a third party selected by both parties within **ninety (90) days** after notification of a formal written appeal outlining the discrepancies.

**38-4-77 BASIS FOR WASTEWATER SERVICE CHARGES.** The sewer service charge for the use of and for service supplied by the sewer facilities of the Village shall consist of a basic user charge, applicable surcharges, and debt service charge.

- (A) The **debt service charge** is computed by dividing the annual debt service of all outstanding bonds by the number of users.
- (B) The **basic user charge** shall be based on water usage as recorded by water meters for wastes having the following normal domestic concentrations:
  - (1) A **five (5) day twenty degree centigrade (20°C)** biochemical oxygen demand **BOD of 210 mg/l**.
  - (2) A suspended solids (SS) content of **250 mg/l**.
- (C) It shall be computed as follows:
  - (1) Estimate sewer volume, pounds of SS and pounds of BOD to be treated.

- (2) Estimate the projected annual revenue required to operate and maintain the sewer facilities including a replacement fund for the year, for all work categories.
- (3) Proportion the estimated operation, maintenance and replacement (OM&R) costs to each user class by volume, BOD, and SS.
- (4) Proportion the estimated operation, maintenance and replacement (OM&R) costs to sewer facility categories by Volume, Suspended Solids and BOD.
- (5) Compute costs per 1000 gal. for normal sewage strength.
- (6) Compute surcharge costs per pound per 1000 gal. in excess of normal sewage strength for BOD and SS.

(D) A **surcharge** will be levied to all users whose waste waters exceed the normal domestic concentrations of **BOD 210 mg/l and SS 250 mg/l**. The surcharge will be based on water usage as recorded by water meters or sewage meters for all wastes which exceed the **210 mg/l and 250 mg/l** concentration for BOD and SS respectively. (**Section 38-4-80** specifies the procedure to compute a surcharge.)

(E) The **adequacy of the sewer service charge** shall be reviewed, not less often than annually, by Certified Public Accountants for the Village in their annual audit report. The sewer service charge shall be revised periodically to reflect a change in operation and maintenance costs, replacement costs and reserve fund costs.

(F) The **capital improvement charge** is levied on users to provide for capital improvements, extensions or reconstruction of the sewage treatment works. The capital improvement charge is computed by apportioning the annual amount to be accrued as a charge per 1,000 gallons.

(G) The **users** of sewer treatment services will be notified annually, in conjunction with a regular bill, of the rate and that portion of the user charges which are attributable to the sewer treatment operation, maintenance and replacement.

**38-4-78 MEASUREMENT OF FLOW.** The volume of flow used for computing basic user charges and surcharges shall be the metered water consumption read to the lowest even increments of **one thousand (1,000) gallons**.

(A) If the person discharging wastes into the public sewer procures any part, or all, of his water from sources other than the Public Waterworks System, all or a part of which is discharged into the public sewer, the person shall install and maintain, at his expense, water meters of a type approved by the Village for the purpose of determining the volume of water obtained from these other sources.

(B) Devices for measuring the volume of waste discharged may be required by the Approving Authority if these volumes cannot otherwise be determined from the metered water consumption records.

(C) Metering devices for determining the volume of waste shall be installed, and maintained by the person and owned by the Village. Following approval and installation, such meters may not be removed, unless service is canceled, without the consent of the Village.

**38-4-79 SEWER CHARGES.** The following fees shall be effective **January 1, 2019** and charged for the use of the Village Sewer System based upon the amount of water consumed as per water meter readings:

(A)	<b><u>Sewer – Inside – ¾" Meter Service.</u></b>	
First	1,000 gallons per month	\$16.00 MINIMUM CHARGE
Over	1,000 gallons per month	\$0.50 per 100 gallons
(B)	<b><u>Sewer – Inside – 1 ¼" Meter Service.</u></b>	
First	1,000 gallons per month	\$16.00 MINIMUM CHARGE
Over	1,000 gallons per month	\$0.50 per 100 gallons
(C)	<b><u>Sewer – Outside – ¾" Meter Service.</u></b>	
First	1,000 gallons per month	\$16.00 MINIMUM CHARGE
Over	1,000 gallons per month	\$0.50 per 100 gallons

(D)	<b><u>Sewer – Outside – 1 ¼" Meter Service.</u></b>	
First	1,000 gallons per month	\$16.00 MINIMUM CHARGE
Over	1,000 gallons per month	\$0.50 per 100 gallons

(Ord. No. 2018-05; 11-13-18)

**38-4-80**      **COMPUTATION OF WASTEWATER SERVICE CHARGE.** The sewer service charge shall be computed by the following formula:

$$CW = CD + CM + (Vu-X)CU + CS$$

Where	CW	=	Amount of waste service charge (\$) per bill period.
	CD	=	Debt Service Charge.
	CM	=	Minimum Charge for Operation, Maintenance and Replacement.
	Vu	=	Sewer Volume for the billing period.
	X	=	Allowable consumption in gallons for the minimum charge.
	CU	=	Basic User Rate for Operation, Maintenance and Replacement.
	CS	=	Surcharge, if applicable. <b>(Section 38-4-81).</b>

**38-4-81**      **SURCHARGE RATE.** The rates of surcharges for BOD and SS shall be as follows:

per lb. of BOD:	<u>\$0.16</u> in excess of 210 mg/l
per lb. of SS:	<u>\$0.14</u> in excess of 250 mg/l

**38-4-82**      **SEWER TAP-ON FEES.**  
(A)      **Inside Village.** Applicant for sewer services inside the Village shall pay a charge of **Five Hundred Dollars (\$500.00)**. The foregoing charge shall be an inspection fee only. All other appurtenances such as connecting pipes and connections shall be furnished by the customer or in such a manner as the Village may direct. All costs for excavation and labor shall be borne by the applicant. All plumbing work shall be conducted by an Illinois licensed plumber.

**38-4-83 - 38-4-94**      **RESERVED.**

**DIVISION IX - PENALTIES**

**38-4-95**      **PENALTY.** Any person found to be violating any provision of this Code except **Section 38-4-65** shall be served by the Village with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

The Village may revoke any permit for sewage disposal as a result of any violation of any provision of this ordinance.

**38-4-96**      **CONTINUED VIOLATIONS.** Any person who shall continue any violation beyond the time limit provided for in **Section 38-4-50** shall be, upon conviction, be fined in the amount not exceeding **Seven Hundred Fifty Dollars (\$750.00)** for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

**38-4-97**      **LIABILITY TO VILLAGE.** Any person violating any of the provisions of this Chapter shall become liable to the Village by reason of such violation.

**(Ord. No. 341; 02-02-76)**

**APPENDIX #3**

**VILLAGE OF EVANSVILLE**

**PRIVATE WASTE DISPOSAL APPLICATION**  
**(SEPTIC TANK ETC.)**

The undersigned, being the \_\_\_\_\_ of the property  
(owner, owner's agent)  
located at \_\_\_\_\_ does hereby request a permit to install  
(Number) (Street)  
sanitary sewage disposal facilities to serve the \_\_\_\_\_ at the location.  
(residence, commercial building, etc.)

1. The proposed facilities include: \_\_\_\_\_ to be constructed in complete accordance with the plans and specifications attached hereunto as **Exhibit "A"**.
2. The area of the property is [\_\_\_\_\_] square feet or [\_\_\_\_\_] square meters.
3. The name and address of the person or firm who will perform the work is \_\_\_\_\_
4. The maximum number of persons to be served by the proposed facilities is \_\_\_\_\_
5. The location and nature of all sources of private or public water supply within **one hundred (100) feet [30.5 meters]** of any boundary of said property are shown on the plat attached hereunto as **Exhibit "B"**.

**IN CONSIDERATION OF THE GRANTING OF THIS PERMIT, THE UNDERSIGNED AGREES:**

1. To furnish any additional information relating to the proposed work that shall be requested by the Village.
2. To accept and abide by all provisions of the **Revised Code** and of all other pertinent codes or ordinances that may be adopted in the future.
3. To operate and maintain the wastewater disposal facilities covered by this application in a sanitary manner at all times, in compliance with all requirements of the Village and at no expense to the Village.
4. To notify the Village **at least twenty-four (24) hours** to commencement of the work proposed, and again **at least twenty-four (24) hours** prior to the covering of any underground portions of the installation.

DATE: \_\_\_\_\_, 20\_\_\_\_ SIGNED: \_\_\_\_\_  
(APPLICANT)

\_\_\_\_\_  
(ADDRESS OF APPLICANT)

-----  
**(CERTIFICATION BY CLERK)**

\$ \_\_\_\_\_ (Inspection Fee Paid) DATE: \_\_\_\_\_, 20\_\_\_\_  
\$ \_\_\_\_\_ (Connection Fee Paid) SIGNED: \_\_\_\_\_  
(CLERK)

-----  
**(APPLICATION APPROVED AND PERMIT ISSUED)**

DATE: \_\_\_\_\_, 20\_\_\_\_ SIGNED: \_\_\_\_\_  
(PUBLIC WORKS DIRECTOR OR SUPERINTENDENT)

-----



**APPENDIX #4**

**VILLAGE OF EVANSVILLE**

**RESIDENTIAL OR COMMERCIAL BUILDING SEWER APPLICATION**

The undersigned, being the \_\_\_\_\_ of the  
(owner, owner's agent)  
property located at \_\_\_\_\_ does hereby request a permit to install and  
(Number) (Street)  
connect a building sewer to serve the \_\_\_\_\_ at said location.  
(residence, commercial building, etc.)

1. The following indicated fixtures will be connected to the proposed building sewer:

<b><u>NUMBER</u></b>	<b><u>FIXTURE</u></b>	<b><u>NUMBER</u></b>	<b><u>FIXTURE</u></b>
_____	Kitchen Sinks	_____	Water Closets
_____	Lavatories	_____	Bathtubs
_____	Laundry Tubs	_____	Showers
_____	Urinals	_____	Garbage Grinders

Specify Other Fixtures: \_\_\_\_\_

2. The maximum number of persons who will use the above fixtures is \_\_\_\_\_.
3. The name and address of the person or firm who will perform the proposed work is \_\_\_\_\_
4. Plans and specifications for the proposed building sewer are attached hereunto as **Exhibit "A"**.

**IN CONSIDERATION OF THE GRANTING OF THIS PERMIT, THE UNDERSIGNED AGREES:**

- To accept and abide by all provisions of the **Revised Code**, and of all other pertinent ordinances and codes that may be adopted in the future.
- To maintain the building sewer at no expense to the Village.
- To notify the Village when the building sewer is ready for inspection and connection to the public sewer, but before any portion of the work is covered.

DATE: \_\_\_\_\_, 20\_\_\_\_ SIGNED: \_\_\_\_\_  
(APPLICANT)

\_\_\_\_\_  
(ADDRESS OF APPLICANT)

**(CERTIFICATION BY CLERK)**

\$ \_\_\_\_\_ (Inspection Fee Paid) DATE: \_\_\_\_\_, 20\_\_\_\_

\$ \_\_\_\_\_ (Connection Fee Paid) SIGNED: \_\_\_\_\_  
(CLERK)

**(APPLICATION APPROVED AND PERMIT ISSUED)**

DATE: \_\_\_\_\_, 20\_\_\_\_ SIGNED: \_\_\_\_\_  
(PUBLIC WORKS DIRECTOR OR SUPERINTENDENT)

**APPENDIX #4**

**VILLAGE OF EVANSVILLE**

**INDUSTRIAL SEWER CONNECTION APPLICATION**

The undersigned, being the \_\_\_\_\_ of the  
\_\_\_\_\_ (owner, owner's agent)  
property located at \_\_\_\_\_ does hereby request a permit to \_\_\_\_\_  
\_\_\_\_\_ (Number) \_\_\_\_\_ (Street) \_\_\_\_\_ (install, use)  
an industrial sewer connection serving the \_\_\_\_\_. which company is engaged in  
\_\_\_\_\_ at said location.

1. A plan of the property showing accurately all sewers and drains now existing is attached hereunto as **Exhibit "A"**.
2. Plans and specifications covering any work proposed to be performed under this permit is attached hereunto as **Exhibit "B"**.
3. A complete schedule of all process waters and industrial wastes produced or expected to be produced at said property, including a description of the character of each waste, the daily volume and maximum rates of discharge and representative analyses is attached hereunto as **Exhibit "C"**.
4. The name and address of the person or firm who will perform the work covered by this permit is \_\_\_\_\_

**IN CONSIDERATION OF THE GRANTING OF THIS PERMIT, THE UNDERSIGNED AGREES:**

1. To furnish any additional information relating to the installation or use of the industrial sewer for which this permit is sought as may be requested by the Village.
2. To accept and abide by all provisions of the **Revised Code**, and of all other pertinent ordinances or codes that may be adopted in the future.
3. To operate and maintain a control manhole and any waste pretreatment facilities, as may be required as a condition of the acceptance into the public sewer of the industrial wastes involved in an efficient manner at all times, and at no expense to the Village.
4. To cooperate at all times with the Village and its representative(s) in their inspecting, sampling, and study of the industrial wastes, and any facilities provided for pretreatment.
5. To notify the Village immediately in the event of any accident, negligence, or other occurrence that occasions discharge to the public sewers of any wastes or process waters not covered by this permit.

DATE: \_\_\_\_\_, 20\_\_\_\_ SIGNED: \_\_\_\_\_  
(APPLICANT)

\_\_\_\_\_  
(ADDRESS OF APPLICANT)

**(CERTIFICATION BY CLERK)**

\$ \_\_\_\_\_ (Inspection Fee Paid) DATE: \_\_\_\_\_, 20\_\_\_\_  
\$ \_\_\_\_\_ (Connection Fee Paid) SIGNED: \_\_\_\_\_  
(CLERK)

**(APPLICATION APPROVED AND PERMIT ISSUED)**

DATE: \_\_\_\_\_, 20\_\_\_\_ SIGNED: \_\_\_\_\_  
(PUBLIC WORKS DIRECTOR OR SUPERINTENDENT)

**APPENDIX #1**

**VILLAGE OF EVANSVILLE**

**APPLICATION FOR WATER SYSTEM SERVICE CONNECTION**

The undersigned, representing himself as owner of the property located at \_\_\_\_\_, hereby makes application for connection to the Water System of the Village for said property, and in consideration of the furnishing of said service covenants and agrees as follows:

1. I agree to abide by all rules and regulations as specified in and by the ordinances of the Village now in effect or enacted and passed from time to time providing for the regulation of service furnished by the Village, it is further acknowledged and agreed that the undersigned, his heirs, executors, administrators, successors and assigns shall pay all charges for connection fees and water usage which shall become due as the result of the connecting of the water mains and the furnishing of water service to the above property, and that all such charges and fees for water service rendered to the property, together with penalties, if any, and the costs of collection are to be considered and become a charge against the property, the lien so created to be enforced in accordance with the ordinances of the Village.
2. All bills for the aforesaid charges are payable on or before the due date following the receipt of said bill and if not paid, are subject to a **ten percent (10%)** penalty.
3. Each and all of the agreements and covenants herein contained shall run with the real estate above described whose present owner is signatory to this application.
4. I understand that after making this application, I am to await installation permit and instructions therewith.
5. SERVICE CONNECTION FEE: \$ \_\_\_\_\_ is enclosed herewith, payable to the Village.
6. Permission is hereby granted to the Village and its authorized representatives at any reasonable time to enter the premises of the applicant and any portion thereof for the purposes of inspecting all connections appurtenant to the Water System.

**CONNECTION MUST BE INSPECTED BEFORE BACKFILLING:**

SIGNATURE: \_\_\_\_\_

\_\_\_\_\_  
(STREET NUMBER AND NAME OF STREET)

\_\_\_\_\_  
(VILLAGE, STATE AND ZIP CODE)

\_\_\_\_\_  
(TELEPHONE NUMBER) (DATE)

Do not fill in the spaces to the right if the information is the same as the applicant above.

MAIL BILLS TO:

\_\_\_\_\_  
(NAME)

\_\_\_\_\_  
(STREET NUMBER AND NAME OF STREET)

\_\_\_\_\_  
(VILLAGE, STATE AND ZIP CODE)

**APPENDIX #4**

**VILLAGE OF EVANSVILLE**

**APPLICATION FOR SANITARY SEWER SERVICE CONNECTION**

The undersigned, representing himself as owner of the property located at \_\_\_\_\_, hereby makes application for Sanitary Sewerage Service for said property, and in consideration of the furnishing of said service covenants and agrees as follows:

1. I agree to abide by all rules and regulations as specified in and by the ordinances of the Village now in effect or ordinances enacted and passed from time to time providing for the regulation of the sanitary sewer system or specifying fees and rates to be charged for connection and sanitary sewer service furnished by the Village. It is further acknowledged and agreed that the undersigned, his heirs, executors, administrators, successors and assigns shall pay all charges for connection fees and sewer usage which shall become due as the result of the connecting of the sewerage mains and the furnishing of sanitary sewerage service to the above property, and that all such charges and fees for sanitary sewerage service rendered to the property, together with penalties, if any, and the costs of collection are to be considered and become a charge against the property, the lien so created to be enforced in accordance with the ordinances of the Village.
2. All bills for the aforesaid charges are payable on or before the due date following the receipt of said bill and if not paid, are subject to a **ten percent (10%)** penalty.
3. Each and all of the agreements and covenants herein contained shall run with the real estate above described whose present owner is signatory to this application.
4. I understand that after making this application, I am to await installation permit and instructions therewith.
5. SERVICE CONNECTION FEE: \$ \_\_\_\_\_ is enclosed herewith, payable to the Village.
6. Permission is hereby granted to the Village and its authorized representatives at any reasonable time to enter the premises of the applicant and any portion thereof for the purposes of inspecting all connections appurtenant to the sewerage outlets, pipes and mains.

\_\_\_\_\_  
(APPLICANT'S SIGNATURE)

\_\_\_\_\_  
(STREET NUMBER AND NAME OF STREET)

\_\_\_\_\_  
(OWNER'S SIGNATURE, IF NOT APPLICANT)

\_\_\_\_\_  
(VILLAGE, STATE AND ZIP CODE)

\_\_\_\_\_  
(TELEPHONE NUMBER) (DATE)

Do not fill in the spaces to the right if the information is the same as the applicant above.

MAIL BILLS TO:

(  
\_\_\_\_\_  
(NAME)  
\_\_\_\_\_  
(STREET NUMBER AND NAME OF STREET)  
\_\_\_\_\_  
\_\_\_\_\_  
(VILLAGE, STATE AND ZIP CODE)

**APPENDIX #4**  
**VILLAGE OF EVANSVILLE**  
**R E C E I P T**

Receipt is hereby acknowledged of the executed Application for Sanitary Sewer Service Connection from the person and for the property indicated below.

This receipt does not authorize service connection is made, inspection and approval of the customer service line by an authorized representative of the Village is required, and approval of such connection and issuance of a Certificate of Inspection and Approval and Permit is conditioned upon compliance with all the Ordinances, Codes, Rules and Regulations of the **Village**.

**NOTE:**

1. In the event the location of the sewer service connection is unknown, the Superintendent is to be contacted.
2. This office is to be notified the day before the work is to be done so that inspection may be arranged in accordance with specifications furnished. For example, if you desire inspection on Tuesday, contact us on Monday. If you desire inspection on Monday, contact us on Friday, etc.
3. If the sewer line is deep enough to drain your basement, if you have one, then the wastes from the basement as well as the other floor(s) of the property must go into the sanitary sewers. Downspout and surface drainage are prohibited inasmuch as this is not a storm sewer system.

**WARNING!** In order to coordinate our inspections, we must be advised a day in advance before the work is done. The inspection must be made before the trench is backfilled. If trench is backfilled before the inspection is made, it will have to be reopened to permit inspection.

NO. \_\_\_\_\_

**VILLAGE OF EVANSVILLE**  
**COUNTY OF RANDOLPH**

DATE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

OWNER(S): \_\_\_\_\_

\_\_\_\_\_

**APPENDIX #5**

**VILLAGE OF EVANSVILLE**

**CERTIFICATE OF INSPECTION, APPROVAL AND PERMIT**

**IT IS HEREBY CERTIFIED THAT** inspection has been made of the individually-owned sewer mains and sanitary service connection for the property described below, and said installation is hereby approved as in compliance with the Specifications, Rules and Regulations established by the Revised Code (Ch. 38) of this Municipality.

Permission is hereby granted to complete the construction of said individually-owned sewer main to the Village Sanitary Sewerage System and to utilize the same for waste disposal in compliance at all times, with the Revised Code of this Village.

NO. \_\_\_\_\_

ADDRESS: \_\_\_\_\_

TYPE OF CONNECTION:

- \_\_\_\_\_ Single-Family Residence
- \_\_\_\_\_ Multiple dwelling or trailer court
- \_\_\_\_\_ Commercial
- \_\_\_\_\_ Industrial
- \_\_\_\_\_ Institutional
- \_\_\_\_\_ Governmental

INSTALLATION BY: \_\_\_\_\_

THE SERVICE IS IN OPERATION AS OF THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

**VILLAGE OF EVANSVILLE  
COUNTY OF RANDOLPH**

**SIGNED:** \_\_\_\_\_

**APPENDIX #2**

**VILLAGE OF EVANSVILLE**

**UTILITY MAIN EXTENSION CONTRACT**

**AGREEMENT** made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, by and between the Utility System of the **Village of Evansville, Illinois**, hereinafter called the "Utility Department" and \_\_\_\_\_, hereinafter called the "Depositor".

**FIRST:** That the Utility Department contracts and agrees to have installed by contract in accordance with its rules, utility mains as shown on the plat thereof, and the specifications are attached hereto and made a part hereof.

**SECOND:** Bids having been taken and the lowest responsible bid having been in the amount of \$\_\_\_\_\_, the Depositor agrees to deposit and does deposit herewith the cost thereof.

- (A) The lowest responsible bid \$\_\_\_\_\_.
- (B) Engineering and Inspection Charge \$\_\_\_\_\_.
- (C) TOTAL: \$\_\_\_\_\_.

**THIRD:** Final costs to be adjusted up or down according to completed job cost.

**FOURTH:** The ownership of the utility mains laid herein shall be at all times in the Utility Department, its successors and assigns.

**FIFTH:** This Agreement shall be valid and binding on the Utility Department only when signed by the Mayor and Clerk.

**SIXTH:** This Agreement shall be binding upon the heirs, executors, administrators, successors or assigns of the respective parties.

**EXECUTED** in duplicate by the parties hereto on the date first above written.

**UTILITY DEPARTMENT  
VILLAGE OF EVANSVILLE**

**BY:** \_\_\_\_\_  
**PUBLIC WORKS DIRECTOR**

**ATTEST:**  
\_\_\_\_\_  
**VILLAGE CLERK**

\_\_\_\_\_  
**DEPOSITOR**

**WITNESSES:**  
\_\_\_\_\_  
\_\_\_\_\_

**APPENDIX #6**

**VILLAGE OF EVANSVILLE**

**UTILITY SHUTOFF HEARING NOTICE**

This notice is being sent to you pursuant to the provisions of **CHAPTER 38 OF THE REVISED CODE OF ORDINANCES** as adopted by the corporate authorities.

CUSTOMER'S NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

TOTAL AMOUNT OF BILL:     \$ \_\_\_\_\_ WATER

                                   \$ \_\_\_\_\_ SEWER

                                   \$ \_\_\_\_\_ OTHER

SUB-TOTAL:     \$ \_\_\_\_\_

PENALTY:       \$ \_\_\_\_\_

TOTAL DUE:     \$ \_\_\_\_\_

DATE OF HEARING \_\_\_\_\_

TIME OF HEARING \_\_\_\_\_

LOCATION OF HEARING \_\_\_\_\_

PHONE: \_\_\_\_\_

If the consumer/customer fails to appear at the hearing, the applicable utility services shall be **terminated** [shut off] without further proceedings.

If payment for the charges and fees is received prior to the date of the hearing, you may disregard this hearing notice.

The Mayor and Village Clerk, or their designated representative(s), shall preside at the hearing.

\_\_\_\_\_  
**VILLAGE CLERK**

**DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_\_.**

**NOTE:       After services have been shut off there will be a reconnection fee of \$ \_\_\_\_\_.**



**APPENDIX #7**

**VILLAGE OF EVANSVILLE**

**OBJECTIONABLE MATERIAL EFFLUENT LIMITS**

<b><u>Waste or Chemical</u></b>	<b><u>Concentration mg/l</u></b>
Boron	1.0
Chromium (Hexavalent)	5.0
Chromium (Trivalent)	10.0
Copper	3.0
Cyanide	0.005
Iron	15.0
Lead	0.1
Mercury or its compounds	0.005
Nickel	3.0
Oil & Grease, etc. (carbon tetrachloride extraction)	100.0
Temperature not over 150° F. (65° C.)	
Acid iron pickling waste or concentrated plating waste	Zero
Free acids and alkalis pH	Between 5.5 and 9.5
Zinc	2.0
Cadmium	2.0
Chlorine Demand	30.0
Phenols	0.5

**Village  
-of-  
Evansville**

*Zoning  
Code*

**EVANSVILLE, ILLINOIS**

**ZONING CODE**

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**CHAPTER 40**

**ZONING CODE**

**ARTICLE I – GENERAL PROVISIONS**

**40-1-1**      **TITLE.** This Code shall be known as and cited as the “**Zoning Code of the Village of Evansville, Illinois**”.

**40-1-2**      **PURPOSE.** In accordance with State Law, this Code regulates lots, structures, and uses in order to preserve, protect, and promote the public health, safety, and welfare. More specifically, this Code is intended to assist in achieving the following objectives:

(A)            To encourage the development of buildings and uses on appropriate sites in order to maximize community-wide social and economic benefits while accommodating the particular needs of all residents, and to discourage development on inappropriate sites;

(B)            to assist in implementing the Village Community Plan;

(C)            to protect and enhance the character and stability of sound existing residential, commercial, and industrial areas, and to gradually eliminate nonconforming uses and structures;

(D)            to conserve and increase the value of taxable property throughout the Village;

(E)            to ensure the provision of adequate lights, air, and privacy for the occupants of all buildings;

(F)            to protect persons and property from damage caused by fire, flooding, and improper sewage disposal;

(G)            to provide adequate and well-designed parking and loading space for all buildings and uses, and to reduce vehicular congestion on the public streets and highways;

(H)            to ensure the proper design and improvement of mobile home parks;

(I)            to promote the use of signs which are safe, aesthetically pleasing, compatible with their surroundings, and legible in the circumstances in which they are seen; and

(J)            to provide for the efficient administration and fair enforcement of all the substantive regulations in this Code. **(65 ILCS 5/11-13-1)**

**40-1-3**      **JURISDICTION.** This Code shall be applicable only within the corporate limits of the Village of Evansville.

**40-1-4**      **INTERPRETATION, CONFLICT WITH OTHER ORDINANCES.** Every provision of this Code shall be construed liberally in favor of the Village and every requirement imposed herein shall be deemed minimal. Whenever the requirements of this Code differ from the requirements of any other lawfully adopted and effective ordinance, regulation, deed restriction, or covenant, the more stringent requirement shall prevail.

**40-1-5        DISCLAIMER OF LIABILITY.**

(A)        Except as may be provided otherwise by statute or ordinance, no official, board member, agent, or employee of the Village shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this Code. **(See "Local Governmental and Governmental Employees Tort Immunity Act", 745 ILCS 10/1-101)**

(B)        Any suit brought against any official, board member, agent, or employee of the Village as a result of any act required or permitted in the discharge of his duties under this Code, shall be defended by the Village Attorney until the final determination of the legal proceedings.

**40-1-6        SEVERABILITY.**    If any provision of this Code is declared unconstitutional or invalid by a court of competent jurisdiction, that decision shall not affect the validity of the remainder of this Code.

**40-1-7        REVIEW.**    This Code shall be reviewed every **ten (10) years** after its effective date by the Zoning Board of Appeals. After the review, they shall file their reports and recommendations with the Mayor and the Village Board.

**ARTICLE II - DEFINITIONS**

**40-2-1 CONSTRUCTION OF TERMS.** In construing the intended meaning of terminology used in this Code, the following rules shall be observed:

(A) Words and phrases shall have the meanings respectively ascribed to them in **Section 40-2-2** unless the context clearly indicates otherwise; terms not defined in **Section 40-2-2** shall have their standard English meanings.

(B) Words denoting the masculine gender shall be deemed to include the feminine and neuter genders.

(C) Words used in the present tense shall include the future tense.

(D) Words used in the singular number shall include the plural number, and the plural the singular.

(E) The term "shall" is mandatory.

(F) The term "may" is discretionary.

(G) The words "lots," "parcel," "tract," and "site" shall be synonymous.

(H) The phrases "used for," "arranged for," "designed for," "intended for," "maintained for," and "occupied for" shall be synonymous.

(I) All distances shall be measured to the nearest integral foot; **six (6) inches** or more shall be deemed **one (1) foot**.

(J) References to sections shall be deemed to include all subsections within that section; but a reference to a particular subsection designates only that subsection.

(K) A general term that follows or is followed by enumerations of specific terms shall not be limited to the enumerated class unless expressly limited.

**40-2-2 SELECTED DEFINITIONS.**

**Abandonment:** An action to give up one's rights or interests in property.

**Abutting:** As applied to lots, "abutting" means having a common lot line or district line, or so located in relation to each other that there would be a common lot line or district line but for the existence of a street, alley, or other public right-of-way.

**Access Way:** A curb cut, ramp, or other means for providing vehicular access to an off-street parking or loading area from a street.

**Accessory Building or Structure:** A detached subordinate building or structure, the use of which is customarily incidental to that of the main use of the land and which is located on the same lot with the main building or use.

**Accessory Use:** Any structure or use that is:

(A) Subordinate in size or purpose to the principal use or structure which it serves;

(B) Necessary or contributing to the comfort and convenience of the occupants of the principal use or structure served; and

(C) Located on the same lot as the principal use or structure served.

**Administrator:** The official appointed by the Mayor with the advice and consent of the Village Board to administer this Code, or his representative. **(Synonymous with "Zoning Administrator.")**

**Agriculture:** Any one or any combination of the following: the growing of farm or truck garden crops, dairying, pasturage, horticulture, floriculture, or animal/poultry husbandry. The term "agriculture" encompasses the farmhouse, and accessory uses and structures customarily incidental to agricultural activities.

**Alley:** A public access way which affords only a secondary means of access to abutting property and is not intended for general traffic circulation.

**Alterations:** As applied to a building or structure, a change or rearrangement in the structural parts or in the exit facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

**Alterations, Structural:** A change in the supporting members of a building, such as bearing walls, columns, beams or girders.

**Amendment:** A change in the provisions of this Code (including those portions incorporated by reference), properly effected in accordance with State law and the procedures set forth herein.

**Animal Hospital:** Any building or portion thereof designed or used for the care, observation, or treatment of domestic animals.

**Apartment:** A suite of rooms or a room in a building arranged and intended for a place of residence of a single family or a group of individuals living together as a single housekeeping unit.

**Apartment Hotel:** An apartment house which furnishes for the use of its tenants services ordinarily furnished by hotels, but the privileges of which are not primarily available to the public.

**Apartment House:** A multi-family dwelling used or occupied by **four (4)** or more families living independently of each other in dwelling units, such dwelling units normally being rented or used other than by the day, by the same occupant for a continuous period ordinarily of **six (6) months** or more.

**Area of Zoning Lot:** The total area within the property lines of a lot, excluding public streets and alleys, meeting the district requirement of this Code.

**Attached Building:** A building attached to another building by a common wall (such wall being a solid wall with or without windows and doors) and a common roof with a least horizontal dimension of **six (6) feet**.

**Automobile Parking Area:** A lot or part thereof used for the storage or parking of motor vehicles with or without the payment of rent or charges.

**Automobile and Manufactured Home Sales Area:** An open area, other than a street, used for the display or sale of new or used automobiles or manufactured homes, and where no repair

work is done except for minor incidental repair of automobiles or manufactured homes to be displayed and sold on the premises.

**Automobile Repair:** General repair, rebuilding or reconditioning of engines, motor vehicles or trailers; collision service, including body, frame or fender straightening or repair; overall painting or paint shop; vehicle steam cleaning.

**Automobile Wrecking Yard:** Any place where **two (2)** or more motor vehicles, not in running condition, or parts thereof, are stored in the open and are not being restored to operation, or any land, building or structure used for wrecking or storing of such motor vehicles or parts thereof, and including any used farm vehicles or farm machinery, or parts thereof, stored in the open and not being restored to operating condition; and including the commercial salvaging of any other goods, articles or merchandise.

**Basement:** A story having more than **one-half (1/2)** its height below the average level of the adjoining ground.

**Bed and Breakfast:** Bed and breakfast shall mean an operator-occupied residence providing accommodations for a charge to the public with no more than **five (5) guest rooms** for rent, in operation for more than **ten (10) nights** in a **twelve (12) month** period. Breakfast and light snacks/refreshments may be provided to the guests only. Bed and breakfast establishments shall not include motels, hotels, boarding houses or food service establishments.

**Billboard:** A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the premises where such sign is located or to which it is affixed.

**Block:** An area of land entirely bounded by streets, highways, barriers, or ways (except alleys, pedestrian ways, or exterior boundaries of a subdivision unless exterior boundary is a street, highway, or way) or bounded by a combination of streets, public parks, cemeteries, railroad rights-of-way, waterways, or corporate boundary lines.

**Board of Appeals:** The Zoning Board of Appeals of the Village.

**Boarding House:** A building other than a hotel or restaurant where meals are provided for compensation to **three (3)** or more persons, but not more than **ten (10)**, who are not members of the keeper's family, but not open on a daily, overnight or per meal basis to transient guests.

**Buffer Strip:** An area of land undeveloped except for landscaping fences, etc., used to protect a use situated on **one (1) lot** from the deleterious effects of the use on the adjacent lot.

**Buildable Area:** The space remaining on a zoning lot after the minimum open space requirements of this Code have been complied with.

**Building:** Any structure having a roof supported by columns or walls, and designed or intended for the shelter, support, enclosure or protection of persons, animals or chattels.

**Building, Enclosed:** A building covered by a permanent roof and separated on all sides from adjacent open space or other buildings by fixed exterior walls or by common walls, with openings only for windows and doors.

**Building or Structure Height:** The vertical distance measured from the average grade at the front wall of a building to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip or gambrel roofs.

**Building Line:** The line nearest the front of and across a lot, delineating the minimum open space required between the front of a structure and the street right-of-way line.

**Building, Principal:** A non-accessory building in which the principal use of the premises is conducted.

**Bulk:** Any one or any combination of the following:

- (A) Size or height of structure;
- (B) Location of exterior walls at all levels in relation to lot lines, streets, or other structures;
- (C) Floor/area ratio;
- (D) Yards or setbacks;
- (E) Lot coverage.

**Camping Trailer:** A trailer, not used commercially, constructed with partial side walls which fold for towing and unfold to provide temporary living quarters for recreational camping or travel use and of a size or weight not requiring an over-dimension permit when towed on a highway. **(625 ILCS 5/1-109.01)**

**Camping Trailer Park:** A lot developed with facilities for accommodating temporarily occupied camping trailers.

**Centerline:**

- (A) The centerline of any right-of-way having a uniform width;
- (B) The original centerline, where a right-of-way has been widened irregularly;
- (C) The new centerline, whenever a road has been relocated.

**Certificate of Zoning Compliance, Initial:** A permit issued by the Administrator indicating that proposed construction work is in conformity with the requirements of this Code and may, therefore may be occupied or used.

**Certificate of Zoning Compliance, Final:** A permit issued by the Administrator indicating that a newly completed structure complies with all pertinent requirements of this Code and may, therefore, be occupied or used.

**Church or Building for Religious Worship:** A building used by a corporate religious institution that people regularly attend to participate in religious services, meetings and other customary, integrally related religious activities. The term "church" shall not carry a secular connotation and shall include buildings in which the religious services of any denomination are held.

**Clinic:** An establishment where licensed physicians or dentists practice medicine or dentistry, but where overnight lodging for sick or injured persons is not provided.

**Club/Lodge:** A nonprofit association or persons who are bona fide members organized for some purpose(s) and paying regular dues and whose facilities are restricted to members and their guests; not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

**Commercial Use/Establishment:** Any use or establishment wherein goods are purchased or sold, whether to the consuming public (retail) or to other businesses (wholesale).

**Community Residence:** A group home or specialized residential care home serving unrelated persons with handicaps which is licensed, certified or accredited by appropriate local, state or national bodies. **Community residence does not include a residence which serves persons as an alternative to incarceration for a criminal offense, or persons whose primary reason for placement is substance or alcohol abuse or for treatment of communicable disease. (See Fair Housing Code)**

**Community Residence - Large:** A community residence serving **nine (9) to fifteen (15) persons** with handicaps.

**Community Residence - Small:** A community residence serving **eight (8)** or fewer persons with handicaps in a family-like atmosphere.

**Conforming:** In compliance with the applicable provisions of this Code.

**Convenience/Gasoline Service Station** means a building or premises or portion thereof used for retail sales of gasoline, oil and accessories of motor vehicles, and general convenience service goods to include the retail sale of alcoholic beverages, not for consumption on the premises where it is sold.

**Corrective Action Order** means a legally binding order issued by the Administrator in accordance with the procedures set forth herein to effect compliance with this Code.

**Day Care Center** means an establishment for the part-time care and/or instruction at any time of day of **four (4)** or more unrelated children or pre-elementary or elementary school age.

**Deck:** An open porch which has no roof, is generally open on the sides, is above ground level, and its intended use is for leisure enjoyment.

**Detached:** As applied to buildings, "detached" means surrounded by yards on the same lot as the building.

**Develop:** To erect any structure or to install any improvements on a tract of land, or to undertake any activity (such as grading) in preparation therefor.

**Dish-Type Satellite Signal-Receiving Antennas:** Also referred to as "earth stations" or "ground stations" or "Television Receive Only Systems, (TVRO)" shall mean **one (1)**, or a combination or **two (2)** or more of the following:

(A) A signal-receiving device (antenna, dish antenna, or dish-type antenna), the purpose of which is to receive communications or other signals from satellites in earth orbit and other extraterrestrial source.

(B) A Low-Noise Amplifier (LNA), or a Low Noise Block Converter (LNB), or a Low Noise Converter (LNC), which is situated at the focal point of the receiving component and the purpose of which is to magnify, store, transfer and/or transmit electronic or light signals.

(C) A coaxial cable the purpose of which is to carry or transmit said signals to a receiver.

**District Zoning:** A portion of the territory of this municipality wherein certain uniform requirements or various combinations thereof apply to structures, lots and uses under the terms of this Code.

**Driveway:** A minor way commonly providing vehicular access to a garage or off-street parking area.

**Drive-In Restaurant or Refreshment Stand:** An establishment principally used for the sale of fast order food for consumption off the premises or in parked cars on the premises. Fast order food means food that is:

- (A) Primarily intended for immediate consumption;
- (B) Available after a short waiting time; and
- (C) Packaged or presented in such a manner that it can be readily eaten outside the premises where it is sold.

**Dump:** A lot or land or part thereof used primarily for the disposal by abandonment, dumping, burial, burning or any other means and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or waste material of any kind.

**Dwelling:** A building or portion thereof designed or used exclusively as living quarters for **one (1)** or more families, other than hotels, motels, tourist homes, clubs, hospitals, or similar uses.

**Dwelling, Multiple-Family:** A building or portion thereof containing **three (3)** or more dwelling units.

**Dwelling, One-Family:** A detached principal building designed for or used as a dwelling exclusively by **one (1) family** as an independent housekeeping unit.

**Dwelling, Two-Family:** A detached principal building designed for or used as a dwelling exclusively by **two (2) families** each living as an independent housekeeping unit.

**Dwelling, Three-Family:** A detached principal building designed for or used as a dwelling exclusively by **three (3) families** each living as an independent housekeeping unit.

**Dwelling, Multiple-Family:** A building or portion thereof, designed or altered for occupancy by **four (4)** or more families living independently of each other.

**Dwelling Unit:** One or more rooms designed or used as living quarters by one family. A "dwelling unit" always includes a bathroom and a kitchen.



**Easement:** A right to use another person's real property for certain limited purposes.

**Enclosed Building:** A building separated on all sides from adjacent open space or other buildings by fixed exterior walls or party walls, with openings only for windows and doors, and covered by a permanent roof.

**Enlarge:** To increase the size (floor area, height, etc.) of an existing principal structure or accessory use, or to devote more land to an existing use.

**Erect:** Build, construct.

**Essential Governmental or Public Utility Services:** The erection, replacement, construction, alteration, or maintenance by public utilities or governmental departments, of underground or overhead gas, electrical, steam, water transmission or distribution systems, collection, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, but not including buildings.

**Establishment:** Either of the following:

(A) an institutional, business, commercial, or industrial activity that is the sole occupant of one or more buildings; or

(B) an institutional, business, commercial, or industrial activity that occupies a portion of a building such that:

(1) the activity is a logical and separate entity from the other activities within the building and not a department of the whole; and

(2) the activity has either a separate entrance from the exterior of the building, or a separate entrance from a common and clearly defined entryway that has direct access to the exterior of the building.

**Existing:** Existing, constructed or in operation, on the effective date of this Code.

**Extend:** To increase the amount of floor area or land area devoted to an existing use.

**Family:**

(A) A single individual doing his own cooking and living upon the premises as a separate housekeeping unit; or

(B) A collective body of persons doing their own cooking and living together upon the premises as a separate housekeeping unit in a domestic relationship based upon birth, marriage, adoption or employment as domestic servants; or

(C) A group of not more than **three (3)** unrelated persons doing their own cooking and living together on the premises as a separate housekeeping unit pursuant to a mutual housekeeping agreement (not including a group occupying a boarding or rooming house, club, fraternity or hotel).

**Farmhouse:** A detached dwelling on a tract of land of not less than **ten (10) acres**, and occupied by a family whose income is primarily derived from agricultural activities conducted on the premises.

**Filling Station:** (See Service Station)

**Flood Elevation, Regulatory:** The elevation of the most severe flood that, on the basis of Corps of Engineer's data, may be expected to occur once every **one hundred (100) years**.

**Flood Plain Area:** The area adjacent to the water course and its tributaries having an elevation equal to or lower than the regulatory flood elevation. Tracts of land less than **ten (10) acres** in area that, naturally or by landfill, have an elevation higher than the regulatory flood elevation shall be included in the flood plain area if they are surrounded by land in the flood plain area.

**Floor Area:** The area included within outside walls of a building or portion thereof, including habitable penthouses and attic space, but not including vent shafts, courts or uninhabitable areas below ground level or in attics.

**Floor Area, Gross:** As used in determining floor/area ratios and parking requirements, the sum of the gross horizontal areas of the several floors of a building, measured from the exterior faces of the exterior walls or from the center of the common walls of attached buildings. Gross floor area includes all of the following: basement floors; attic floor space; halls, closets, stairwells; space devoted to mechanical equipment; enclosed porches.

**Floor Area Ratio:** The ratio of total floor area, in square feet, of all buildings on a lot to total lot area, in square feet.

**Freight Terminal:** as applied to motor carriers subject to the **Illinois Compiled Statutes, Chapter 625, Section 18c-1101 et seq.**, a station for commercial motor vehicles wherein said motor trucks are stored, repaired or parked.

**Frontage:** The lineal extent of the front (street-side) of a lot.

**Garage:** A structure designed and primarily used for the storage of motor vehicles, whether free of charge or for compensation.

**Garage, Private:** A building or portion thereof for the storage of **one (1)** or more vehicles for persons living on the premises.

**Grade:** The average of the finished ground level at the midpoint of each wall of a building. In case walls are parallel to and within **five (5) feet** of a public sidewalk, said ground level shall be measured at the sidewalk.

**Group Home:** (See **Community Residence**)

**Government:** The act or process of administering public policy in a political unit; a political jurisdiction, the office or function thereof.

**Guest House:** Living quarters within a detached accessory building located on the same premises with the principal building, for use by temporary guests of the occupants of the premises. Such quarters shall have no kitchen facilities nor be rented or otherwise used as a separate dwelling.

**Height:** In the case of a wall, or part of a building, the vertical distance from the average established curb grade in front of the lot or from the average finished grade at the building line, if

higher, to the average height of the top of the cornice or a flat roof, or roof line, or to the deck line of a mansard roof, or to the middle height of the highest gable or dormer in a pitched or hipped roof, or if there are no gables or dormers, to the middle height of such pitched or hipped roof.

***Home Occupation:*** Any business, profession, or occupation conducted for gain or support entirely within a dwelling or on residential premises in conformity with the provisions of this Code. **(See Section 40-7-4.)**

***Immobilize:*** As applied to a manufactured home, "immobilize" means to remove the wheels, tongue and hitch and place on a permanent foundation.

***Intensify:*** To increase the level or degree of.

***Intersection:*** The point at which two or more public rights-of-way (generally streets) meet.

***Junk Yard:*** A tract of land, including any accessory structures thereon, that is used for buying, selling, exchanging, storing, bailing, packing, disassembling, or handling waste or scrap materials. Such scrap materials include vehicles, machinery, and equipment not in operable condition (or part thereof), and metals, glass, paper, plastics, rags, and rubber tires. A rebuttable presumption as to the existence of a junk yard shall arise with regard to any lot upon which **three (3)** or more inoperable vehicles are located. An "inoperable vehicle" for purposes of this provision shall be defined by **Chapter 24** of the Village Code herein. A "junk yard" includes an automobile wrecking yard. **(See Chapter 25, Article IV)**

***Kennel:*** Any structure or premises or portion thereof on which more than **three (3) dogs**, cats, or other household domestic animals, over **four (4) months** of age, are kept or on which more than **two (2)** such animals are maintained, boarded, bred, or cared for in return for remuneration or are kept for the purpose of sale.

***Landscape Fence:*** A non-obstructive fence, no greater than **four (4) feet** in height, of approved design and materials. Picket, split-rail, and wrought iron fences are acceptable within this definition. Examples of unacceptable fence types include privacy, chain link, and welded wire.

***Laundries:***

(A) ***Laundromat.*** A business that provides home-type washing, drying and ironing machines for hire to be used by the customers on the premises.

(B) ***Commercial Industrial Laundry.*** A business that provides washing, drying and ironing services operated by the employees on the premises.

***Loading Space:*** An off-street space used for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

***Lodging or Rooming House:*** A building with more than **three (3) guest spaces** where lodging is provided for compensation pursuant to previous arrangement, but not open on a daily, overnight, or per meal basis to transient guests.

***Lot:*** A tract of land used or developed as a unit, under single ownership or under single control. A "lot" may or may not coincide with a "lot of record."

**Lot, Corner:** A lot abutting upon **two (2)** or more streets at their intersection or upon **two (2)** parts of the same street, such streets or parts of the same street forming an interior angle of less than **one hundred thirty-five (135) degrees**. The point of intersection of the street lines is the "corner".

**Lot, Interior:** A lot whose side lines do not abut upon any street.

**Lot, Through:** A lot having a pair of approximately parallel lot lines that abut **two (2)** approximately parallel streets. Both such lot lines shall be deemed front lot lines.

**Lot Area:** The area of a horizontal plane bounded by the front, side, and rear lines of a lot.

**Lot Coverage:** The portion of a lot that is occupied by buildings or structures, including accessory buildings or structures.

**Lot Depth:** The average horizontal distance between the front lot line and the rear lot line of a lot.

**Lot Line, Front:** The lot boundary abutting the street.

**Lot Line, Rear:** An interior lot line which is most distant from and most nearly parallel to the front lot line. The rear lot on corner lots shall be defined as the line most distant and most nearly parallel to either of the front lot lines as defined elsewhere in these definitions.

**Lot Line, Side:** Any lot line other than front or rear lot line. A side lot line separating a lot from a street is called a side street lot line. A side lot line separating a lot from another lot or lots is called an interior side lot line.

**Lot of Record:** An area of land designated as a lot on a plat of subdivision recorded or registered with the County Recorder of Deeds, in accordance with State law.

**Lot Size Requirement:** Refers to the lot area, width, and depth requirements of the applicable district.

**Lot Size/Bulk Variance:** A relaxation of the strict application of the lot size and/or bulk requirements applicable to a particular lot or structure. A lot Size/Bulk Variance goes with the property.

**Lot Width:** The mean horizontal distance between the side lot lines of a lot measured at right angles to the depth; or the same distance measured at a point midway between the front lot line and the rear lot line; or at the rear line of the required front yard (building lines), especially on irregularly shaped lots.

**Maintenance:** The routine upkeep of a structure, premises, or equipment, including the replacement or modification of structural components to the extent necessary to keep a structure in sound condition.

**Manufactured Home:** A structure designed for permanent habitation and so constructed as to permit its transport on wheels, temporarily or permanently attached to its frame, from the place

of its construction to the location or subsequent location at which it is intended to be a permanent habitation and designed to permit the occupancy thereof as a dwelling place for **one (1)** or more persons. The term shall only include manufactured homes constructed after **June 30, 1976**, in accordance with the Federal "**National Manufactured Housing Construction and Safety Standards Act of 1974**". Compliance with this standard is indicated by a 2-inch by 4-inch metal plate attached to the exterior tail light end of the manufactured home. The average width and/or length of the living area (excluding garages, carports, porches, or attachments) of a manufactured home shall not exceed a ratio of 3 to 1. As with all residences, a manufactured home shall have a minimum 4/12 pitch roof with residential style siding and roofing, **six (6) inch** minimum eave overhand, and shall have a minimum living area of not less than **nine hundred (900) square feet**. Provided that any such structure resting on a permanent foundation with wheels, tongue and hitch permanently removed shall not be construed as a "**manufactured home**", but shall be an "**immobilized manufactured home**". A manufactured home should not be confused with a "**camping trailer**" or "**recreational vehicle**". **(210 ILCS 115/2.10)**

**Manufactured Home, Dependent** means a manufactured home which does not have a toilet and bath or shower facilities. **(210 ILCS 115/2.3)**

**Manufactured Home, Double-Wide** consists of **two (2) manufactured units** joined at the side into a single home, but kept on their separate chassis for repeated transportation to a site.

**Manufactured Home, Independent** means a manufactured home which has self-contained toilet and bath or shower facilities. **(210 ILCS 115/2.4)**

**Manufactured Home Lot** means a parcel of land for the placement of a manufactured home and the exclusive use of its occupants.

**Manufactured Home Pad** means that part of an individual manufactured home space or lot beneath the manufactured home, including the concrete portion of the pad.

**Manufactured Home Park** means a tract of land or **two (2)** or more contiguous tracts of land upon which contain sites with the necessary utilities for **two (2)** or more independent manufactured homes for permanent habitation either free of charge or for revenue purposes, and shall include any building, structure, vehicle, or enclosure used or intended for use as a part of the equipment of such manufactured home park. Separate ownership of contiguous tracts of land shall not preclude the tracts of land from common licensure as a manufactured home park if they are maintained and operated jointly. Neither an immobilized manufactured home nor a motorized recreational vehicle shall be construed as being a part of a manufactured home park. **(210 ILCS 115/2.5)**

**Manufactured Home Park License:** A permit issued by the Zoning Administrator authorizing the operation of a manufactured home park in accordance with all applicable regulations.

**Manufactured Home Sales Area** means a parcel of land used for the display, sale, and repair of new or used manufactured homes.

**Manufactured Home Space** means a portion of a manufactured home park designed for the use or occupancy of **one (1) manufactured home**.

**Manufactured Housing Unit** includes all forms of housing units listed in this Section and as regulated in this Code.

**Mini-Warehouses:** A building, or part of one, for the storage of goods, merchandise, etc. for rent to individuals or businesses for a monthly fee.

**Mobile Home** means a structure designed for permanent habitation and so constructed as to permit its transport on wheels, temporarily or permanently attached to its frame, from the place of its construction to the location or subsequent location at which it is intended to be a permanent habitation and designed to permit the occupancy thereof as a dwelling place for **one (1)** or more persons. The term "**mobile home**" shall only include homes constructed prior to **June 30, 1976**, not in accordance with the Federal "**National Manufactured Housing Construction and Safety Standards Act of 1974**".

**Mobile or Portable Marquee:** A term used to describe any sign designed to be moved from place to place, including, but not limited to, signs attached to wood or metal frames designed to be self-supporting and movable; or paper, cardboard, or canvas signs wrapped around supporting poles.

**Modular Home:** A modular home is a factory-fabricated single-family home built in **one (1)** or more sections. The average width and/or length of the living area (excluding garages, carports, porches, or attachments) of a modular home shall not exceed a ratio of 3 to 1. All modular homes shall be placed on a full perimeter foundation, extending below the frost depth. All wheels and towing devices shall be removed. As with all residences, a modular home shall have a minimum 4/12 pitch roof with residential style siding and roofing, **six (6) inch** minimum eave overhang, and shall have a minimum living area of not less than **nine hundred (900) square feet**. Modular homes shall have a yellow seal in the shape of the State of Illinois on the electrical panel box of the home or on the inside of the kitchen sink cabinet. Local officials may require additional items other than the minimum state requirements such as the National Manufactured Home Construction and Safety Standards (HUD Code) or the International Building Code (IBC). All structures shall be placed on a permanent foundation in order that they may be assessed as real estate.

**Most Restrictive:** See "Least Restrictive".

**Motel:** A motel for motorists, usually with blocks of rooms opening directly onto a parking area. Also called motor court.

**Motel or Motor Hotel:** A series of attached, semi-attached or detached sleeping or living units, for the accommodation of transient guests and not customarily including individual cooking or kitchen facilities, said units having convenient access to off-street parking spaces for the exclusive use of the guests or occupants.

**Noisome and Injurious Substances, Conditions and Operations:**

(A) Creation of unreasonable physical hazard, by fire, explosion, radiation or other cause, to persons or property.

(B) Discharge of any liquid or solid waste into any stream or body of water or into any public or private disposal system or into the ground, so as to contaminate any water supply, including underground water supply.

- (C) Maintenance or storage of any material either indoors or outdoors so as to cause or to facilitate the breeding of vermin.
- (D) Emission of smoke, measured at the point of emission, which constitutes an unreasonable hazard to the health, safety, or welfare of any persons.
- (E) Fly ash or dust which can cause damage to the health of persons, animals, or plant life or to other forms of property, or excessive soil, measured at or beyond the property line of the premises on which the aforesaid fly ash or dust is created or caused.
- (F) Creation or causation of an unreasonably offensive odors discernible at or beyond any property line of the premises on which the aforesaid odor is created or caused.
- (G) Creation or maintenance of any unreasonable reflection, or direct glare, by any process, lighting or reflective material at or beyond any property line of the premises on which the reflective or direct glare is created or caused.
- (H) Creation or maintenance of any unreasonable distracting or objectionable vibration and/or electrical disturbances discernible at or beyond any property line of the premises on which the aforesaid vibration or electrical disturbance is created or maintained.
- (I) Any public nuisance.

**Nonconforming Building:** A building or structure or portion thereof conflicting with the provisions of this Code applicable to the district in which it is situated.

**Nonconforming Use:** A use of a building or land legally existing at the time of adoption of this Code, or any amendment thereto, and which does not conform with the use regulations of the district in which located. **(See Article VIII)**

**Nuisance:** Any thing, condition, or conduct that endangers health, or unreasonably offends the senses, or obstructs the free use and comfortable enjoyment of property, or essentially interferes with the comfortable enjoyment of life or property. **(See Chapter 25 of the Revised Code)**

**Nursery:** A tract of land on which trees, shrubs, and other plants are raised for transplanting and sale, and including any structure in which said activities are conducted.

**Nursery School:** **(See Day Care Center)**

**Nursing Home:** A building used as a medical care facility for persons who need long-term nursing care and medical service, but do not require intensive hospital care.

**Office:** Any building, or portion thereof, in which the business (usually clerical and administrative affairs) of a commercial/service enterprise or professional person is transacted.

**Official Map:** The portion of the master plan which designates land necessary for public facilities or uses. It shall include streets, alleys, public ways, parks, playgrounds, school sites and other public grounds and ways for public service facilities within the whole area included within the official comprehensive plan. It can be one or more separate geographical or functional parts or include all or any part of the contiguous, unincorporated area under the planning jurisdiction of the Village.

**Off-Street Parking Area:** Land that is improved and used primarily for the storage of passenger motor vehicles, free of charge or for compensation. An "off-street parking area," depending on the circumstances of its use, may either a principal use or an accessory use.

**Off-Street Parking Space:** An area at least **twenty (20) feet** long and **ten (10) feet** wide within an off-street parking area or garage, used for the storage of one passenger motor vehicle.

**Overlay District:** A zoning district superimposed over one or more standard (primary) zoning districts or portions thereof for the purpose of controlling developmental problems caused by such factors as steep slopes, wet soils, flooding, etc.

**Patio:** An at-grade -paved area without any walls usually adjacent to a building, and which is intended to be used as an outdoor lounging, dining, or entertaining area.

**Parking Space, Automobile:** Space within a public or private parking area of not less than **two hundred (200) square feet (ten (10) feet by twenty (20) feet)**, exclusive of access drives, or aisles, ramps, columns, or office and work areas, for the storage of one passenger automobile or commercial vehicle under **one and one-half (1 ½) ton** capacity.

**Permanent Foundation:** A foundation which extends into the ground below the frost line so as to attach and become a part of the real estate. Materials such as concrete, mortared concrete block, poured wall or mortared brick extending into the ground below the frost line shall satisfy the requirements for a permanent foundation. In addition, piers may be used, extending into the ground below the frost line, and sufficient in number to properly support the structure, provided the support beams are affixed to the permanent perimeter foundation.

**Permanent Habitation:** A period of **two (2)** or more months. **(210 ILCS 115/2.2)**

**Permitted Uses:** Any use which is or may be lawfully established in a particular district(s), provided it conforms with all the requirements applicable to said district(s).

**Person:** Any individual, firm, association, organization, or corporate body.

**Plan:** The geographical and topographical maps, engineering and architectural drawings and specifications, and other information indicating the location and nature of a development.

**Planned Development Project:** A residential or commercial development on a parcel of land in single ownership and consisting of **two (2)** or more buildings having any yard, court, parking or loading space in common.

**Porch:** A structure attached to a building to shelter an entrance or to serve as a semi-enclosed space, usually covered with a roof, generally open-sided, and usually large enough to allow seating devices.

**Premises:** A lot and all the structures and uses thereon.

**Principal Building/Structure/Use:** The main structure erected on or the main use occupying a lot, as distinguished from an accessory (subordinate) structure or use.

**Private Street:** Any street providing access to abutting property that is not maintained by and dedicated to a unit of government.



**Professional Office:** An office (other than a service office and other than an office for care and/or treatment of, or medical attention to, animals as distinguished from persons) for the practice of professions, such as the offices of physicians, dentists, attorneys-at-law, architects, engineers, artists, musicians, teachers, accountants and others who through training are qualified to perform services of a professional nature, or the offices of a governmental agency; and where there is no storage, sale or display of merchandise on the premises.

**Public Buildings:** Any building owned, operated, constructed or maintained at the expense of the public or a building which provides a service or function necessary for the general health, welfare, and convenience of the public.

**Public Open Space:** Any publicly-owned open area, including, but not limited to the following: Parks, playgrounds, forest preserves, beaches, waterways, parkways and streets.

**Public Utilities:** Utilities which are either government-owned or owned by an established firm serving a wide geographical area and/or a substantial number of persons.

**Public Utility Services:** Means and includes facilities providing those services used for or in connection with the production, storage, transmission, sale, delivery or furnishing of heat, cold, power, electricity, water or light except when used solely for communications purposes. Public Utility Services does not mean and shall not include facilities designed or intended to be used for the transmission of telephone messages or any other form of telecommunications.

**Quick Shop:** Any small retail commercial or service establishment offering goods/services primarily to the residents of a particular multi-family complex, manufactured home park or similar development. No liquor or gasoline shall be sold in this shop.

**Reconstruct:** As applied to nonconforming structures, "reconstruct" means to rebuild after partial destruction.

**Recreation Vehicle:** Every camping trailer, motor home, mini motor home, travel trailer, truck camper or van camper used primarily for recreational purposes and not used commercially nor owned by a commercial business. **(625 ILCS 5/1-169)**

**Recreational Vehicle (RV) Park:** See Camping Trailer Park.

**Refuse:** Garbage (food wastes) and trash, but not sewage or industrial wastes.

**Relocate:** To move to another portion of a lot or to a different lot.

**Repair:** To restore to sound condition, but not to reconstruct.

**Residence:** A site-constructed building designed for use as a residence. The average width and/or length of the living area (excluding garages, carports, porches, or attachments) of a residence shall not exceed a ratio of 3 to 1. All residences shall be placed on a full perimeter foundation extending below the frost depth unless located in a Special Flood Hazard Area, and shall have a minimum 3/12 pitch roof. All residences shall have a minimum of **nine hundred (900) square feet** of living area and shall be built in conformity with the International Building Code.

**Retail (or Retailing):** A business enterprise consisting primarily of the making of sales and/or rendering of services directly to ultimate consumers, where each sale or service transaction is in relatively small quantity or volume, as distinguished from a wholesale business or from a business where sales are made or services are rendered either in substantial volume to an individual customer and/or for resale to or reuse by ultimate consumers.

**Right-of-Way, Public:** A strip of land which the owner/subdivider has dedicated to the Village or to another unit of government for streets and alleys.

**Room:** An unsubdivided portion of the interior of a dwelling unit, excluding bathrooms, kitchens, closets, hallways and service porches and the like.

**Satellite Dish:** Any parabolic/dish-type apparatus, external to or attached to the exterior of a building or structure, capable of receiving, for the benefit of the principal use, television or radio signals. Satellite dishes are considered an accessory use.

**Screening:** Trees, shrubs, walls, solid fences, etc. used as a means of view and noise control.

**Semi-Finished Materials:** Materials which have been sufficiently processed at heavy industrial facilities so that they are no longer in their raw state, but are readily usable by light industry for assembly or manufacture into consumer goods.

**Service Office:** An office in which are offered services by real estate agents, insurance agents, public stenographers, brokers, or others who through training are duly qualified to perform services of an executive nature (as distinguished from a professional office) and where there is no storage, sale or display of merchandise on the premises.

**Service Station:** A building and premises or portion thereof designed and used for the retail sale of gasoline or other automotive fuel, oil, and automotive parts, supplies, and accessories. A service station may include facilities for washing vehicles and for making minor automotive repairs.

**Service Use/Establishment:** Any use or establishment where services are provided for remuneration either to individuals or to other firms.

**Setback:** The distance between the front lot line and the building line; or between a side or rear lot line and the side of the structure which faces such lot line; or between the appropriate lot line and the nearest boundary of the area of operation which is approximately parallel to such lot line.

**Sign:** Any object, device, display or structure or part thereof used to advertise, identify, display or attract attention to a person, establishment, product, service or event by any means including words, letters, figures, designs, symbols, fixtures, colors, illuminations, etc. The term "sign" includes, but is not limited to, every projecting sign, freestanding sign, awning, canopy, marquee sign; changeable copy sign, illuminated sign; moving sign, temporary sign; portable sign; or other display whether affixed to a building or erected elsewhere on the premises. The term "sign" excludes features of a building which are an integral part of the building's design (e.g., the "castle-look" of a White Castle restaurant).

**Sign, Advertising:** A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than on the lot where the sign is located, or only incidentally on that lot if at all.

**Sign Area:** The total surface area of the entire sign, including all parts and appurtenances thereof (except principal supports, the total cross-sectional area of which does not exceed **one (1) square foot** and on which there is no display of advertising material or any lighting). In the case of any sign having display surfaces which are not continuous (e.g., separated letter displays or separated display surfaces), sign area shall include a theoretical display surface equal to the area of the smallest enclosure into which the combined non-continuous display surfaces can be fitted, and including intermediate structural supports. **(See Figure 3.)**

**Sign, Bulletin Board:** As used in this Code, a sign used for purposes of notification of the public of an event or other occurrence of public interest, such as a church service, political rally, civic meeting or similar event.

**Sign, Business:** A sign which directs attention to a business, profession, display or entertainment conducted upon a lot or to a commodity or service stored, sold, or displayed on a lot.

**Sign, Construction:** As used in this Code, a sign advertising the development or improvement of a property by a builder, contractor or other person furnishing services, materials, or labor to said premises, which sign is intended for a limited period of display, and erected on the same lot with the work being done.

**Sign, Identification:** A sign which establishes the identity of a person and his business or professional title occupying the premises, such as a name plate. As used in this Code, the term "identification sign" shall not be construed to include a sign identifying a commercial or industrial use or a commodity or service offered on the premises.

**Sign, Combination:** Any sign incorporating any combination of the features of free-standing, projecting and roof signs.

**Sign, Marquee:** A display sign which is attached to or suspended from a marquee, canopy, or other covered structure projecting from and supported by the building and extending beyond the building wall or building line.

**Sign, Projecting:** A display sign which is attached directly to the wall of a building and which extends more than **fifteen (15) inches** from the face of the wall.

**Sign, Real Estate:** A sign indicating the availability for sale, rent or lease of the specific lot and/or building upon which the sign is erected or displayed.

**Sign, Roof:** A sign erected upon or above a roof or parapet wall of a building or structure.

**Sign, Subdivision:** A sign advertising the general sale, development or subdivision of land, and displayed or erected upon the subject property, as distinguished from a real estate sign.

**Sign, Temporary:** A sign, banner or other advertising device or display constructed of cloth, canvas, cardboard, wall board or other light temporary material, with or without a structural frame, intended for a temporary period of display; such as decorative displays for holidays or public demonstrations.

**Sign, Wall:** Any sign painted on, attached to, or erected against the wall of a building or structure, with the exposed face of the sign in a plane parallel to the plane of said wall and extending not more than **fifteen (15) inches** from the face of the wall.

**Skirting:** The covering affixed to the bottom of the exterior walls of a mobile home to conceal the underside thereof.

**Special Use:** A use that has unusual operational, physical, or other characteristics which distinguish it from the permitted uses of a district, but which can be made compatible with the intended overall development within a district. Special uses commonly must meet special standards not necessarily applicable to permitted uses in the district, and are allowed only by permit. A special use permit shall not be transferable.

**Stable:** A structure, situated on the same lot as a dwelling, and designed or used for housing horses for the private use of occupants of the dwelling, but not for hire.

**Stoop:** A small porch which is usually not covered with a roof and which is primarily used to provide access to the adjoining building.

**Stop Order:** A type of corrective action order used by the Administrator to halt work in progress that is in violation of this Code.

**Storage Building:** A structure designed to keep or store goods and equipment. Said building is not designed for occupancy by families or individuals.

**Storage Container:** A structure consisting of either a demobilized train or railroad car, a truck body or a shell or truck trailer licensed or unlicensed. **(See Section 40-5-12)**

**Story:** That portion of a building, included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.

**Street:** A public or private way for motor vehicle travel. The term "street" includes a highway, thoroughfare, parkway, through way, road, pike, avenue, boulevard, lane, place, drive, court, and similar designations, but excludes an alley or a way for pedestrian use only.

**Street Line:** The street right-of-way line abutting a lot line.

**Street, Private:** Any street providing access to abutting property that is not maintained by and dedicated to the Village or other public entity.

**Structural Alteration:** Any change in the supporting members of a building including but not limited to bearing walls, load-bearing partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

**Structure:** Anything constructed or erected on the ground, or attached to something having fixed location on the ground. All buildings are structures, but not all structures are buildings.

**Structure, Temporary:** Any structure that is not attached to a permanent foundation.

**Swimming Pool (Permanent):** Any swimming pool constructed in the ground or any above ground swimming pool designed and constructed to remain in place continuously for more than one summer swimming season.

**Swimming Pool (Temporary):** Any above ground swimming pool with non-rigid side walls which are self-standing or supported by a framework designed and assembled to remain in place one summer swimming season.

**Telecommuting:** Working in the home by using a computer terminal or other terminal connected by a telephone line or by other means to a central office or central computer.

**Temporary Use Permit:** A permit issued in accordance with the provisions of this Code and valid for not more than **one (1) year**, which allows the erection/occupation of a temporary structure or the operation of a temporary enterprise.

**Topography:** The relief features or surface configuration of an area.

**Trailer:** Every vehicle without motive power in operation, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle. **(625 ILCS 5/1-209)**

**Travel Trailer Park:** A lot developed with facilities for accommodating temporarily occupied travel trailers in accordance with the requirements of this Code.

**Use:** The purpose or activity for which land or a structure thereon is designed, arranged, intended, occupied, or maintained.

**Use Variance:** A type of amendment (not a variance) that allows a use in a district where said use would not be allowed under existing provisions of this Code.

**Utility Substation:** A secondary utility facility such as an electrical substation, gas regulator station, telephone exchange facility, sewage treatment plant, etc.

**Vacant** as applied to a lot, means that no structure is situated thereon.

**Variance:** A relaxation of the strict application of the lot size, setbacks, or other bulk requirements applicable to a particular lot or structure.

**Wading Pool:** A plastic or inflatable pool of less than **two (2) feet** in depth, designed and assembled to be drained after each use.

**Wholesale:** Refers to the sale of goods or services by one business to another business.

**Window Sign:** Any sign visible from the exterior of a building or structure which is painted directly on the surface of a window or affixed to or suspended immediately behind the window for the purpose of informing passersby of the identity of the proprietor or business, or of the product or service which can be obtained on the premises.

**Yard:** Open space that is unobstructed except as specifically permitted in this Code and that is located on the same lot as the principal building.

**Yard, Front:** A yard which is bounded by the side lot lines, front lot line and the building line.

**Yard, Rear:** A yard which is bounded by side lot lines, rear lot lines, and the rear yard line.

**Yard, Side:** A yard which is bounded by the rear yard line, front yard line, side yard line, and side lot line.

**Yard Line:** A line in a lot that is parallel to the lot line along which the applicable yard extends and which is not nearer to such lot line at any point than the required depth or width of said yard.

**Zoning Administrator:** The Zoning Administrator, sometimes also referred to as Zoning Official and Zoning Inspector, shall be that person appointed by the Mayor by and with the consent of the Village Board who shall administer and enforce the provisions of the Zoning Code as hereinafter stated.

**Zoning Certificate:** A document issued by the Zoning Inspector authorizing buildings, structures or uses consistent with the terms of this Code and for the purpose of carrying out and enforcing its provisions.

**Zoning Inspector:** The Zoning Administrator of the Village or his authorized representative.

**Zoning Map:** The zoning map or maps of the Village together with all amendments subsequently adopted.

**ARTICLE III - GENERAL ZONING REGULATIONS**

**DIVISION I - GENERALLY**

**40-3-1 ESTABLISHMENT OF DISTRICTS.** In order to implement the regulatory scheme of this Code so as to achieve the objectives enumerated in Section 40-1-2, the entire Village is hereby divided into the following zoning districts:

<u>DISTRICT</u>	<u>DESIGNATION</u>	<u>MINIMUM AREA*</u>
Agricultural	A-1	3 Acres
Single Family Residence	SR-1	1 Acre
Multiple-Family Residence	MR-1	1 Acre
Manufactured Housing Residence	MH-1	2 Acres
General Business	B-1	1 Acre
Industrial	I-1	5 Acres

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\* The "minimum area" requirement (which is intended to prevent spot zoning) refers to the smallest total area of contiguous parcels that can properly be given the particular district classification. The minimum area requirement is not satisfied merely because the acreage of numerous noncontiguous parcels, when aggregated, happens to equal or exceed the minimum area indicated above.

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**40-3-2 ZONING MAP AND DISTRICT BOUNDARIES.** The boundaries of the listed zoning districts are hereby established as shown on the Official Zoning Map of the Village. This map, including all notations and other information thereof is hereby made a part of this Code by reference. The Official Zoning Map shall be kept on file in the Administrator's office.

**40-3-3 ANNUAL PUBLICATION.** In accordance with State Law, if any changes are made in the zoning districts or regulations during a calendar year, the Zoning Administrator shall publish the revised official zoning map of the Village not later than March 31<sup>st</sup> of the following year. (65 ILCS 5/11-13-19)

**NOTE:** The map shall be published if there were any annexations or zone district changes in the previous year.

**40-3-4 DETERMINING TERRITORY OF DISTRICTS WITH PRECISION.** In determining with precision what territory is actually included within any zoning district, the Administrator shall apply the following rules:

- (A) Where a district boundary as indicated on the zoning map approximately follows any of the features listed below on the left, the corresponding feature on the right shall be deemed the district boundary:

- (1) Center line of any street, alley or highway      Such centerline.
- (2) Lot line      Such lot line.
- (3) Railroad tracks      Right-of-way line of such tracks
- (4) Stream      Center of such stream
- (5) Section, fraction or survey lines      Such lines

(B) Whenever any street, alley or other public way is legally vacated, the zoning districts adjoining each side of such vacated public way shall automatically extend to the center of such way, and all territory included in the vacated way shall thereafter be subject to all regulations of the extended districts.

**40-3-5      ANNEXED TERRITORY.** Any territory hereafter annexed to the municipality shall automatically be in the SR-1, Single-Family Residence District until duly changed by an amendment to this Code; except that the Village Board, with the advice of the Zoning Board, may annex any territory as any other zoning district or districts herein established if all legal requirements for zoning the property at the time of the annexation and the requirements for amending this Code by the extension of the zoning district provisions are met. **(See Sec. 40-10-30 for amendments)**

**40-3-6      GENERAL PROHIBITION.** No structure or part thereof shall be erected, used, occupied, enlarged, altered, relocated or reconstructed except in conformity with the provisions of this Code. Similarly, no lot or part thereof shall be used, occupied, or developed except in conformity with the provisions of this Code.

(A) **Agricultural Exemption.** The provisions of this Code shall not be interpreted or administered so as to restrict the erection, maintenance, alteration, or extension of buildings (including farmhouses) or structures used or intended to be used for agricultural purposes on agricultural land except that such buildings or structures shall be required to conform to applicable setback regulations. Whenever a portion of a tract of land ceases to be used primarily for agricultural purposes, all pertinent provisions of this Code shall apply to that portion. **(See Section 40-10-30)**

**40-3-7      UNLISTED USES PROHIBITED.** Whenever any use is not specifically listed as "permitted" or "special" within a particular zoning district, such use shall be deemed prohibited in that district. However, if the Village Board, following consultation with the Zoning Administrator and the Zoning Board of Appeals finds that the unlisted use is similar to and compatible with the listed uses, they may allow such use. The decision of the Village Board shall become a permanent public record, and any unlisted use that they approve shall thereafter have the same status as listed uses.

**40-3-8      ONE BUILDING AND ALL YARDS ON ONE LOT.** Except as specifically provided otherwise:

(A) Only one principal building or structure shall be permitted on any residential lot; and



(B) No portion of any minimum area, minimum dimensions, or minimum yards required for any lot, structure, or use shall be counted to satisfy the minimum area, dimensions, or yards requirements for any other lot, structure or use. **(See Sec. 40-8-2.1)**

**40-3-9 ACCESS REQUIRED.** No building shall be erected on any lot unless such lot abuts, or has permanent easement of access to a public street or private street.

**40-3-10 FRONT SETBACKS - CORNER/THROUGH LOTS.** Every lot with multiple frontages (such as corner or through lots) shall meet the front setback requirements of the district in which it is located on every side having frontage. **(See Sketch at end of Code)**

**40-3-11 FRONT SETBACKS IN CERTAIN BUILT-UP AREAS.** Except as specifically provided otherwise in the "B-1" General Business District and in all residential zoning districts where lots having **fifty percent (50%)** or more of the frontage on one side of a street between intersections (that is, in one block) are developed with buildings, and the front setbacks of those lots do not differ by more than **ten (10) feet**, the minimum required front setback on that block shall be the average of the existing front set-backs, but no less than **five (5) feet**, provided however, that in any built-up area, no front setback shall be greater than **fifty (50) feet**, shall be required.

**40-3-12 INTRUSIONS INTO YARDS.** To the extent indicated below, the following features of principal buildings may intrude into required yards without thereby violating the minimum setback requirements:

<u><b>FEATURES</b></u>	<u><b>MAXIMUM INTRUSIONS</b></u>
Cornices, chimneys, planters or similar architectural features	Two (2) feet.
Fire escapes	Four (4) feet.
Patios uncovered at ground level	NO LIMIT
Porches, if unenclosed and at ground level	Six (6) feet.
Balconies and decks	Four (4) feet.
Canopies, roof overhangs	Four (4) feet.

**40-3-13 EXCEPTIONS TO HEIGHT LIMITS.**

(A) **Necessary appurtenances.** Chimneys, church spires, parapet walls, cooling towers, elevator bulkheads, fire towers, antennas, or other necessary appurtenances commonly constructed above the roof line shall be permitted to exceed the maximum height limitations for the district in which they are located if they comply with all other pertinent ordinances of the Village.

(B) **Intersections.** On corner lots, in the triangular portion of land bounded by intersecting street lines and a line joining these street lines at points **thirty (30) feet** from the point of intersection, no obstruction, whether natural or manmade, shall intrude into the air space

that is between **two (2) feet** and **ten (10) feet** above the level of the adjacent street. **(See Figure 1 at the end of this Code.)**

**40-3-14 SEWERS, SEPTIC TANKS.** In all districts, property owners of all buildings and places where people live, work, or assemble shall provide for the sanitary disposal of all sewage in accordance with the following requirements:

(A) Whenever the public sanitary sewerage system is reasonably accessible (that is, when the distance from the property in question to the nearest public sewer with available capacity does not exceed **one hundred (100) feet**), all sewage shall be discharged into such system whether or not a private sewerage system already exists or is more convenient.

(B) Whenever the public sanitary sewerage system is not reasonably accessible, a private sewerage system shall be installed and used. All private sewerage systems shall be designed, constructed, operated and maintained in conformity with the following requirements:

- (1) Illinois Private Sewage Disposal Licensing Act, **Illinois Compiled Statutes, Chapter 225; Sections 225/1 through 225/23**, as amended from time to time;
- (2) Illinois Private Sewage Disposal Code No. 4.002, promulgated by the Director of the **Illinois Department of Public Health**, as amended from time to time;
- (3) Pertinent, current regulations issued by the **Illinois Environmental Protection Agency**; and
- (4) Applicable codes and regulations of the Village, particularly the **Subdivision Code**.

The Administrator shall not issue any Certificate of Zoning Compliance unless, following consultation with the Village Engineer, he is satisfied that these requirements will be met. **(Also, see Chapter 38 entitled "Utilities" of Revised Code)**

**40-3-15 ACCESSORY USES.**

(A) Any accessory use shall be deemed permitted in a particular zoning district if such use:

- (1) meets the definitions of "accessory use" found in **Section 40-2-2**;
- (2) is accessory to a principal structure or use that is allowed in a particular zoning district as a permitted or special use; and
- (3) is in compliance with restrictions set forth in **Section 40-3-16**.

(B) If an accessory structure is attached to a principal structure, it shall be considered part of such structure. **(See Definition of "Attached" in Section 40-2-2)**

**40-3-16 ACCESSORY USE RESTRICTIONS.**

(A) **Height.** No accessory use shall be higher than **twenty-five (25) feet** in any Zoning District; provided, there shall be no height limit on accessory structures related to agriculture.

(B) **Setbacks.** No accessory use in any zoning district shall be located in any part of any yard (front, side or rear) that is required because of the setback regulations of such district; provided that in the Agricultural District or in any Residential District, an accessory use may be located as close as **five (5) feet** to any side or **five (5) feet** to any rear lot line.

(C) **Yard Coverage.** Accessory uses shall not cover more than **thirty percent (30%)** of a required rear yard.

(D) **Use As Dwelling.** Use of any accessory structure as a dwelling is strictly prohibited throughout the Village.

**40-3-17 AREA-BULK REGULATIONS.** To facilitate public understanding of this Code, the area-bulk regulation schedule summary is hereby adopted and declared to be an integral part of this Code and it may be amended in the same manner as any other part of this Code. The Schedule is found at the conclusion of this Code.

**40-3-18 - 40-3-19 RESERVED.**

**DIVISION II - PLANNED DEVELOPMENTS**

**40-3-20 PLANNED DEVELOPMENT DEFINED.** As used in this Division, the term "planned development" or "PD" means a development wherein, in accordance with an approved development plan:

- (A) common open space is reserved;
- (B) various housing types and other structures and uses may be mixed and/or
- (C) overall average density does not exceed the usual zoning district limit.

**40-3-21 OBJECTIVES.** This section authorizes development of Planned Developments and establishes procedures in order to achieve the objectives enumerated in **Section 40-1-2** and the following additional objectives:

- (A) to provide a regulatory mechanism whereby the Village can be assured that upon completion, approved development projects will substantially conform to the plans or models which constituted the basis for the issuance of the necessary zoning and subdivision permits;
- (B) to permit development of a wide variety of housing types and other structures and uses in a single comprehensively planned project;
- (C) to preserve the natural topography, scenic features, mature trees and historic structures existing on sites proposed for development;
- (D) to encourage innovative site layouts and coordinated architectural treatment of different housing types and other structures;
- (E) to ensure the provision of usable, common, open space in planned developments, and to spur installation of various amenities therein;
- (F) to facilitate the economical installation of standard streets, sewers, utilities, and other improvements.

**40-3-22 COMPLIANCE WITH REGULATIONS GENERALLY REQUIRED.** Except as specifically provided otherwise in this Code, planned developments--including all structures and uses therein--shall, at a minimum, be built in conformity with all applicable codes and ordinances, including this Code and the Subdivision Code.

**40-3-23**     **DISTRICTS WHERE ALLOWED.** Planned Developments may be built in any Zoning District, but only upon the issuance of a special-use permit by the Zoning Board of Appeals. **(See Sec. 40-10-24)**

**40-3-24**     **PERMISSIBLE DEVIATION FROM CODE REQUIREMENTS.** The Planned Development concept is intended to afford both the developer and the Village considerable flexibility in formulating development proposals. Consequently, to the extent indicated in this Section, Planned Developments may deviate from generally applicable Code requirements without a variance. Any proposed deviation not listed below, however, shall require a variance.

(A)           **Mixed Uses.** Planned Developments may include all types of residential structures and any other uses approved by the Zoning Board of Appeals, provided that in approving such mixed uses, the Zoning Board of Appeals may attach any conditions necessary to protect the public welfare.

(B)           **Lot and Structure Requirements.** In Planned Developments, the Zoning Board of Appeals may approve any reasonable deviation from the lot and structure requirements of the particular zoning district so long as the different uses within the PD are appropriately interrelated and property abutting the PD is adequately protected from any potential adverse impacts of the development. "Lot and structure requirements" means minimum individual lot area, width and depth; minimum setbacks; and maximum structure height.

(C)           **Accessory Uses.** In PDs the Zoning Board of Appeals may allow the developer to disregard the usual restrictions on accessory uses other than the prohibition against using an accessory structure as a dwelling.

(D)           **Location of Parking/Loading Spaces.** By permission of the Zoning Board of Appeals, off-street parking and loading spaces in PDs need not be located in accordance with generally applicable requirements. The minimum number of such spaces, however, shall not be less than the number required as per **Article VI** of this Code.

**40-3-25**     **PROCEDURES FOR PLANNED DEVELOPMENTS.** Every applicant for Planned Development approval shall comply with the procedural requirements of this Section. The required procedures are as follows:

- (A)           Filing development plan with the Zoning Administrator;
- (B)           Provision by the developer of adequate assurance for the completion of required improvements as per the development plan and subdivision regulations;
- (C)           Public hearing by the Zoning Board of Appeals as per the requirements of **Article X - Administration**;
- (D)           Decision of the Zoning Board of Appeals regarding approval/rejection of the development plan;
- (E)           Recording of development plan with the County Recorder of Deeds;

**40-3-26**     **APPLICATION; INFORMATION REQUIRED.** Every applicant for approval of a development plan shall submit to the Administrator, in narrative and/or graphic form, the items of information listed below:

- (A)           **Written Documents.**
  - (1)          Legal description of the total site proposed for development;

- (2) Names and addresses of all owners of property within or adjacent to the proposed Planned Development;
- (3) Statement of the planning objectives to be achieved by the PD through the particular approach proposed by the applicant, including a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant;
- (4) Development schedule indicating the approximate date when construction of the PD or stages of the PD can be expected to begin and to be completed;
- (5) Statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the PD, such as land areas, dwelling units, etc.
- (6) Data indicating:
  - (a) total number and type of proposed dwelling units;
  - (b) gross and net acreage of parcel;
  - (c) acreage of gross and usable open space; and
  - (d) area of any commercial uses.

(B)

**Graphic Materials.**

- (1) Existing site conditions, including contours at **ten (10) foot** intervals and locations of watercourses, flood plains, unique natural features, and wooded areas;
- (2) Proposed lot lines and plot designs;
- (3) Proposed location, size in square feet and general appearance of all existing and proposed buildings (both residential and non-residential) and other structures and facilities;
- (4) Location and size in acres or square feet of all areas to be conveyed, dedicated, or reserved as common open spaces, public parks, recreational areas, school sites, and similar public and semi-public uses;
- (5) Existing and proposed vehicular circulation system, including off-street parking and loading areas and major points of ingress and egress to the development (notations of proposed ownership--public or private--should be included where appropriate);
- (6) Existing and proposed pedestrian circulation system, including its relationship to the vehicular circulation system and proposed treatments of points of conflict;
- (7) Existing and proposed utility systems, including sanitary sewers, storm sewers, and water, electric, gas and telephone lines;
- (8) General landscape plan indicating the treatment of both private and common open spaces and the location of required buffer strips;
- (9) Enough information on land areas adjacent to the proposed PD to indicate the relationship between the proposed development and existing and proposed adjacent areas;
- (10) Any additional information required by the Village to evaluate the character and impact of the proposed PD.
- (11) Appropriate seals of the licensed surveyor, engineer, or architect.

**40-3-27**     **CRITERIA CONSIDERED.** The Zoning Board of Appeals shall compile a written report which either accepts or rejects the Development Plan. In making their decision, the Zoning Board of Appeals shall consider the following criteria:

(A)           The extent to which the proposed development is consistent with the Comprehensive Plan and with the purposes of this Code and of all other applicable codes and ordinances;

(B)           The extent to which the proposed development deviates from the regulations that are generally applicable to the property (including, but not limited to, the use, lot and building regulations of the district), and the apparent merits, if any, of said deviations.

(C)           Whether the proposed design of the PD makes adequate provisions for vehicular and pedestrian circulation, off-street parking and loading, separation of residential and commercial uses, open space, recreational facilities, preservation of natural features, and so forth;

(D)           The compatibility of the proposed PD with adjacent properties and surrounding area; and

(E)           Any other reasonable criteria that the Zoning Board of Appeals may devise.

**40-3-28**     **DECISION BY ZONING BOARD.** The Zoning Board of Appeals shall either approve or disapprove each and every Development Plan. However, the Zoning Board shall not approve any PD unless:

(A)           The developer has posted a performance bond or deposited funds in escrow in the amount of the Village Engineer deems sufficient to guarantee the satisfactory completion of all required improvements; and

(B)           The Village Attorney has stated that all legal instruments (particularly the restrictive covenants) are satisfactory; and

(C)           The proposed PD, as evidenced by the Development Plan, complies with all applicable codes, regulations and ordinances. (Deviations to the extent permitted under **Section 40-3-27** shall not be deemed as noncomplying.)

**40-3-29**     **CHANGES IN APPROVED PLANS.** No changes shall be made to any approved PD Development Plan, except as follows:

(A)           **Minor** changes, if required by engineering or other circumstances not foreseen at the time the final development plan was approved.

(B)           All other changes shall require a public hearing before the Zoning Board of Appeals.

(C)           No approved change shall have any effect until it is recorded with the County Recorder of Deeds as an amendment to the recorded copy of the Development Plan. (**See Article X - Division V**)

**40-3-30**     **FAILURE TO BEGIN DEVELOPMENT.** If a substantial amount of construction has not begun within the time stated in the approved construction schedule, the Development Plan shall lapse upon written notice to the applicant from the Zoning Administrator and shall be of no further effect. However, in his discretion and for good cause, the Zoning Administrator may extend for a reasonable time the period for the beginning of construction. If a final Development Plan lapses as per this Section, the following shall be applicable:

(A)           The special-use permit shall be automatically revoked; and

(B)           any zoning permits shall automatically become null and void; and

(C) all regulations applicable before the PD was approved shall automatically be in full effect.

**40-3-31 MUNICIPAL EXEMPTION.** In conjunction with any existing or proposed development, the Village shall be exempt from all of the provisions of this Section.

**40-3-32 - 40-3-33 RESERVED.**

**ARTICLE IV - REGULATIONS FOR SPECIFIC DISTRICTS**

**DIVISION I - AGRICULTURAL DISTRICT**

**40-4-1 "A-1" - AGRICULTURAL DISTRICT.** The "A-1" Agricultural District encompasses areas that are presently undeveloped or sparsely developed and that, for various reasons, should remain so for the foreseeable future. Some tracts of land in this district are fertile and relatively level and best suited for agricultural pursuits. Other tracts in this district have such poor soils, steep slopes, inadequate natural drainage, and/or other problems, or are simply so distant from existing developed areas that the provision and maintenance of roads, utilities, and storm water drainage systems would be impractical or burdensomely expensive to the tax-paying public.

(A) **Agricultural Exemption.** The provisions of this Code shall not be exercised so as to impose regulations with respect to land used or to be used for agricultural purposes, or with respect to the erection, maintenance, repair, alteration, remodeling or extension of buildings or structures used or intended to be used for agricultural purposes upon such land, except that such buildings or structures for agricultural purposes shall be required to conform to building setback lines. Permits issued for the erection or extension of buildings or structures used or to be used for agricultural purposes shall be issued free of any charge. In the event that the land ceases to be used solely for agricultural purposes, then and only then shall the provisions of this Code apply.

**40-4-2 ONE DWELLING ON ONE LOT.** In the "A-1" District, only **one (1) dwelling** shall be situated on any **one (1) lot**.

**40-4-3 LOT AND BUILDING REQUIREMENTS.** Every principal building erected in the "A-1" District shall conform to the following requirements:

(A)	Minimum Lot Area	3 Acres
(B)	Minimum Lot Width at the established building line	150 feet
(C)	Minimum Lot Depth	200 feet
(D)	Minimum Setbacks	
	(1) From front lot line	50 feet
	(2) Total for both side yard lines	25 feet
	(3) From either side lot line	10 feet
	(4) From rear lot line	25 feet
	(5) From side yard abutting street	50 feet
(E)	Maximum Building Height	35 feet
	(Does not apply to accessory agricultural structures)	

**40-4-4 PERMITTED USES.** The following uses shall be permitted in the "A-1" - **Agricultural District:**

Agriculture, including all uses commonly classified as such, provided the requirements of **Section 40-5-2** are met.  
Cemeteries.



Government uses of the Village.

Nurseries, greenhouses, temporary produce stands.

Parks and playgrounds.

Single-family dwellings, including modular homes.

Towers, structures and other facilities designed or intended to be used for the support, enclosure, shelter or protection of distribution equipment utilized by entities engaged in the transmission of telephone messages including but not limited to cellular, personal communications services, special mobile radio transmitters and any other personal wireless service.

Accessory uses in accordance with **Section 40-3-15, 40-3-16, and 40-3-17.**

**40-4-5**      **SPECIAL USES.** The following uses may be allowed by special-use permit in accordance with **Section 40-10-24**, et seq. of this Code in the "**A-1**" - **Agricultural District:**

Agricultural implement sales.

Amusement facilities, such as go-cart tracks, archery ranges, etc.

Animal hospitals.

Churches and other places of formal worship. **(See Section 40-5-13)**

Clubs or lodges, private; but not those which have as their chief activity a service customarily carried on as a business.

Golf courses, all sizes and types.

Home occupations. **(See Section 40-5-4)**

Kennels, commercial. **(See Section 40-5-15)**

Manufactured home park.

Manufactured homes.

Nursing homes.

Stables, commercial.

Storage containers. **(See Section 40-5-12)**

Travel trailer parks (not including manufactured home parks). **(See Section 40-5-7)**

Utility substations. **(See Section 40-5-10)**

Government uses other than those of the Village.

**40-4-6**      **RESERVED.**

**DIVISION II - SINGLE-FAMILY DISTRICT (SR-1)**

**40-4-7**      **"SR-1" - SINGLE-FAMILY RESIDENCE DISTRICT.** In the "SR-1", Single-Family Residence District, land is principally used for or is best suited for detached, single-family dwellings and related educational, religious and recreational facilities. The regulations for this district are intended to stabilize and preserve sound existing single-family neighborhoods, and to promote the development of subdivisions offering a range of newly constructed single-family housing.

**40-4-8**      **SPECIAL RESTRICTIONS.**  
(A)            **One Principal Building Per Lot.** In the "SR-1" District, only **one (1)** principal building shall be situated on any **one (1) lot.**

**40-4-9**      **LOT AND BUILDING REQUIREMENTS.** Every principal building erected in the "SR-1" District shall conform to the following requirements:

(A)	Minimum Lot Area	10,000 sq. ft.
(B)	Minimum Lot Width at the established building line	80 feet
(C)	Minimum Lot Depth	100 feet
(D)	Minimum Setbacks	
	(1) From front lot line	25 feet
	(2) Total for both side yard lines	25 feet
	(3) From either side lot line	10 feet
	(4) From rear lot line	25 feet
	(5) From side yard abutting street	25 feet
(E)	Maximum Building Height	35 feet
(F)	Minimum Off-Street Parking <u>Per Dwelling Unit</u>	2 spaces
(G)	Maximum Percent Coverage Per Lot	25%

**40-4-10**      **PERMITTED USES.** The following uses shall be permitted in the **"SR-1" - Single-family Residential District:**

- Accessory uses in accordance with **Sections 40-3-15, 40-3-16 and 40-3-17.**
- Agriculture, as defined in **Section 40-2-2**, excluding the raising of dairy livestock, and/or animal husbandry. **(See Section 40-5-2)**
- Community residences.
- Government uses of this municipality.
- Modular homes.
- Poultry, subject to Chapter 3 regulations.
- Single-family dwellings.

**40-4-11**      **SPECIAL USES.** The following special uses may be allowed by special-use permit in accordance with **Section 40-10-24 et seq.** of this Code in the **"SR-1" District:**

- Bed and breakfast establishments.
- Cemeteries and mausoleums in conjunction therewith.

Churches and other places of formal worship.

Community residences, small.

Day care or nursery schools.

Duplexes.

Government uses other than those of the municipality.

Home occupations. **(See Section 40-5-4)**

Park, playgrounds.

Schools.

Utilities: Electrical substations, gas regulator stations, other public utility distribution facilities, plants and pumping stations. **(See Section 40-5-10)**

**40-4-12** **ACCESSORY USES PROHIBITED.** It shall be unlawful to locate an accessory use in this district known as a "storage container" as described in **Section 40-2-2.** **(See Section 40-5-12)**

**40-4-13 - 40-4-15** **RESERVED.**

**DIVISION III - SINGLE-FAMILY DISTRICT (SMALL) (SR-2)**

**40-4-16**     **"SR-2" - SINGLE-FAMILY DISTRICT (SMALL LOT).** The "SR-2", Single-Family Residence District encompasses areas suitable for single-family dwellings as well as related educational, religious and recreational facilities. The regulations for this district are intended to stabilize and preserve sound existing subdivision offering a range of new single-family housing. Other types of residences (manufactured homes, apartments, etc.) are permitted in this district by special-use.

**40-4-17**     **SPECIAL RESTRICTIONS.** In the "SR-2" District, only **one (1) principal building** (single-family dwelling) shall be situated on any **one (1) lot**.

**40-4-18**     **LOT AND BUILDING REQUIREMENTS.** Every principal building erected in the "SR-2" District shall conform to the following requirements:

(A)	Minimum Lot Area	6,000 sq. ft.
(B)	Minimum Lot Width at the established building line	50 feet
(C)	Minimum Lot Depth	100 feet
(D)	Minimum Setbacks	
	(1) From front lot line	25 feet
	(2) For both side yard lines	15 feet
	(3) From either side lot line	5 feet
	(4) From rear lot line	15 feet
	(5) From side yard abutting street	25 feet
(E)	Maximum Building Height	35 feet
(F)	Minimum Off-Street Parking <u>Per Dwelling Unit</u>	2 spaces
(G)	Maximum Percent Coverage Per Lot	25%

**40-4-19**     **PERMITTED USES.** The following uses shall be permitted in the **"SR-2" - Single-family Residential District:**

Any use permitted in the SR-1 District. **(See Section 40-4-10)**

Agriculture, as defined in **Section 40-2-2** excluding the raising of dairy livestock, poultry, and/or animal husbandry.

Modular homes.

Single-family dwellings.

Accessory uses in accordance with **Section 40-3-15, 40-3-16** and **40-3-17**. **(See Section 40-5-12)**

Government uses of this municipality.

Community residences. **(See Section 40-2-2)**

**40-4-20**     **SPECIAL USES.** The following uses may be allowed in the **"SR-2" District** by special-use permit in accordance with **Section 40-10-24**, to-wit:

Bed and breakfast.

Churches and other places of formal worship. **(See Section 40-5-13)**

Duplexes.

Government uses other than those of the municipality.

Home occupations. **(See Section 40-5-4)**

Manufactured homes.

Utilities: Electrical substations, gas regulator stations, other public utility distribution facilities, plants and pumping stations.

**40-4-21**     **ACCESSORY USES PROHIBITED.** It shall be unlawful to locate an accessory use in this district known as a "storage container" as described in **Section 40-2-2** and **40-5-12.**

**40-4-22 - 40-4-25**     **RESERVED.**

**DIVISION IV - MULTIPLE-FAMILY DISTRICTS (MR-1)**

**40-4-26**     **"MR-1" - MULTIPLE-FAMILY RESIDENCE DISTRICT.** The "MR-1", Multiple-Family Residence District is established to stabilize and conserve existing neighborhoods that predominantly consist of multiple-family dwellings and to promote the development of comparable new areas in order to accommodate all persons desiring this type of residential environment.

**40-4-27**     **LOT AND BUILDING REQUIREMENTS.** Every principal building in the "MR-1" District shall conform to the requirements indicated below:

**NOTE:** Detached single-family and two-family dwellings erected in the "MR-1" District shall comply with all applicable regulations of the "MR-1" District.

(A)	Minimum Lot Area	10,000 sq. ft. 2,500 sq. ft. per unit, which- ever is greater.
(B)	Minimum Lot Width at the established building line	80 feet
(C)	Minimum Lot Depth	100 feet
(D)	Minimum Setbacks	
	(1) From front lot line	25 feet
	(2) For both side yard lines	15 feet
	(3) From either side lot line	7.5 feet
	(4) From rear lot line	25 feet
	(5) From side yard abutting street	25 feet
(E)	Maximum Building Height	35 feet
(F)	Minimum Off-Street Parking Per Dwelling Unit	3 spaces
(G)	Maximum Percent Coverage Per Lot	30%

**40-4-28**     **PERMITTED USES.** The following uses shall be permitted in the "MR-1" - Multiple-Family Residential District:

- Any use permitted in the "SR-2" District. **(Section 40-4-19)**
- Community residences. **(See Section 40-2-2)**
- Multiple-family dwellings.

**40-4-29**     **SPECIAL USES.** The following uses may be allowed in the "MR-1" District by special-use permit in accordance with **Section 40-10-24:**

- Convenience shops (e.g., small drugstore, food store, laundromat).
- Day care center.
- Home occupations. **(See Section 40-5-4)**
- Utility substations. **(See Section 40-5-10)**

**40-4-30**     **ACCESSORY USES PROHIBITED.**   It shall be unlawful to locate an accessory use in this district known as a "storage container" as described in **Section 40-2-2** and **40-5-12.**

**40-4-31 - 40-4-32**     **RESERVED.**

**DIVISION V - MANUFACTURED HOUSING DISTRICT (MH-1)**

**40-4-33**     **"MH-1" - MANUFACTURED HOUSING DISTRICT.**     The "MH-1", Manufactured Housing District is primarily intended to provide areas suitable for the placement of immobilized manufactured homes on individual lots, for the establishment of manufactured home parks, and for the placement of modular or manufactured homes on individual lots. This district is intended to preserve other residential districts for site constructed dwellings.

**40-4-34**     **LOT OWNERSHIP.**     All manufactured housing units located outside an approved manufactured home park shall be located on property owned by the owner of the manufactured housing unit.

    All units shall meet the Housing and Urban Development Federal Code known as the **"National Manufactured Home Construction and Safety Standards"** or the State of Illinois standards for **modular** homes and **Chapter 23.**

**40-4-35**     **LOT AND BUILDING REQUIREMENTS, GENERALLY.**

**NOTE:** Special lot and building requirements are applicable to manufactured home parks. (See Section 40-4-38)

(A)	Minimum Lot Area	8,000 sq. ft.
(B)	Minimum Lot Width at the established building line	60 feet
(C)	Minimum Lot Depth	100 feet
(D)	Minimum Setbacks	
	(1) From front lot line	25 feet
	(2) Total for both side yard lines	15 feet
	(3) From either side lot line	7.5 feet
	(4) From rear lot line	20 feet
	(5) From side yard abutting street	25 feet
(E)	Maximum Building Height	35 feet
(F)	Maximum Percent Coverage Per Lot	25%
(G)	Minimum Off-Street Parking Per Unit	2 spaces

**40-4-36**     **PERMITTED USES.**     The following uses shall be permitted in the **"MH-1" - Manufactured Housing District:**

    Any use permitted in the **"MR-1" District. (See Section 40-4-28)**  
    Manufactured homes on individual lots, provided said units conform to all applicable requirements of the Village Code. **(See Chapter 23)**  
    Modular homes.

**40-4-37**     **SPECIAL USES.**     The following special uses may be permitted in the **"MH-1" District** by special-use permit in accordance with **Section 40-10-24**, et seq.

    Any special-use allowed in the **"MR-1" District. (See 40-4-29)**  
    Convenience stores.





**DIVISION VI – GENERAL BUSINESS DISTRICT (B-1)**

**40-4-40**     **PURPOSE OF DISTRICT.** The “B-1”, General Business District is intended to accommodate and regulate commercial developments and compatible uses. This district encompasses long-established commercial areas of the Village where a wide range of goods and services is offered to the general public at retail and wholesale.

**40-4-41**     **USE RESTRICTIONS.**

(A)     **Enclosed Buildings.** All commercial, service and storage activities shall be conducted within completely enclosed structures.

(B)     **Access Ways.** Any access way (driveway) to any off-street parking lot or loading berth shall be located at least **ten (10) feet** from any lot line.

(C)     **Refuse Containers.** All refuse generated by any establishment located within this district shall be stored in tightly-covered containers placed in visually-screened areas.

(D)     **Screening.** Along the side and rear lot lines of any lot abutting any residential district, screening (a wall, solid fence, or closely-planted shrubbery) at least **six (6) feet** high and of sufficient density to completely block the view from the adjacent residential property shall be provided.

(E)     **Parking. See Article VI.**

(F)     **Signs. See Article VII.**

**40-4-42**     **LOT AND BUILDING REQUIREMENTS.** Every principal building erected in the “B-1” Highway Business District shall conform to the requirements indicated below:

(A)	Minimum Lot Area	10,000 sq. ft.
(B)	Minimum Lot Width at the established building line	90 feet
(C)	Minimum Lot Depth	100 feet
(D)	Minimum Setbacks	
	(1) From front lot line	25 feet
	(2) Total for both side yard lines	30 feet
	(3) From either side lot line	15 feet
	(4) From rear lot line	15 feet
	(5) From side yard abutting street	25 feet
(E)	Maximum Structure Height	40 feet
(F)	Maximum Percent Coverage Per Lot	50%

**40-4-43**     **PERMITTED USES.** Provided all the use restrictions of the “B-1” District are observed, the following uses are permitted: **(See Section 40-4-57)**

Churches and related facilities.

Clubs and lodges.

Commercial establishments, any type, including drive-in facilities.

Government uses of the Village.

Offices; medical, dental, real estate, law.

Service establishments, any type, including drive-in facilities.

Accessory uses in accordance with **Section 40-3-15** and **40-3-16**.

**40-4-44**     **SPECIAL USES.** Provided all the use restrictions of the "B-1" District are observed, the following uses may be allowed by special-use permit. **(See Section 40-10-24)**

Single-family residences.

Manufactured homes.

Modular homes.

Research and development facilities not involving explosives, flammable gases or liquids, or live animals.

Storage containers. **(See Section 40-5-12)**

Utility substations. **(See Section 40-5-10)**

Warehousing and wholesaling of any goods except explosives, flammable gases, or live animals.

Any use permitted in the "MR-1" District. **(See Section 40-4-29)**

**40-4-45 - 40-4-69**     **RESERVED.**

**DIVISION VII - INDUSTRIAL DISTRICT**

**40-4-70**     **"I-1" - INDUSTRIAL DISTRICT.** The "I-1", Industrial District is intended to provide for areas where light industry, research facilities, warehouses, and wholesale businesses may locate without detriment to the remainder of the community. In these areas, a satisfactory correlation of factors required by such uses exists or can be readily achieved.

**40-4-71**     **USE RESTRICTION.**

(A)     **Nuisances Prohibited.** No production, processing, cleaning, servicing, testing, repair, sale, or storage of goods, materials or equipment shall unreasonably interfere with the use, occupancy, or enjoyment of neighboring properties or the community as a whole. Unreasonable interferences include, but are not limited to, excessive traffic congestion, loud or shrill noises, excessive emission of smoke, emission of toxic gases, excessive glare, and noxious odors.

(B)     **Activities Enclosed.** All production, processing, cleaning, servicing, testing or repair activities shall be conducted within completely enclosed buildings. Storage areas may be open to the sky, but shall be enclosed by walls or fences (whether solid or chain-link), including gates, at least **eight (8) feet** high.

(C)     **Buffer Strips.** Wherever any industrial use located in this district abuts any residential district, a **twenty (20) foot** wide view and noise control buffer strip shall be installed. Such buffer strip shall consist of densely planted shrubbery that is at least **five (5) feet** high when planted and that can be expected to reach a height of **ten (10) feet** when full grown.

**40-4-72**     **LOT AND STRUCTURE REQUIREMENTS.**

(A)	Minimum Lot Area	20,000 sq. ft.
(B)	Minimum Lot Width at the established building line	125 feet
(C)	Minimum Lot Depth	150 feet
(D)	Minimum Setbacks	
	(1) From front lot line	50 feet
	(2) From any side lot line	25 feet
	(3) From rear lot line	25 feet
	(4) From side yard abutting street	50 feet
(E)	Maximum Structure Height	60 feet
(G)	Maximum Percent Coverage Per Lot	40%

**40-4-73**     **PERMITTED USES.** Provided all the use restrictions of the "I" District are observed, the following uses are permitted: **(See Section 40-4-71)**

- Assembly, manufacturing or processing of any commodity from semi-finished materials, provided explosives or live animals are not involved.
- Fuel storage facilities.
- Freight and bus terminals and related mass transportation facilities.
- Research and development facilities not involving explosives, or flammable gases or liquids.
- Service stations.

Warehousing or wholesaling of goods, except explosives or live animals.  
Utility substations or government uses. **(See Section 40-5-10)**  
Accessory uses in accordance with **Section 40-3-15.**

**40-4-74**     **SPECIAL USES.** The following uses may be permitted as special-uses in the **"I" District** by special-use permit in accordance with **Section 40-10-24**, to-wit:

Any "permitted or special-use" in the **"B-1" District** except residential uses. **(See Sections 40-4-43 and 40-4-44)**

Assembly, manufacturing, processing, warehousing, or wholesaling involving explosives, flammable gases, or liquids, or live animals.

Churches and related religious facilities.

Junk/Salvage Yards, but only in accordance with **Section 40-5-5.**

Research and development facilities involving explosives, or flammable liquids or gases.  
**(Ord. No. 535; 05-10-04)**

**40-4-75**     **PROHIBITED USES.** The following uses shall be prohibited in this District:

Commercial incineration.

Junk yards.

Landfills or rubbish and/or garbage and trash dumps.

Chemical storage units above ground.

Adult entertainment.

**40-4-76 - 40-4-79**   **RESERVED.**

**DIVISION VIII - FLOOD PLAIN DISTRICT**

**40-4-80**     **"O-FP" - FLOOD PLAIN OVERLAY DISTRICT.** The "O-FP", Flood Plain Overlay District delineates areas in the vicinity of watercourses and tributaries in the Village subject to special requirements.

In the absence of flood protection measures, these areas are subject to periodic flooding which may result in injury to or loss of life and property, disruption of private and governmental services, impairment of the municipal tax base, and the need for extraordinary relief measures. The regulations of this Section are intended to restrict permitted development in flood plains to:

- (A)             Uses which inherently have low flood damage potential and
- (B)             to other uses allowed in the primary zoning districts provided appropriate protective measures have been taken.

**40-4-81**     **PERMITTED AND/OR SPECIAL USES.** This overlay district has no effect on the classification, whether permitted, special, or prohibited, of uses in the primary zoning districts. Rather, this overlay district imposes additional restrictions on both permitted and special uses.

**40-4-82**     **ADDITIONAL RESTRICTIONS.** All uses, whether permitted or special, that are located in the area covered by the "**O-FP**", **Overlay District** shall not only meet all the applicable requirements of the primary district, but shall also be adequately protected against flood damage. To assure such protection, the Administrator, following consultation with technically-qualified persons, may require as necessary:

- (A)             Anchorage or addition of weight to structures to resist flotation;
- (B)             installation of watertight doors and bulkheads;
- (C)             use of special paints, membranes, mortars so as to reduce seepage through walls.
- (D)             installation of pumps to lower water levels in structures or to relieve external foundation wall flood pressure;
- (E)             reinforcement of walls to resist rupture or collapse caused by water pressure or floating debris;
- (F)             installation of valves or controls on sanitary and storm drains so that the drains can be closed to prevent backup of sewage or storm runoff into structures;
- (G)             location of electrical equipment and appliances above the level of the regulatory flood elevation;
- (H)             location of storage facilities for chemicals, explosives, flammable liquids, toxic substances, etc., above the regulatory flood elevation;
- (I)             filling and earth-moving to raise the level of proposed building site above the regulatory flood elevation; and/or
- (J)             any other reasonable flood protection measures.

In no case shall the Zoning Administrator approve any proposed flood protection measure which would result in an increase in the volume or velocity of floodwater leaving the lot in question.

**(See Chapter 14 of the Revised Code for Flood Plain Code)**

**ARTICLE V - ADDITIONAL SUPPLEMENTARY REGULATIONS**

**40-5-1**      **APPLICABILITY OF ARTICLE.** This Article establishes lot and structure requirements and design/operational standards for specific, potentially troublesome structures and uses. These regulations apply in every zoning district where the specific structure or use is permitted or allowed by special-use permit; but if more stringent regulations are applicable in any particular district, such regulations shall prevail.

**40-5-2**      **AGRICULTURAL ACTIVITIES.**

(A)      **Farm Animals.** No barn, stable, shed, or other structure intended to shelter farm animals shall be erected closer than **three hundred (300) feet** to any existing dwelling, or closer than **two hundred (200) feet** to any lot line of residential property, whichever distance is greater. Similarly, fences shall be erected or other means shall be taken to prevent farm animals from approaching closer than **three hundred (300) feet** to any existing dwelling or closer than **two hundred (200) feet** to any lot line or residential property, whichever distance is greater.

(B)      **Farm Equipment/Commodities.** No agricultural equipment or commodities (including, but not limited to, baled crops, fertilizer, pesticides/herbicides) shall be stored outdoors closer than **three hundred (300) feet** to any existing dwelling or closer than **two hundred (200) feet** to any lot line of residential property, whichever distance is greater. If said equipment/commodities are stored within a completely enclosed structure, said structure shall be located at least **one hundred (100) feet** from any lot line of residential property.

(C)      **Barbed Wire/Electrical Fences.** [See Section 40-5-3(C)(5)(c)(i)]

**40-5-3**      **FENCES, WALLS.** The following regulations shall apply to fences, walls, and hedges to maximize both the safety of persons using sidewalks and streets and the enjoyment and use of the property by occupants.

(A)      **Fence/Wall Permit Required.** Anyone wishing to erect or replace a fence or wall within the Village shall obtain a fence or wall permit from the Village.

(B)      **Line of Sight.** Every fence, wall or other obstruction shall conform to the special height restrictions applicable in areas near intersections. [See Section 40-3-13(B).]

(C)      **Residential Regulations.**

(1)      **Front Yard.** A fence, wall, or hedge located in any front yard shall be limited to **four (4) feet** in height and shall meet the definition of landscape fence in Section 40-2-2.

(2)      **Corner Side Yard.**

(a)      A fence or wall limited to **six (6) feet** in height, may be located in a corner side yard from the wall of the principal structure closest to the rear yard to the property line to enclose the resulting rear yard.

(b)      A semi-open fence or wall limited to **four (4) feet** in height, or a closed fence, or wall limited to **three (3) feet** in height, may be located in a corner side yard.

(3)      **Interior Side Yard.** A fence or wall, limited to **six (6) feet** in height, may be located in an interior side yard.

- (4) **Rear Yard.** A fence or wall limited to **six (6) feet** in height, may be located in a rear yard.
- (5) **Other Residential Regulations.**
  - (a) Fence, wall or hedge height is measured from the adjacent finished grade to the highest point, except that the posts of a fence or wall may be **six (6) inches** higher.
  - (b) Every fence, wall, or hedge shall be maintained in a good and safe condition at all times. Every damaged, dead, or missing element of any fence, wall or hedge shall be repaired, removed, or replaced immediately. No fence, wall or other obstruction shall be erected in violation of the **Illinois Drainage Code, Illinois Compiled Statutes, Chapter 70, Sections 605/2-1 through 2-13.**
  - (c) The following fences and/or walls are prohibited in residential zoning districts:
    - (i) barbed or razor wire;
    - (ii) above ground electrically charged fences or walls;
    - (iii) snow fences (except for exclusive control of snow between **November 1** and **April 15** and as authorized by the Zoning Administrator for special events or constructions sites);
    - (iv) fences or walls made of solid plywood, scrap lumber, temporary fencing and similar non-customary materials;
    - (v) fences or walls made of common concrete or cinderblock;
    - (vi) fences, walls or hedges on any portion of any public right-of-way, except fences erected by a governmental agency;
    - (vii) fences, walls or hedges that interfere with clear vision at or near a public or private street, alley, driveway or other means of ingress or egress; and
    - (viii) fences, walls, or hedges so constructed or plated as to prevent natural water drainage and/or water runoff.

(D)

**Non-Conforming Fences and Walls.**

- (1) **Authority to Continue.** Except as provided below in **Section 40-5-3(D)(5)** (damage and destruction) any nonconforming fence or wall may be continued so long as it otherwise remains lawful, subject to the regulations of this Section (nonconforming fences).
- (2) **Ordinary Repair and Maintenance.** Normal maintenance and incidental repair may be performed on any nonconforming fence or wall; provided, however, that any repair shall, whenever possible, eliminate or reduce any nonconformity in the element being repaired and provided further, however, that this shall not be deemed to authorize any violation of this Section (nonconforming fences and walls).
- (3) **Alteration; Enlargement; Moving.** No nonconforming fence or wall shall be changed or altered in any manner that would increase



the degree of its nonconformity, be enlarged or expanded, be structurally altered to prolong its useful life, or be moved in whole or in part to any other location where it would remain nonconforming.

- (4) **Change of Fence or Wall.** A nonconforming fence or wall that has been changed to eliminate its nonconformity or any element of its nonconformity shall not thereafter be changed to restore such nonconformity or nonconforming element.
- (5) **Damage or Destruction.** Any nonconforming fence or wall, or any nonconforming element of a fence or wall capable of change or discontinuance separate from other elements of the fence or wall, damaged, destroyed or deteriorated by any means to the extent of **thirty-five percent (35%)** or more of its replacement cost new shall not be restored but shall be removed or brought into conformity with the provisions of this Code.
- (6) **Termination of Certain Fences or Walls.** The following nonconforming fences or walls shall be removed immediately or altered immediately to eliminate every nonconformity:
  - (a) **Barbed Wire, Razor Wire and Electrical Fences.** All nonconforming barbed wire or razor wire fences and fences or walls with electrical elements.
  - (b) **Dilapidated Fences or Walls.** Each nonconforming fence or wall that is dilapidated or deteriorated to the extent that the replacement of **fifty percent (50%)** or more of the load bearing elements of the fence or wall is required.
  - (c) **Public Health, Safety, and Welfare.** Every nonconforming fence, wall, or hedge that poses a threat to the health, safety or welfare of any person or of the public.

**40-5-4 HOME OCCUPATIONS.**

(A) **Limitations on Use.** A home occupation shall be considered a special-use in any residence district, provided the home occupation is subject to the following limitations.

- (1) **Employees.** The use shall be conducted entirely within a dwelling or permitted accessory building and carried on by the inhabitants living there. No more than **one (1)** other individual may be employed who does not reside on the premises.
- (2) **Dwelling Alterations.** In any residential district, a principal residential building shall not be altered—to accommodate a home occupation—in such a way as to materially change the residential character of the building.
- (3) **Floor Space.** The total area used for the home occupation shall not exceed **twenty-five percent (25%)** of the gross floor area of the dwelling, or **three hundred (300) square feet**, whichever is less.
- (4) **Sign Restrictions.** There shall be no exterior advertising other than identification of the home occupation by a sign which shall be attached to the dwelling or the accessory

building and shall not exceed **three (3) square feet** in area and shall not be illuminated.

- (5) **Exterior Storage.** There shall be no exterior storage on the premises of material or equipment used as a part of the home occupation.
- (6) **Nuisances.** There shall be no offensive noise nor shall there be vibrations, smoke, dust, odors, heat or glare noticeable at or beyond the property line. All nuisances are prohibited.
- (7) **Unlawful Storage.** There shall be no storage or use of toxic, explosive or other dangerous or hazardous materials upon the premises.
- (8) **Parking Requirements.** A home occupation, including studios or rooms for instruction, shall provide off-street parking area adequate to accommodate needs created by the home occupation as prescribed in **Section 40-7-8.**
- (9) **Covenants.** The use must be in conformance with all valid covenants and agreements recorded with the County Recorder of Deeds, covering the land underlying the dwelling.
- (10) A home occupation permit may be issued for any use allowed by the Zoning Code, providing all other criteria for issuance of a home occupation permit are met. No home occupation permit shall be issued for any other use.

(B) **Permit Required.** A home occupation shall not be permitted without a special-use permit being granted by the Zoning Board of Appeals, which shall determine whether or not the proposed home occupation complies with all applicable laws and ordinances.

- (1) The applicant for a home occupation permit shall be responsible for providing a list of surrounding landowners and tenants. **(See Sec. 40-10-26)**
- (2) A hearing upon the application shall be held in accordance with the rules and regulations of the Zoning Board of Appeals.

(C) **Activities Not Covered.** No home occupation permit shall be required for activities such as telecommuting, involving no outside sign, little or no increase in traffic, and with only occasional visits by members of the public to the home. As used in this Section, "telecommuting" means working in the home by using a computer terminal connected by the telephone line to a central office or central computer.

(D) **Parking.** **(See Section 40-5-7)**

(E) **Signs.** **(See Section 40-7-10)**

**40-5-5      JUNK YARDS.**

(A) No part of any junk yard--which includes any lot on which any **three (3)** or more inoperable vehicles are stored--shall be located closer than **five hundred (500) feet** to the boundary of any residential district.

(B) All vehicles, parts, and equipment shall be stored within a completely enclosed structure or within an area screened by a wall, solid fence, or closely-planted shrubbery at least **eight (8) feet** high and of sufficient density to block the view from adjacent property.

(C) All existing junk yards located in any Residential or Commercial District shall meet the requirements of **Section 40-5-5(B)** within **three (3) years** following adoption of this Code. (**See Section 40-2-2 for definition**)

**40-5-6      NURSING HOMES.**

(A) The lot on which any nursing home is situated shall have a minimum width and depth of **two hundred (200) feet**, and a minimum area of **two (2) acres**.

(B) The principal building of any nursing home shall be located at least **twenty-five (25) feet** from all lot lines.

**40-5-7      RECREATIONAL VEHICLES.** The regulations of this Section do not apply to travel trailers or other recreational vehicles parked in a permitted travel trailer park that conforms to the pertinent requirements of the **Manufactured Housing Code**. The requirements of paragraphs (A), (C) and (D) do not apply to travel trailers or other recreational vehicles parked on a permitted recreational vehicle sales lot.

(A) Not more than **two (2)** travel trailers or recreational vehicles shall be parked on any lot. They shall not be parked on a street.

(B) No travel trailer or other recreational vehicle shall be used as a dwelling.

(C) No travel trailer or other recreational vehicle shall be used as an office or for any other commercial purpose.

(D) Travel trailers or recreational vehicles shall be required to have setbacks as required for accessory buildings.

(E) No travel trailer or other recreational vehicle shall be parked on any front yard.

(F) No unlicensed manufactured home may be located in a travel trailer or recreational vehicle park.

(G) No trailer or other type recreational vehicle shall be parked on a public street or alley for more than a **seventy-two (72) hour** period.

**40-5-8      SERVICE STATIONS.**

(A) All gasoline pumps and other service facilities shall be located at least **twenty-five (25) feet** from any street right-of-way line, side lot line, or rear lot line.

(B) Every access way shall be located at least **two hundred (200) feet** from the principal building of any fire station, school, public library, church, park, or playground, and at least **thirty (30) feet** from any intersection of public streets.

(C) Every device for dispensing or selling milk, ice, soft drinks, snacks, and similar products shall be located within or adjacent to the principal building.

(D) All trash receptacles, except minor receptacles adjacent to the gasoline pumps, shall be screened from view.

(E) Whenever the use of a service station has been discontinued for **twelve (12) consecutive months** or for **eighteen (18) months** during any **three (3) year** period, the Administrator shall order that all underground storage tanks be removed or filled with material approved by the Fire Chief.

(F) A permanent curb of at least **four (4) inches** in height shall be provided between the public sidewalk and the gasoline pump island, parallel to and extending the complete length of the pump island.

**40-5-9 SWIMMING POOLS.**

- (A) No private swimming pool shall be located in any front yard or closer than **ten (10) feet** to any side or rear lot line.
- (B) In ground swimming pools that are more than **two (2) feet** deep shall be enclosed by a wall or fence at least **six (6) feet** in height. The passage through such wall or fence shall be equipped with a gate capable of being secured with a locking device.
- (C) All lights used to illuminate any swimming pool shall be arranged or shielded so as to confine direct light rays within the lot lines to the greatest extent possible.
- (D) All swimming pools shall conform to the County's building codes.

**40-5-10 UTILITY SUBSTATIONS.** Every electrical substation, gas regulator station, telephone exchange facility, private sewage treatment plant, private water storage facility, or similar facility shall be deemed a special use, and shall conform to the following regulations:

- (A) Every lot on which any such facility is situated shall meet the minimum area and dimension requirements of the district in which it is located. Every part of any such facility shall be located at least **twenty-five (25) feet** from all lot lines, or shall meet the district setback requirements, whichever is greater.
- (B) In any residential district, every such facility shall be designed, constructed and operated with the residential character of the area.
- (C) Screening at least **ten (10) feet** in height and of sufficient density to block the view from adjacent property shall be installed around every such facility. Furthermore, if the Administrator determines that the facility poses a safety hazard (for example, if there are exposed transformers), he shall require that a secure fence at least **ten (10) feet** in height be installed behind the planting screen.

**40-5-11 LIGHTING CONTROLS.** Any light used for the illumination of signs, parking areas, swimming pools, or for any other purpose shall be arranged in such a manner as to direct the light away from neighboring residential properties and away from the vision of passing motorists.

**40-5-12 STORAGE CONTAINERS.** It shall be unlawful to locate in this Village an accessory use known as a storage container consisting of either a railroad or train car, a truck body or shell or a truck trailer, licensed or unlicensed, on any lot in the Village, unless the lot is in a zoned commercial or industrial district. All containers shall be closed and be secured when not in use. They shall meet all setbacks prescribed for accessory uses and located on a permanent foundation. The Zoning Administrator may submit all applications for a "storage unit" to the Zoning Board of Appeals if he feels that the unit is not consistent with this Section. **(See Section 40-3-13 for height limitations.)**

**40-5-13 CHURCHES AND HOUSES OF FORMAL WORSHIP.** The following restrictions shall apply to churches no matter if they are permitted uses or special-uses:

- (A) **Lot Size.** The minimum size of the lot or tract shall not be less than **two (2) acres** and have a minimum frontage on a public street and at the building line of **one hundred fifty (150) feet.**

(B) **Commercial and Residential Uses.** No part of a church or building for religious worship or accessory building shall be used for commercial or residential purposes, except that **one (1) parsonage** may be permitted on the same lot or tract provided the parsonage is located no more than **seventy-five (75) feet** from the principal building for religious worship.

(C) **Property Lines.** Each principal building shall be located at least **twenty-five (25) feet** from all property lines, and shall meet all other applicable requirements of the Zoning Code.

(D) **Accessory Buildings.** Accessory buildings shall meet all applicable requirements of the Zone District.

(E) **Accessory Uses.** Permitted accessory uses and functions shall be directly related to and an integral part of the customary religious worship activities except as otherwise provided by applicable provisions. **(805 ILCS 110/0.01 et seq.)**

**40-5-14 PUBLIC BUILDINGS.** In any district where municipally owned or other publicly owned buildings are permitted, the following additional requirements shall be met:

(A) In any residential or conservation district, all municipal or other publicly-owned buildings shall be located at least **twenty-five (25) feet** from all property lines.

(B) In any residential, conservation or business district, there shall be no permanent storage of heavy construction or maintenance equipment (such as excavation, road building, or hauling equipment), unless in an enclosed building or enclosed within a solid wall or fence at least **six (6) feet** in height. Such storage areas, maintenance yards, or storage warehouses shall be located at least **twenty-five (25) feet** from any front or side property line.

**40-5-15 KENNELS.**

(A) Kennels shall be permitted only in the A-1 District.

(B) Every kennel shall be located at least **two hundred (200) feet** from the nearest dwelling, and at least **one hundred (100) feet** from any lot line.

(C) The lot on which any kennel is situated shall have a minimum area of **three (3) acres.** **(See Chapter 3 of the Code)**

**ARTICLE VI - OFF-STREET PARKING AND LOADING**

**40-6-1**      **APPLICABILITY OF ARTICLE.** Off-street parking and loading shall be provided in accordance with this Article for all structures and uses erected or established after the effective date of this Code.

**40-6-2**      **EXISTING PARKING/LOADING FACILITIES.**

(A) Existing off-street parking or loading facilities located on the same lot as the use served shall not be reduced, or if already less than, shall not be further reduced below the requirements and standards for similar new structures or uses.

(B) When an existing structure or use is damaged or destroyed and subsequently repaired or rebuilt, parking/loading facilities equivalent to any maintained at the time of such damage or destruction shall be restored, but additional parking/loading spaces need not be provided.

(C) Whenever the use of any structure or premises is intensified through addition of dwelling units, gross floor area, greater seating capacity, etc., additional off-street parking and loading spaces commensurate with such intensification shall be provided.

(D) Whenever the existing use of a structure is changed to a different use, off-street parking or loading facilities shall be provided as required herein for such new use.

**40-6-3**      **PARKING LOT DESIGN STANDARDS.** All off-street parking lots shall conform to the standards indicated in the subsections which follow:

**NOTE:** Standards applicable to all parking areas are indicated by one asterisk (\*); standards applicable to all parking areas except those accessory to single- or two-family dwellings are indicated by two asterisks (\*\*).

**40-6-3.1**      **SPACES.**

(A) Every off-street parking space shall be at least **ten (10) feet** wide and **twenty (20) feet** long, and shall have at least **seven (7) feet** of vertical clearance. Every space shall be situated so that no part of any parked vehicle overhangs the public right-of-way.(\*).

(B) Markings shall be laid and restored as often as necessary to clearly delineate each parking space(\*\*).

**40-6-3.2**      **INTERIOR AISLES.** Aisles within parking lots shall be sufficiently wide to permit safe and efficient vehicular movement in the aisles, and into and out of parking spaces. Aisles designed for two-way traffic shall be at least **twenty-two (22) feet** wide. One-way aisles designed for **sixty degree (60°)** parking shall be at least **eighteen (18) feet** wide(\*\*).

**40-6-3.3**      **ACCESS WAY.**

(A) Parking lots shall be designed so that ingress to or egress from a parking space is from an aisle or driveway, not directly from the public right-of-way.(\*).

(B) No access way to any parking lot shall be located within **thirty (30) feet** of any corner formed by the intersection of the rights-of-way of **two (2)** or more streets. At

intersections where traffic control devices are installed, the Administrator may increase this requirement as necessary to prevent hazards.(\*)

(C) Parking lot access ways (as well as residential driveways) and public streets shall be aligned to form, as closely as feasible, right angles.(\*)

(D) The access way to every parking lot located in any business district or in the Industrial District shall be at least **twenty-four (24) feet** wide unless **two (2)** one-way drives, each **twelve (12) feet** wide are provided. (\*\*)

(E) The access way to every parking lot located in any residential district or in the Agriculture District shall be at least **ten (10) feet** wide; but if the parking area is longer than **one hundred (100) feet**, access shall be provided either by one two-way drive at least **twenty (20) feet** wide or by two one-way drives, each at least **ten (10) feet** wide. (\*)

**40-6-3.4 SURFACING.** Parking lots shall be graded and improved with a compacted stone base at least **seven (7) inches** thick, surfaced with at least **two (2) inches** of asphaltic concrete or approved comparable material. Parking lots used exclusively for employees are hereby exempt from these requirements, but shall be constructed of an approved dustless surface. **(Note: "Oil and chip" is not comparable material.)** (\*\*)

**40-6-3.5 LIGHTING.** Any light(s) used to illuminate any parking lot shall be arranged or shielded so as to confine direct light rays within the lot lines of the parking lot to the greatest extent possible and in no case, shall the light(s) shine on or into nearby residences.(\*)

**40-6-3.6 LANDSCAPING.** In order to reduce heat and glare, to minimize blowing of dust and trash, and to reduce the oppressive visual effects of large open parking areas, landscaping shall be provided and maintained within every parking lot that contains **twenty (20)** or more parking spaces. Parking lots used exclusively for employees are hereby exempt from these requirements, but shall be constructed of an approved dustless surface.(\*\*)

(A) A landscaping plan (either a separate document or an element of a more inclusive development plan) shall accompany every application for a Certificate of Zoning Compliance to develop any parking lot that will contain **twenty (20)** or more parking spaces.

(B) The landscaping plan shall include the following information:

- (1) Proposed type, amount, size, and spacing of plantings, including trees, shrubbery, and ground cover;
- (2) Proposed size, construction materials, and drainage of landscaped islands; and
- (3) Sketch indicating proposed spatial relationships of landscaped areas, parking spaces, automobile circulation, and pedestrian movement.

**40-6-4 LOCATION OF PARKING.** All off-street parking shall be located in conformity with the following requirements:

(A) **For Dwellings.**

- (1) Parking spaces accessory to any dwelling shall be located on the same lot as the dwelling. Such parking spaces shall not be located in any required front yard or required side yard adjacent to a street

- except in the driveway, but may be located in the side or rear yards.
- (2) Each parking space accessory to a multi-family dwelling shall be unobstructed so that no vehicle need be moved in order to allow another vehicle to enter/exit the parking area; provided that this requirement shall not be applicable to two-family dwellings.
- (B) **For Business/Industrial Uses.**
- (1) Every off-street parking space accessory to any business or industrial use shall be located within **five hundred (500) feet** of the use served; provided that no portion of any parking lot for non-residential uses shall extend into any residential district or into the Agriculture District, except by written permission of the Administrator.
  - (2) In any business district or in the Industrial District, off-street parking facilities for different buildings or uses may be provided collectively; but only if the total number of spaces so located together is not less than the sum of the separate requirements for each use, and if all other pertinent regulations are observed.
- (C) No overnight parking on or at loading facility lots.

**40-6-5 DESIGN AND LOCATION OF OFF-STREET LOADING FACILITIES.** All off-street loading facilities shall conform to the minimum standards indicated below:

(A) **Size of Space.** Every off-street loading space shall be at least **twelve (12) feet** wide and **forty-five (45) feet** long exclusive of aisle and maneuver space, and shall have vertical clearance of at least **fourteen (14) feet**. In no case shall a vehicle being loaded or unloaded overhang into the public right-of-way.

(B) **Access Way.** Every off-street loading space shall have a safe means of vehicular access to a street or alley. Such access way shall be at least **twelve (12) feet** wide.

(C) **Surfacing.** Every off-street loading area shall be improved with a compacted stone base at least **seven (7) inches** thick, surfaced with at least **two (2) inches** of asphaltic concrete or approved comparable material. **(No "oil and chip")**

(D) **Buffer Strips.** No loading space or area for vehicles over **two (2) ton** cargo capacity shall be developed closer than **fifty (50) feet** to the lot line of any lot located in any residential district or in the Agricultural District unless such space/area is completely enclosed by walls, a solid fence, or closely planted shrubbery at least **ten (10) feet** in height and of sufficient density to block the view from residential property.

(E) **Location.** Every off-street loading space shall be located on the same parcel of land as the use served, and not closer than **fifty (50) feet** to the intersection of the rights-of-way of **two (2)** or more streets, and not on any required front yard.

**40-6-6 COMPUTATION OF REQUIRED PARKING/LOADING SPACES.** In computing the number of parking spaces required by this Code, the Zoning Administrator shall apply the following rules:

(A) In computing parking space requirements based on the number of employees, the maximum number of employees on the premises at any period of the day shall be used. **"Employee parking" means one (1) parking space shall be required per one and one-half (1.5) employees"**, unless otherwise stated.



(B) In computing parking or loading space requirements on the basis of building floor area, the **gross** floor area shall be used.

(C) Whenever it is necessary to translate gross parking lot area into number of parking spaces, **three hundred fifty (350) square feet** of gross area shall be deemed **one (1)** parking space.

(D) If computation of the number of parking or loading spaces required by this Code results in a fractional space, any fraction of **one-half (.5)** or more shall be counted as **one (1) space**.

(E) No space or portion thereof needed to satisfy the minimum applicable requirement for number of off-street parking or loading spaces shall be counted as part of the off-street parking or loading spaces required for another structure or use.

**40-6-7 NUMBER OF PARKING AND LOADING SPACES REQUIRED.** Off-street parking and loading spaces shall be provided as indicated in tabular form below. For any use that is not listed in the table, the same amount of parking and loading space shall be provided as is required for the most similar listed use. The Zoning Administrator shall make the determination of similarity:

<u>Use</u>	<u>Parking Spaces Required</u>	<u>Loading Spaces Required (if any)</u>
<b>(A) <u>Dwellings, Lodgings:</u></b>		
Multi-family dwellings	3 spaces per dwelling unit	Not Applicable
Single-family	2 spaces per dwelling unit	Not Applicable
Manufactured Home (on private lot)	2 spaces per dwelling unit	Not Applicable
Manufactured Home (in a park)	3 spaces per dwelling unit	Not Applicable
Duplexes	2 spaces per dwelling unit	Not Applicable
<b>(B) <u>Educational, Institutional, Recreational:</u></b>		
Churches, assembly halls	1 space per 4 seats in the largest seating area	Not Applicable
Nursing Homes	1 space per 5 beds plus 1.5 spaces per employee on the major shift	To 50,000 sq. ft. of floor area...1 space; 50,001-100,000 sq. ft...2 spaces

<u>Use</u>	<u>Parking Spaces Required</u>	<u>Loading Spaces Required (if any)</u>
(C) <u>Commercial, Office, Service:</u>		
Note: All commercial and service uses, unless specifically indicated otherwise below.	1 space per 300 sq. ft. of floor area	To 10,000 sq. ft. of floor area...1 space; more than 10,000 sq. ft...1 space plus 1 additional space per 50,000 sq. ft. of floor area in excess of 10,000 sq. ft.
Financial Institutions		
Walk-in	1 space per 300 sq. ft. of floor area, plus employee parking	(Both walk-in and drive-in): To 30,000 sq. ft. of floor area...none required; 30,001 to 100,000 sq. ft...1 space
Drive-in	5 spaces per teller window	
Beauty and Barber shops	2 spaces per chair, plus employee parking	Not Applicable
Car Wash	3 spaces per wash lane	Not Applicable
Furniture and appliance stores	1 space per 600 sq. ft. of floor area	To 25,000 sq. ft. of floor area...2 spaces; more than 25,000 sq. ft. of floor area... 2 spaces, plus 1 additional space per 25,000 sq. ft. of floor area in excess of 25,000 sq. ft.
Home occupations	1 space per 150 sq. ft. of floor area devoted to the home occupation in addition to the parking requirements for the dwelling	Not Applicable
Offices generally, but not medical/dental offices	1 space per 300 sq. ft. of floor area	To 30,000 sq. ft. of floor area...non required. 30,001-100,000 sq. ft...1 space
Offices, medical/dental	1 space per 200 sq. ft. of floor area or 3 spaces per professional, whichever is greater.	Not Applicable

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<u>Use</u>	<u>Parking Spaces Required</u>	<u>Loading Spaces Required (if any)</u>
Mortuaries	1 space per 5 seats plus 1 space per funeral vehicle, but not less than 20 spaces per chapel or state room	1 space per 10,000 sq. ft. or more of floor area
Restaurants; refreshment stands		(Both sit-down and drive-in):
Sit-down	1 space per 4 seats or 1 space per 50 sq. ft. of floor area, whichever is greater	1 space per structure having 10,000 sq. ft. or more floor area
Drive-in	1 space per 25 sq. ft. of floor area	
Service stations	2 spaces per service stall, plus employee parking	Not Applicable
Taverns	1 space per 2 seats or 1 space per 50 sq. ft. of floor area, whichever is greater	1 space per structure having 10,000 sq. ft. or more of floor area
Vehicle sales (autos, boats, trailers, etc.)	1 space per 600 sq. ft. of enclosed floor area plus: Up to 10,000 sq. ft. of open lot area devoted to sale/display of vehicles...1 space per 2,500 sq. ft. of open lot area. Above 10,000 sq. ft...4 spaces plus 1 additional space per 5,000 sq. ft. of open lot area in excess of 10,000 sq. ft.	To 25,000 sq. ft. of floor area and open lot area...2 More than 25,000 sq. ft. of floor area and open lot area... 2 spaces, plus 1 additional space per 25,000 sq. ft. in excess of 25,000 sq. ft.
(D) <u>Industrial:</u>		
Any manufacturing, warehousing, or other industrial use	Employee parking of 1 space per 1.5 employee; plus 1 space per company vehicle, plus 1 visitor space per employees on the major shift	To 20,000 sq. ft. of floor area...1 space; 20,001-50,000 sq. ft...2 spaces; 50,001-90,000 sq. ft...3 spaces; above 90,000 sq. ft...3 spaces plus 1 additional space per 50,000 sq. ft. of floor area in excess of 90,000 sq. ft.

**ARTICLE VII - SIGN REGULATIONS**

**40-7-1**      **GENERAL PROHIBITION.** Any sign not expressly permitted in this Article shall be deemed prohibited.

**40-7-2**      **COMPUTATION OF SIGN AREA ALLOWANCE.** Within the limitations and restrictions as further provided in this Article, the total area of all signs which an establishment is permitted to display shall be computed according to the following formula:

**One (1) square foot of sign area per one (1) foot of street frontage or two (2) square feet of sign for each lineal foot of the front width of the business.**

provided, however, that no establishment in any district shall display more than **three hundred (300) square feet** of sign on any street front.

**40-7-3**      **DEFINITION OF SIGN AREA.** As used in this Article, the term "sign area" means the area of the one imaginary square or rectangle which would completely enclose all the letters, parts, or symbols of a sign. **(See Figure 3 at End of Code)**

**40-7-4**      **SPECIAL SITUATIONS.**

(A)            Except as specifically provided otherwise in this Article, if an establishment has frontage on **two (2)** or more streets, each side having such frontage shall be considered separately for purposes of determining compliance with the provisions of this Article. However, the area allowance for signs shall not be aggregated so as to permit such establishment to display on any **one (1) frontage** a greater area of signs than would be permitted by application of the formula set forth above.

(B)            The side of an establishment adjacent to an off-street parking area shall not be deemed frontage unless the establishment has no other frontage.

**40-7-5**      **SIGNS TO BE NON-HAZARDOUS, WELL-MAINTAINED.**

(A)            No sign shall be erected, relocated or maintained so as to prevent free access or egress from any door, window, fire escape, or driveway.

(B)            No sign shall be erected or maintained in such a manner that it interferes with, obstructs the view of, or is likely to be confused with any authorized traffic control device.

(C)            Every sign shall be designed and constructed in conformity with any applicable provisions of the adopted Building Code, if any.

(D)            Every sign and appurtenance shall be maintained in a neat and attractive condition by its owner. The sign supports shall be kept to prevent rust or deterioration.

**40-7-6**      **ILLUMINATION.** Illumination of signs is permitted, subject to the following requirements:

(A) No sign shall employ red, yellow, or green lights in such a manner as to confuse or interfere with vehicular traffic.

(B) No sign other than those providing time and temperature information shall have blinking, flashing, or fluttering lights or any other illuminating device which has a changing light intensity, brightness, or color; provided, however, that this provision shall not apply to any message on any electronically-operated, changeable sign.

(C) The light from any illuminated sign shall be shaded, shielded, or directed so that it creates neither a nuisance to adjacent property nor a traffic hazard.

**40-7-7 NONCONFORMING SIGNS.** A nonconforming sign means any lawfully erected sign or billboard that does not conform to one or more provisions of this Article or any amendment thereto.

**40-7-8 RESTRICTIONS.** Any nonconforming sign as defined in **Section 40-7-7** that does not pose an imminent peril to life or property may lawfully remain subject to all the restrictions on the enlargement, alteration, or relocation, or reconstruction of nonconforming structures set forth in **Article VIII** of this Code; provided as follows:

(A) Merely changing the message displayed on a nonconforming sign shall not be construed as a prohibited alteration;

(B) Whenever any sign is nonconforming solely because it is appurtenant to a nonconforming commercial/industrial use located in the Agricultural District or in any residential district, said sign shall be treated in the same manner as it would be if it were appurtenant to a commercial/industrial use located in any Business District or in the Industrial District.

**40-7-9 STRICTLY PROHIBITED SIGNS.** Except as specifically noted otherwise, henceforth, the following signs and street graphics are strictly prohibited throughout the Village:

(A) Signs attached to trees, fences or public utility poles, other than warning signs posted by government officials or public utilities.

(B) Defunct Signs, including the posts or other supports therefor that advertise or identify an activity, business, product, or service no longer conducted on the premises where such sign is located.

(C) Roof-mounted signs, that project or protrude above the highest point of the roof. **(See Sec. 40-7-12)**

**40-7-10 SIGNS PERMITTED IN ANY DISTRICT.** Any sign or other street graphic enumerated below that complies with the indicated requirements is permitted in any district of the Village. Such signs or street graphics shall not be debited against the displaying establishment's sign area allowance. **(See Sec. 40-7-2)**

(A) **Construction Signs** identifying the architects, engineers, contractors, and other individuals or firms involved with the construction, and/or announcing the character or purpose of the building, but not advertising any product: Such signs shall not exceed **twenty-four (24) square feet** in area, shall be confined to the site of the construction, and shall be removed within **fourteen (14) days** after the intended use of the project has begun.

(B) **Real Estate Signs**, indicating the sale, rental, or lease of the premises on which they are located: Such signs on residential property shall not exceed **six (6) square feet**;

on other property, such signs shall not exceed **sixteen (16) square feet**. Not more than **one (1)** real estate sign per street front shall be erected on any lot. Such signs shall be removed within **seven (7) days** of the sale, rental or lease.

(C) **Political Signs**, announcing candidates seeking public/political office and/or political issues and other pertinent information: In any Residential District, political signs shall not exceed **eight (8) square feet**; in other districts, such signs shall not exceed **thirty-two (32) square feet**. Political signs shall be removed within **seven (7) days** after the election to which they pertain, by the party responsible for their erection.

(D) **Garage Sale Signs**, advertising a garage or yard sale to be held on private residential property: Such signs shall not exceed **four (4) square feet**, and shall not be posted for longer than **five (5) days**.

(E) **Public Interest Signs and Street Banners**, publicizing a charitable or non-profit event of general public interest: In the Agricultural District, and in any Residential District, public interest signs shall not exceed **thirty-two (32) square feet**. Public interest signs and street banners shall be permitted only for **sixty (60) days** before and **seven (7) days** after the event.

(F) **Governmental, Public, and Directional Signs**: Such as traffic control signs; railroad crossing signs; legal notices; signs indicating the location of underground cables; no trespassing signs; no parking signs; signs indicating the entrances and exits of parking lots; signs indicating the location of public telephones; restrooms, and so forth.

(G) **Institutional Signs** identifying a public, charitable, or religious institution: Such signs shall be located on the premises of such institution, shall not obstruct the vision of motorists, and shall not exceed **twenty-four (24) square feet**.

(H) **Integral Signs** carved into stone or inlaid so as to become part of the building, and containing such information as date of erection, name of building, and memorial tributes.

(I) **Home Occupation Signs**, identifying only the name and occupation of the residents: Home occupation signs shall not be illuminated, and shall not exceed **four (4) square feet**.

(J) **Subdivision Entrance Signs**, identifying a residential subdivision or apartment complex: Such signs shall contain no commercial advertising, and shall not exceed **twenty (20) square feet**.

(K) **Permanent House Numbers and/or Permanent Name of Occupant Signs** located on the lot to which the sign applies: such signs shall not exceed **two (2) square feet** for single-family dwelling, nor **six (6) square feet** for multiple-family dwellings.

(L) **Signs Located in the Interior of Any Building** or within an enclosed lobby or court of any building or group of buildings, provided such signs are designed and located to be viewed exclusively by the patrons or residents of such buildings.

**40-7-11 AGRICULTURAL; RESIDENTIAL DISTRICTS.** No sign other than those listed in **Section 40-7-10** shall be erected in the Agricultural District or in any Residential District.

**40-7-12 BUSINESS; INDUSTRIAL DISTRICTS.** No establishment located in any Business District or in the Industrial District shall display on any street front a total area of sign in excess of the allowance derived by application of the formula set forth in **Section 40-7-2 and 40-7-10**.

Additionally, signs in any Business District or in the Industrial District shall conform to the requirements indicated in the subsections below:

- (A) **Flush-Mounted Signs.** No flush-mounted (wall) sign shall:
- (1) Project more than **eighteen (18) inches** from the wall or surface to which it is attached; or
  - (2) Extend above the roof line of the building to which it is attached.
- (B) **Window Signs.** Signs permanently mounted in display windows shall not be debited against the sign area allowance of the particular establishment.
- (C) **Projecting Signs.** No establishment shall display more than **one (1)** projecting sign on any street front. No projecting sign shall:
- (1) Project above the roof line of the building to which it is attached; or
  - (2) Extend below a point **eight (8) feet** above the ground or pavement; or
  - (3) Project over a driveway or beyond the curblines of any public street; or
  - (4) Project more than **four (4) feet** from the building to which it is attached; or
  - (5) Extend to a point above **twelve (12) feet**.
- (D) **Canopy or Marquee Signs.** Signs mounted flush on any canopy or marquee shall be considered flush-mounted (wall) signs, and shall meet the requirements of **Section 40-7-12(A)**. Signs suspended beneath a canopy or marquee shall be considered projecting signs, and shall meet the requirements of **Section 40-7-12(C)**.
- (E) **Freestanding Signs.** No establishment shall display more than **one (1)** freestanding sign on any street front. Freestanding signs, whether mounted on the ground or post-mounted, shall comply with the following regulations:
- (1) No part of any freestanding sign shall intrude into any public right-of-way. No part of any freestanding sign that extends below a point **ten (10) feet** above the ground or pavement shall be located closer than **ten (10) feet** from the public right-of-way line.
  - (2) The area of any freestanding sign, calculated in accordance with **Section 40-7-2** shall not exceed **one hundred (100) square feet**.
  - (3) When attached to its structural supports, no part of any freestanding sign shall extend more than **twenty (20) feet** above the ground or pavement.
  - (4) The length or width of any freestanding sign shall not exceed **twelve (12) feet**.
- (F) **Billboards.** Billboards and other off-premises advertising signs are strictly prohibited in every district except the Industrial District. No billboard shall:
- (1) Be stacked on top of another billboard; or
  - (2) Be located closer than **twenty-five (25) feet** to any lot line or any public right-of-way; or
  - (3) Be located closer than **five hundred (500) feet** from any other billboard on the same side of the roadway; or
  - (4) Extend more than **twenty (20) feet** above the ground or pavement;
  - (5) Exceed **three hundred (300) square feet** in area.

**40-7-13**     **TEMPORARY SIGNS.** Temporary signs shall not remain in place for a period of more than **thirty (30) days** except when the Zoning Administrator extends the time period for an additional **thirty (30) days**. Any further time extension shall thereafter be applied for through Zoning Board of Appeals and the Board may grant such time extension as seems reasonable and necessary in compliance with this Article. A permit is required for all temporary signs. **(See Section 40-10-29)**



**ARTICLE VIII - NONCONFORMITIES**

**40-8-1**      **PURPOSE OF ARTICLE.** The requirements imposed by this Code are designed to guide the use of land by encouraging the development of structures and uses that are compatible with the predominant character of each of the various districts. Lots, structures, and uses of land or structures that do not conform to the requirements of the district in which they are located tend to impede appropriate development. For example, nonconformities are frequently responsible for heavy traffic on residential streets, the overtaxing of parking facilities, the creation of nuisances, and/or the lowering of property values. The regulations in this Article are intended to alleviate such existing/potential problems by encouraging the gradual elimination of nonconformities.

**40-8-2**      **NONCONFORMING LOTS.** If the Zoning Board of Appeals approves a variance for any vacant lot that does not conform to **one (1)** or more of the lot size (area dimensions) requirements of the district in which it is located, that lot may, nonetheless, be developed for any use permitted in that district if such vacant lot:

- (A)            was recorded in the office of the County Recorder of Deeds prior to the effective date of this Code (or pertinent amendment thereto);
- (B)            has continuously remained in separate ownership from abutting tracts of land throughout the entire period during which the creation of such lot was prohibited by the applicable zoning code or other ordinances; and
- (C)            is at least **fifty (50) feet** wide.

**40-8-2.1**    **TWO OR MORE LOTS IN COMMON OWNERSHIP.** If **two (2)** or more lots or combinations of lots and portions of lots with continuous frontage were of record and in common ownership on the effective date of this Code, and if **one (1)** or more of those lots does not meet the minimum lot width, depth, and area requirements of the district in which it is located, the land involved shall be considered an undivided parcel. No portion of any such parcel shall be developed except in compliance with this Code, nor shall any such parcel be divided so as to create a lot that does not meet the requirements of this Code. **(See Section 40-3-8)**

**40-8-3**      **NONCONFORMING STRUCTURES.** Any otherwise lawful structure which exists on the effective date of this Code, but which could not be erected under the terms of this Code because of requirements/restrictions concerning lot size, height, setbacks, or other characteristics of the structure or its location on the lot, may lawfully remain, subject to the following provisions:

- (A)            **Maintenance.** A nonconforming structure may be maintained by ordinary repairs.
- (B)            **Enlargement, Alterations.** A nonconforming structure shall not be enlarged or altered in any way which increases its nonconformity.
- (C)            **Relocation.** A nonconforming structure shall not be moved unless, after relocation, it will conform to all the regulations of the district in which it is situated.
- (D)            **Reconstruction.** No structure which is destroyed or damaged by any means shall be reconstructed if the Administrator determines that the cost of such reconstruction exceeds **fifty percent (50%)** of the structure's market value at the time of loss, unless after

reconstruction the structure will conform to all applicable regulations of the district in which it is located. In the event the Administrator determines the estimated cost of reconstruction is less than **fifty percent (50%)** of the structure's market value at the time of loss, repairs or reconstruction shall be permitted, provided such work starts within **six (6) months** from the date the damage occurred and is diligently prosecuted to completion.

The Administrator may require that the reconstruction cost estimate be made by a bona fide construction contractor, and that the structure's market value at the time of loss be determined by a licensed real estate appraiser. The owner of the damaged structure shall be responsible for obtaining these estimates for the Administrator.

As an alternative, the market value may be determined by the Administrator by using the **"state equalized assessed value" multiplied by the number three (3).**

The provisions of paragraph (D) shall not apply to single-family dwellings.

**40-8-4      NONCONFORMING USES OCCUPYING A STRUCTURE.** If any lawful nonconforming use occupying a structure exists on the effective date of this Code, such use may lawfully continue, subject to the following provisions:

(A)      **Maintenance.** Any structure housing a nonconforming use may be maintained through ordinary repairs.

(B)      **Enlargement, Alteration, Reconstruction, Relocation.** No structure housing a nonconforming use shall be enlarged, structurally altered, reconstructed or relocated unless the use of the structure is changed to a permitted use.

(C)      **Extension of Use.** No nonconforming use may be extended to any part(s) of the structure not intended or designed for such use, nor shall the nonconforming use be extended to occupy any land outside such structure.

(D)      **Change of Use.** A nonconforming use occupying a structure may be changed to a similar use, to a more restrictive use, or to a conforming use. Such use shall not thereafter be changed to a less restrictive use.

(E)      **Discontinuance of Use.** When a nonconforming use of a structure or of a structure and premises in combination is discontinued for **twelve (12)** consecutive months or for **eighteen (18) months** during any **three (3) year** period, the nonconforming use shall not thereafter be resumed. Any discontinuance caused by government action and without any contributing fault by the nonconforming user shall not be counted in calculating the length of discontinuance.

**40-8-5      NONCONFORMING USE OF LAND.** Any lawful use of land existing on the effective date of this Code that would not be permitted under the terms of this Code may lawfully continue, subject to the following provisions:

(A)      **Intensification or Extension of Use.** A nonconforming use of land shall not be intensified, or extended to occupy a greater area of land than was occupied by such use on the effective date of this Code.

(B)      **Relocation.** No nonconforming use of land shall be moved, in whole or in part, unless such use, upon relocation, will conform to all pertinent regulations of the district in which it is proposed to be located.

(C)      **Change of Use.** Whenever a nonconforming use of a building has been changed to a more restrictive use or to a conforming use, such use shall not thereafter be changed to a less restrictive use. If no structural alterations are made, a nonconforming use of a

building may be changed to another nonconforming use of the same or more restricted classification.

(D) **Discontinuance.** When a nonconforming use of land is discontinued for a period of **twelve (12)** consecutive months, it shall not thereafter be resumed, and any subsequent use of such land shall conform to the applicable district regulations. Any discontinuance caused by government action and without any contributing fault by the owner or operator shall not be counted in calculating the length of discontinuance.

**40-8-6 NONCONFORMITIES UNDER PERMIT AUTHORITY.** The regulations of this Article shall not apply to any change in an existing structure or to any change in the use of a structure or of land for which a permit was issued prior to effective date of this Code or any pertinent amendment thereto, provided that the work authorized by such permit is completed within a reasonable time.

**ARTICLE IX - ADMINISTRATION AND ENFORCEMENT**

**40-9-1**      **APPOINTMENT AND DUTIES OF ZONING ADMINISTRATOR.** There is hereby established the office of Zoning Administrator, who shall be appointed by the Mayor at the May regular meeting, with the advice and consent of the Village Board for a term of **four (4) years**.

**40-9-2**      **DUTIES.** The Zoning Administrator is hereby authorized and directed to diligently administer and enforce the provisions of this Code. This broad responsibility encompasses, but is not limited to, the following specific duties:

(A)            To review applications pertaining to land, structures and the uses of land and/or structures;

(B)            To issue or deny initial and final certificates of zoning compliance;

(C)            To supervise inspections of land, structures, and the uses of land and/or structures to determine compliance with this Code, and where there are violations, to initiate appropriate action to secure compliance;

(D)            To receive, file and forward to the Board of Appeals all applications for variances and appeals;

(E)            To receive and file all applications for amendments and special use permits;

(F)            To maintain up-to-date records of this Code including, but not limited to, district maps, certificates of zoning compliance, special-use permits, variances, interpretative decisions of the Board of Appeals, amendments and all applications related to any of these matters;

(G)            To periodically review the provisions of this Code to determine whether revisions are needed, and to make recommendations on these matters to the City Council at least once each year;

(H)            To cause copies of this Code (including the district map) and any amendments thereto to be printed from time to time, as necessary; and

(I)            To provide information to the general public on topics related to this Code; and

(J)            To republish the zoning district map not later than **March 31st** if any rezonings or annexations have been approved during the preceding calendar year; **(See Section 40-3-3)**

**40-9-3**      **INITIAL CERTIFICATES OF ZONING COMPLIANCE.** Upon the effective date of this Code, no land shall be developed, no new use or structure shall be established or erected, and no existing use or structure shall be enlarged, extended, altered, relocated or reconstructed until an initial certificate of zoning compliance has been issued. The Administrator shall not issue an initial certificate of zoning compliance unless he determines that the proposed activity conforms to the applicable provisions of this Code.

**40-9-4**      **ZONING APPLICATION.** Every applicant for a certificate of zoning compliance shall submit to the Administrator, in graphic and/or narrative form, all the items of information listed below that are applicable to the particular project. The Administrator shall decide which items are applicable. **(NOTE: Filing fee required in Section 40-9-14.)**

**ITEMS OF INFORMATION:**

- (A) Name and address of the applicant;
- (B) Name and address of the owner or operator of the proposed lot, structure or use, if different from (A);
- (C) Nature of the proposed use, including type of activity, manner of operations, number of occupants or employees, and similar matters;
- (D) Location of the proposed use or structures, and its relationship to existing adjacent uses or structures;
- (E) Area and dimensions of the site for the proposed structure or use;
- (F) Existing topography of the site (USGS 10-foot contour data is acceptable), and proposed finished grade;
- (G) Existing and proposed screening, landscaping, and erosion control features on the site, including the parking area;
- (H) Height, setbacks, and lot coverage of the proposed structures;
- (I) Number and size of proposed dwelling units, if any;
- (J) Location and number of proposed parking/loading spaces and access ways;
- (K) Identification and location of all existing and proposed utilities, whether public or private; and/or
- (L) Location and square footage of existing and proposed signs by type and class.

**40-9-5**      **DURATION OF CERTIFICATE.** Initial certificates of zoning compliance shall be valid for **one (1) year**, or until revoked for failure to abide by a corrective action order. The Administrator may renew initial certificates of zoning compliance for successive **one (1) year** periods upon written request, provided the applicant is making a good faith effort to complete the authorized work. **(See Section 40-9-7)**

**40-9-6**      **RELATIONSHIP TO BUILDING PERMITS.** Upon the effective date of this Code, no building permit for the erection, enlargement, extension, alteration, or reconstruction of any structure shall be issued until the applicant for such permit has properly obtained an initial certificate of zoning compliance pertaining to such work.

The Village in compliance with the **Illinois Architecture Practice Act of 1989 (225 ILCS 305/1 et seq.)** requires that all new construction and structural renovations of buildings used by the general public, including multiple housing, but excluding one and two family residences, shall require architectural plans with an architect's seal from a licensed architect.

**40-9-7**      **FINAL CERTIFICATES OF ZONING COMPLIANCE.** No lot or part thereof that has been recorded or developed after the effective date of this Code, and no structure or use, or part thereof, that has been erected, enlarged, altered, relocated, or reconstructed after the effective date of this Code shall be used, occupied or put into operation until a certificate of zoning compliance has been issued. The Administrator shall not issue a final certificate of zoning compliance until it has been determined, **by inspection**, that the work authorized by the initial certificate of zoning compliance has been completed in accordance with approved plans. Failure to obtain a final certificate of zoning compliance shall constitute a separate violation of this Code.

**40-9-8**      **CORRECTIVE ACTION ORDERS.** Whenever the Zoning Administrator finds, by inspection or otherwise, that any lot, structure, or use, or work thereon is in violation of this Code, he shall so notify the responsible party, and shall order appropriate corrective action.

**40-9-9**      **CONTENTS OF ORDER.** The order to take corrective action shall be in writing and shall include:

- (A)            A description of the premises sufficient for identification;
- (B)            A statement indicating the nature of the violation;
- (C)            A statement of the remedial action necessary to effect compliance;
- (D)            The date by which the violation must be corrected;
- (E)            A statement that the alleged violator is entitled to a conference with the Administrator if he so desires;
- (F)            The date by which an appeal of the correction order must be filed, and a statement of the procedure for so filing; and
- (G)            A statement that failure to obey a corrective action order shall result in revocation of the certificate of zoning compliance and may result in the imposition of fines.

**40-9-10**     **SERVICE OF ORDER.** A corrective action order shall be deemed properly served upon the owner, occupant, or operator of the offending lot, structure, or use if it is:

- (A)            Served upon him personally;
- (B)            Sent by certified mail to his last known address; or
- (C)            Posted in a conspicuous place on or about the affected premises.

**40-9-11**     **STOP ORDERS.** Whenever any work being done in violation of an initial certificate of zoning compliance, the Administrator's corrective action order may state that the violation be stopped immediately. In such case, the corrective action order is equivalent to a stop order. **(See Section 40-9-9(D))**

**40-9-12**     **EMERGENCY MEASURES.** Notwithstanding any other provisions of this Code, whenever the Administrator determines that any violation of this Code poses an imminent peril to life or property, he may institute, without notice or hearing, any necessary proceedings to alleviate the perilous condition.

**40-9-13**     **COMPLAINTS.** Whenever any violation of this Code occurs, or is alleged to have occurred, any person may file a written complaint on forms provided by the Administrator. The Administrator shall record such complaints, promptly investigate, and, if necessary, institute appropriate corrective action.

**40-9-14**     **FEES.** The Board of Trustees establishes the following schedule of fees for the various permits and procedures listed in this Code. The fees are intended to defray the administrative costs connected with the processing/conducting of such permits or procedures; the fees do not constitute a tax or other revenue-raising device. All such fees shall be paid in advance by the applicant to the Village Clerk as follows:

**ZONING CODE 40-9-15**

(A)                    **Zoning Fees:**

Single-Family Residence	\$25.00
Multi-Family Residence	\$25.00 per unit
Commercial or Business Structure	\$25.00
Industrial Structure	\$100.00
Mobile Home Unit/Manufactured Home/ Immobilized	\$25.00
Accessory Building (larger than 100 sq. ft.)	\$10.00
Accessory Building (smaller than 100 sq. ft.)	\$5.00
Structural Additions	\$10.00
Plan Development	\$500.00
Manufactured Home Park (Initial)	\$500.00
Manufactured Home Park Addition	\$500.00
Miscellaneous Permit (i.e. Parking Lot, Deck, Pool, Driveway, etc.)	\$10.00
Sign Permit	\$5.00
Carport (Attached or Unattached) (Must be anchored/inspection required)	\$10.00

All structures or projects that are started prior to obtaining the Zoning Occupancy Permit and/or paying the fees shall be doubled.

(B)                    **Zoning Board of Appeals Fees:**

Interpretation of Code (Appeal)	\$200.00
Special-Use Permit	\$100.00
Variance Permit	\$100.00
Amendments	\$100.00
Temporary Use Permit	\$75.00
Appeal	\$100.00

**40-9-15        PENALTIES.**

(A)                    Any person who is convicted of a violation of this Code shall be fined not less than **Seventy-Five Dollars (\$75.00)**, nor more than **Seven Hundred Fifty Dollars (\$750.00)**, plus costs. Each day on which a violation continues shall be considered a separate offense.

(B)                    Nothing contained in this Section shall prevent the Village from taking any other lawful action that may be necessary to secure compliance with this Code.

**ARTICLE X - SPECIAL PROCEDURES AND PERMITS**

**DIVISION I - BOARD OF APPEALS**

**40-10-1**     **ZONING BOARD OF APPEALS.** The Zoning Board of Appeals is hereby established in accordance with Illinois law. **(65 ILCS 5/11-13-3)**

**40-10-2**     **MEMBERSHIP, APPOINTMENT, COMPENSATION.** The Zoning Board of Appeals shall consist of **seven (7) members**, all of whom shall reside within **one (1) mile** of the Village. Each Board member shall be appointed by the Mayor with the advice and consent of the Board of Trustees at the first regular meeting in May. **One (1)** of the members so appointed shall be named as Chairman at the time of his appointment. The Zoning Board shall select **one (1)** of its members to be the vice-chairman and **one (1)** the secretary. Each Board member shall receive compensation as established by the Village Board.

**40-10-3**     **TERM OF OFFICE - VACANCIES.** Every member of the Zoning Board of Appeals, which was established pursuant to the former Zoning Code shall be entitled to serve on the Zoning Board of Appeals established by this Section until the date his term of office would have expired if the former Zoning Code had remained in effect. Any person appointed to the Zoning Board of Appeals on or after the effective date of this Code shall hold office for five (5) years from the date of his appointment, and until his successor has been selected and qualified.

With the advice and consent of the Board of Trustees, the Mayor may remove any member of the Zoning Board of Appeals for cause after a public hearing. Vacancies on the Zoning Board of Appeals shall be filled for the unexpired term of the member whose place has become vacant in the same manner as provided for the appointment of new members.

**40-10-4**     **MEETING--QUORUM.** All meetings of the Zoning Board of Appeals shall be held at the call of the Chairman and at such times as the Board may determine. All Board meetings shall be open to the public. The Board may adopt their own rules of meeting procedures consistent with this Code and the applicable Illinois Statutes. The Board may select such officers as it deems necessary. The Chairman, or in his absence, the Acting Chairman may administer oaths and compel the attendance of witnesses. **Four (4) members** of the Board shall constitute a quorum, and the affirmative vote of at least **four (4) members** shall be necessary to authorize any Board action. **(See Section 40-10-6 for vote on decisions of Board.)**

**40-10-5**     **RECORDS.** The Secretary of the Board shall keep minutes of its proceedings and examinations. These minutes shall indicate the absence of any member, the vote or abstention of each member on each question, and any official action taken. A copy of every rule, variance, order or recommendation of the Zoning Board shall be filed immediately with the Village Clerk and shall be a public record.



**40-10-6 DECISIONS.** The concurring vote of **four (4) members** of the Zoning Board of Appeals shall be necessary to grant a variance or special-use permit or to recommend an amendment to the Village Board. The recommendation of the Zoning Board of Appeals shall be by written letter and shall contain its findings of fact. A copy shall be sent to the Village Board. The Chairman of the Zoning Board shall countersign all documents and applications relative to the Zoning and Subdivision Codes. **(See Zoning Manual)**

**40-10-7 PERIOD OF VALIDITY.** No decision by the Zoning Board granting a variance or special-use permit shall be valid for a period longer than **twelve (12) months** from the date of such decision unless (1) an application for a zoning certificate is obtained within such period and construction, moving, remodeling, or reconstruction is started, or (2) an occupancy certificate is obtained and a use is commenced. However, the Zoning Board may grant additional extensions of time not exceeding **one hundred eighty (180) days**, each upon written application made within the initial **twelve (12) month** period without further notice or hearing, but said right to so extend said time shall not include the right to grant additional relief by expanding the scope of the variation.

**40-10-8 FINALITY OF DECISIONS OF THE ZONING BOARD.** All decisions of the Zoning Board, shall in all instances be the final administrative determination and shall be subject to review by a court in the manner provided by applicable Illinois Compiled Statutes. No applicant shall apply for the same or identical request for a period of one (1) year unless the facts and/or request have substantially changed.

**40-10-9 OFFICE OF THE SECRETARY OF THE BOARD OF APPEALS.** The Secretary shall be appointed by the Mayor with the advice and consent of the Village Board to serve a term of **one (1) year** until a successor is appointed. The appointment shall be made at the first regular meeting in May of each year. The Secretary shall record the minutes of the Board's proceedings and actions, showing the vote of each member upon each question or if absent or failing to vote, indicating such fact. The Secretary shall perform such other duties as may be assigned from time to time by the Zoning Board.

**40-10-10 - 40-10-11 RESERVED.**

**DIVISION II - APPEALS**

**40-10-12** **NATURE OF AN APPEAL.** Any person aggrieved by any decision or order of the Zoning Administrator in any matter related to the interpretation or enforcement of any provision of this Code may appeal to the Zoning Board of Appeals on a prescribed form. Every such appeal shall be made and treated in accordance with Illinois law and the provisions of this Division. **(65 ILCS 5/11-13-12)**

**40-10-13** **FILING, RECORD TRANSMITTAL.** Every appeal shall be made within **forty-five (45) days** of the matter complained of by filing with the Administrator and the Zoning Board of Appeals a written notice specifying the grounds for appeal. Every appeal shall also be filed with the **Soil and Water Conservation District** pursuant to State law. Not more than **five (5)** working days after the notice of appeal has been filed, the Administrator shall transmit to the Zoning Board of Appeals all records pertinent to the case. **(65 ILCS 5/11-13-12) (70 ILCS 405/22.02A)**

**[ED. NOTE: The Soil and Water Conservation District shall be given not more than thirty (30) days from the time of receipt of the petition or proposal to issue its written opinion concerning the proposal.]**

**40-10-14** **STAY OF FURTHER PROCEEDINGS.** An appeal stays all further action on the matter being appealed unless the Administrator certifies to the Zoning Board of Appeals after the notice of appeal has been filed with him, that for reasons stated in the certificate, a stay would cause imminent peril to life or property. In such case, further action shall not be stayed unless the Zoning Board of Appeals or the Circuit Court grants a restraining order for due cause and so notifies the Administrator. **(65 ILCS 5/11-13-12)**

**40-10-15** **PUBLIC HEARING, NOTICE.** The Zoning Board of Appeals shall hold a public hearing on every appeal within a reasonable time after the filing of the appeal notice. At the hearing, any interested party may appear and testify, either in person or by duly authorized agent or attorney. Notice indicating the time, date, and place of the hearing, and briefly describing the issue to be decided shall be given not more than **thirty (30) days** nor less than **fifteen (15) days** before the hearing:

- (A) By publication in a newspaper of general circulation within this municipality;
- and
- (B) By certified mail to the applicant; and,
  - (C) By first-class mail to all owners of property contiguous to any property affected by the appeal.

**(65 ILCS 5/11-13-12)**

**40-10-16** **DECISION BY BOARD OF APPEALS.** The Board of Appeals shall render a decision on the appeal within **thirty (30) days** after the hearing therein. The Board of Appeals may reverse or affirm, wholly or partly, or may modify or amend the decision or order appealed from the extent and in the manner that they deem appropriate. In so doing, the Board of Appeals has all the power of the Administrator. **(65 ILCS 5/11-13-3 and 5/11-13-12)**

**ED. NOTE: The Board of Appeals is delegated the task of hearing appeals from the decisions of the zoning administrator or other official charged with enforcement of an ordinance passed pursuant to the Zoning Enabling Act. This may, for example, entail determining whether there has been a discontinuance of a nonconforming use. It is important for the applicant to note the appeal process because of the requirement of exhaustion of administrative remedies before suit is filed as well as the more obvious reason of using a less expensive administrative process for correcting a mistake or error which may have been made by the zoning administrator. (65 ILCS 5/11-13-3)**

**40-10-17    RESERVED.**

**DIVISION III - VARIANCES**

**40-10-18 VARIANCES.** A variance is a relaxation of the requirements of this Code that are applicable to a particular lot, structure, or use. A so-called "use variance" (which would allow a use that is neither permitted nor special in the district in question) is not a variance, it is an amendment, and should be granted only as provided for in **Section 40-10-30. (65 ILCS 5/11-13-5)**

**40-10-19 APPLICATION.** Every application for a variance shall be filed with the Administrator on a prescribed form. Every variance application shall also be filed with the **Soil and Water Conservation District** as per State law. The Administrator shall promptly transmit said application, together with any device he might wish to offer, to the Zoning Board of Appeals. The application shall contain sufficient information to allow the Zoning Board of Appeals to make an informed decision and shall include, at a minimum, the following: **(NOTE: Filing fee required.) [70 ILCS 405/22.02(A)]**

- (A) Name and address of the applicant;
- (B) Location of the structure/use for which the variance is sought;
- (C) Brief description of adjacent lots, structures, and/or uses;
- (D) Brief description of the problems/circumstances engendering the variance request;
- (E) Brief, but specific, explanation of the desired variance;
- (F) Specific section(s) of this Code containing the regulations which, if strictly applied, would cause a serious problem; and
- (G) Any other pertinent information that the Administrator may require.

**[ED. NOTE: The Soil and Water Conservation District shall be given not more than thirty (30) days from the time of receipt of the petition or proposal to issue its written opinion concerning the proposal.]**

**40-10-20 PUBLIC HEARING, NOTICE.** The Zoning Board of Appeals shall hold a public hearing on each variance request within **sixty (60) days** after the variance application is submitted to them. At the hearing any interested party may appear and testify either in person or by duly authorized agent or attorney. Notice indicating the time, date, and place of the hearing, and the nature of the proposed variance shall be given not more than **thirty (30)** nor less than **fifteen (15) days** before the hearing;

- (A) By certified mail to the applicant and
- (B) By publication in a newspaper of general circulation within the municipality and,
- (C) By first-class mail to all owners of property contiguous to any property affected by the variance. **(65 ILCS 5/11-13-5)**

**40-10-21 STANDARDS FOR VARIANCES.** The Zoning Board of Appeals shall not grant any variance unless they find that the proposed variance is consistent with the general purposes of this Code, and that the strict application of the district requirements would result in great practical difficulties of hardship to the applicant. More specifically the Board shall not decide upon a variance unless they determine, based upon the evidence presented to them, that:

## ZONING CODE 40-10-22

- (A) The property in question cannot yield a reasonable return if the district regulations are strictly applied; and
- (B) The plight of the applicant is due to peculiar circumstances not of his own making;
- (C) The variance, if granted, will not be detrimental to the public health, safety and welfare.
- (D) The peculiar circumstances engendering the variance request are not applicable to other property within the district, and therefore, that a variance would be a more appropriate remedy than an amendment (rezoning); and
- (E) The variance, if granted, will not alter the essential character of the area where the premises in question are located, nor materially frustrate implementation of this municipality's comprehensive plan. **(65 ILCS 5/11-13-5)**

**40-10-22** **DECISION BY BOARD OF APPEALS.** The Zoning Board shall decide on every variance request within a reasonable time after the final hearing thereon in accordance with state statutes. A copy of the Zoning Board's report shall be transmitted to the applicant or appellant and to the Zoning Administrator. The Zoning Board shall specify the terms of relief (if any) in one statement and their findings of fact in another statement. The findings of fact shall clearly indicate the Zoning Board's reasons for granting or denying the requested variance. **(65 ILCS 5/11-13-11)**

**40-10-23** **RESERVED.**

**DIVISION IV - SPECIAL USES**

**40-10-24 SPECIAL-USE PERMITS.** This Code divides the Village into various districts, and permits in each district as a matter of right only those uses which are clearly compatible with one another. Certain other uses, because of their special operational or physical characteristics, may or may not have a detrimental impact on nearby permitted uses, depending upon their precise location, manner of operation and other factors. Such "special uses" require careful case-by-case review, and may be allowed only after review and approval by the Zoning Board of Appeals.

**40-10-25 APPLICATION.** Every applicant for a special-use permit shall submit to the Zoning Administrator in narrative and/or graphic form, the items of information enumerated below. Every special-use request shall also be filed with the Soil and Water Conservation District pursuant to state law. The Administrator shall promptly transmit the completed application, together with any comments or recommendation he might have, to the Zoning Board of Appeals for further consideration. **(NOTE: Filing fee required in Section 40-9-14) (70 ILCS 405/22.02A)**

**[ED. NOTE: The Soil and Water Conservation District shall be given not more than thirty (30) days from the time of receipt of the petition or proposal to issue its written opinion concerning the proposal.]**

**ITEMS OF INFORMATION:**

- (A) Name and address of the applicant;
- (B) Name and address of the owner or operator of the proposed structure or use, if different from (A);
- (C) Nature of the proposed use, including type of activity, manner of operation, number of occupants or employees, and similar matters;
- (D) Location of the proposed use or structure, and its relationship to existing uses of structures on adjacent lots;
- (E) Area and dimensions of the site for the proposed structure or use;
- (F) Existing topography of the site and proposed finished grade;
- (G) Existing and proposed screening, landscaping, and erosion control features on the site, including the parking area;
- (H) Height and setbacks of the proposed structure;
- (I) Number and size of the proposed dwelling units, if any;
- (J) Number and location of proposed parking/loading spaces and access ways;
- (K) Identification and location of all existing or proposed utilities, whether public or private; and/or
- (L) Any other pertinent information that the Administrator may require;
- (M) Location of any signs.

**40-10-26 PUBLIC HEARING, NOTICE.** The Zoning Board of Appeals shall hold a public hearing on every special-use permit application within **sixty (60) days** after the application is submitted to them. At the hearing, any interested party may appear and testify, either in person or by duly authorized agent or attorney. Notice indicating the time, date, and

place of the hearing, and the nature of the proposed special-use shall be given not more than **thirty (30) days** nor less than **fifteen (15) days** before the hearing:

- (A) By certified mail to the applicant; and,
- (B) By publication in a newspaper of general circulation within this municipality.
- (C) By first-class mail to all owners of property contiguous to the property affected by the proposed special-use request. **(65 ILCS 5/11-13-1.1 and 11/13-6)**

**40-10-27 FACTORS CONSIDERED BY THE BOARD.** Within **thirty (30) days** after the public hearing, the Zoning Board of Appeals shall reach a final decision. In deciding the Zoning Board of Appeals shall consider the following factors:

- (A) Whether the proposed design, location, and manner of operation of the proposed special use will adequately protect the public health, safety, and welfare, and the physical environment;
  - (B) Whether the proposed special-use is consistent with this municipality's comprehensive plan, if any;
  - (C) The effect the proposed special-use would have on the value of neighboring property and on this municipality's overall tax base;
  - (D) The effect the proposed special-use would have on this public utilities and on the traffic circulation on nearby streets; and
  - (E) Whether there are any facilities near the proposed special-use (such as schools or hospitals) that require special protection.
- (65 ILCS 5/11-13-7)**

**40-10-28 DECISION - FINDINGS OF FACT.** The Zoning Board of Appeals shall reach a decision on every special-use permit application within **thirty (30) days** after public hearing. In accordance with State Law, the Zoning Board of Appeals shall specify the terms and conditions of the permit to be granted (if any) in one statement, and their findings of fact in another statement. The findings of fact shall be responsible in the decision-making factors listed in the preceding section and shall clearly indicate the Zoning Board's reasons for granting, with or without modifications and/or conditions, or denying the requested special-use permit. **(65 ILCS 5/11-13-1.1 and 5/11-13-11)**

**[ED. NOTE: The applicants and property owners for a variation or special-use should review Sec. 5/11-13-7A of the Illinois Compiled Statutes relative to subpoenas for persons to appear at the zoning hearings.]**

**40-10-29 TEMPORARY USE PERMITS: PROCEDURE FOR.** As set forth at **Section 40-3-7**, requests for temporary use permits shall be treated in the same manner as requests for special use permits. The Zoning Board shall issue no temporary use permit for a period longer than **one (1) year** but may renew any such permit as they see fit.

**DIVISION V - AMENDMENTS**

**40-10-30 AMENDMENTS.** The Village Board may amend this Code in accordance with State law and the provisions of this Section. Proposed alterations of district boundaries or proposed changes in the status of uses (permitted, special, prohibited) shall be deemed proposed amendments. Amendments may be proposed by the Village Board, the Zoning Board, the Plan Commission, the Zoning Administrator or any party in interest. **(65 ILCS 5/11-13-14)**

**40-10-31 FILING.** Every proposal to amend this Code shall be filed with the Zoning Administrator on a prescribed form. Every amendment proposal shall also be filed with the **Soil and Water Conservation District** pursuant to State law. The Administrator shall promptly transmit the proposal, together with any comments or recommendations he might wish to make to the Board of Appeals for a public hearing. **(NOTE: Filing fee required.)**

**[ED. NOTE: The Soil and Water Conservation District shall be given not more than thirty (30) days from the time of receipt of the petition or proposal to issue its written opinion concerning the proposal.] (70 ILCS 405/22.02A)**

**40-10-32 PUBLIC HEARING - NOTICE.** The Board of Appeals shall hold a public hearing on every amendment proposal within **sixty (60) days** after said proposal has been submitted to them. At the hearing, any interested party may appear and testify, either in person or by duly authorized agent or attorney. Notice indicating the time, date, and place of the hearing and the nature of the proposed amendment shall be given not more than **thirty (30)** nor less than **fifteen (15) days** before the hearing:

- (A) By certified mail to the applicant; and,
- (B) By publication in a newspaper of general circulation within the municipality.
- (C) By first-class mail to all owners of property contiguous to the property affected by the proposed amendment. **(65 ILCS 5/11-13-14)**

**40-10-33 ADVISORY REPORT - FINDINGS OF FACT.** Within **thirty (30) days** after the public hearing, the Board of Appeals shall submit their advisory report to the Village Board. The report shall state the recommendations of the Board of Appeals regarding adoption of the proposed amendment and their reasons therefor. If the effect of the proposed amendment would be to alter district boundaries or to change the status of any use, the Board of Appeals shall include in their advisory report findings of fact concerning each of the following matters:

- (A) Existing use and zoning of the property in question;
- (B) Existing uses and zoning of other lots in the vicinity of the property in question;
- (C) Suitability of the property in question for uses already permitted under existing regulations;
- (D) Suitability of the property in question for the proposed use;
- (E) The trend of development in the vicinity of the property in question, including changes (if any) which may have occurred since that property was initially zoned or last rezoned. **(See Section 40-1-2)**



**40-10-34 ACTION BY VILLAGE BOARD.** The Village Board shall act on every proposed amendment at their next regularly scheduled meeting following submission of the advisory report of the Zoning Board of Appeals. Without further public hearing, the Village Board may approve or disapprove any proposed amendment or may refer it back to the Board of Appeals for further consideration by simple majority vote of all the members then holding office.

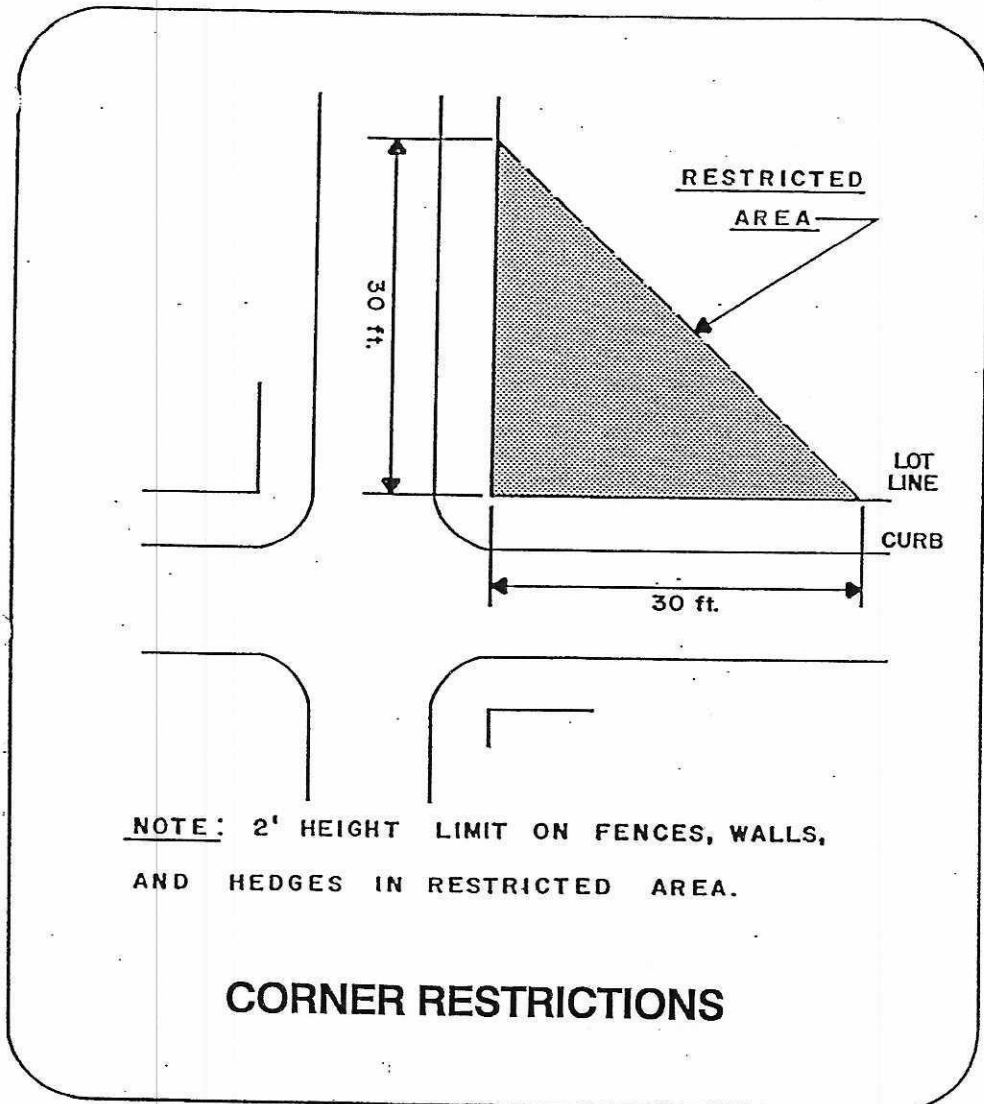
**40-10-35 WHEN TWO-THIRDS MAJORITY VOTE IS REQUIRED.** The favorable vote of at least **two-thirds (2/3)** of the members of the Village Board is required to pass an amendment to this Code in each of the following instances:

(A) When passage would be contrary to the recommendation of the Board of Appeals.

(B) When the amendment is opposed, in writing, by the owners of **twenty percent (20%)** of the frontage proposed to be altered, or by the owners of **twenty percent (20%)** of the frontage immediately adjoining or across an alley therefrom, or by the owners of **twenty percent (20%)** of the frontage directly opposite the frontage proposed to be altered. **(65 ILCS 5/11-13-14)**

**40-10-36 NOTICE TO APPLICANT OF WRITTEN PROTEST.** In cases of written opposition to an amendment of this Code as prescribed in **Section 40-10-35**, a copy of the written protest shall be served by the protester or protesters on the applicant for the proposed amendment and a copy upon the applicant's attorney, if any, by certified mail at the address of such applicant and attorney shown in the application for the proposed amendment. **(65 ILCS 5/11-13-14)**

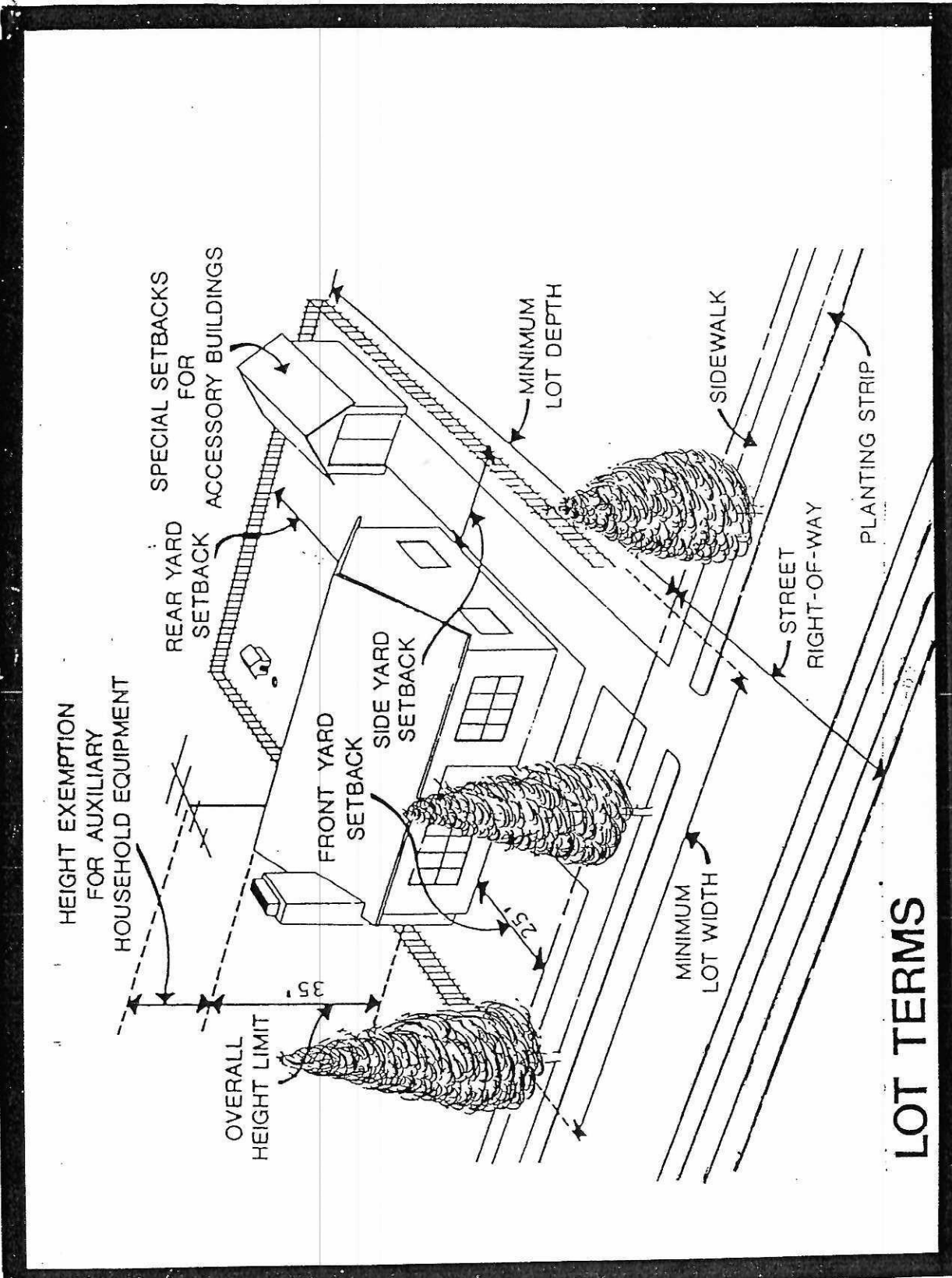
FIGURE 1



# CORNERS

SEE SECTION 40-3-13

FIGURE 2

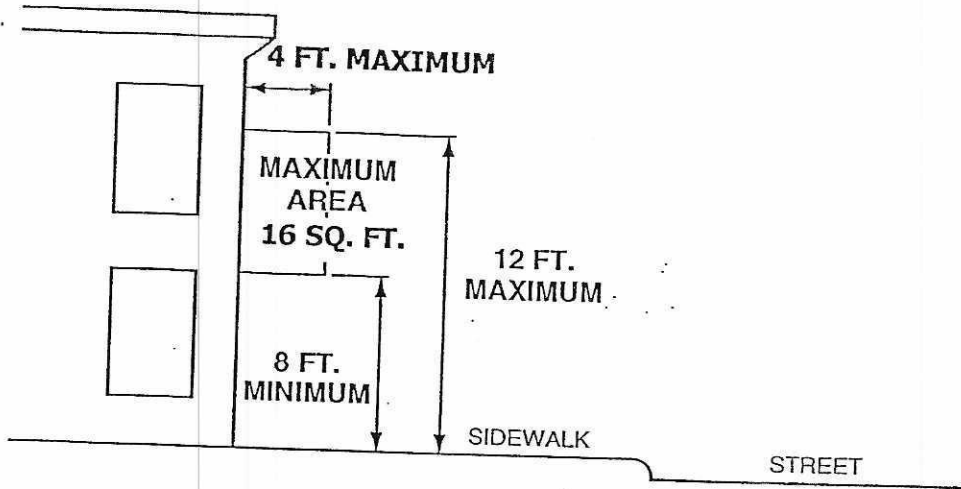


**LOT TERMS**

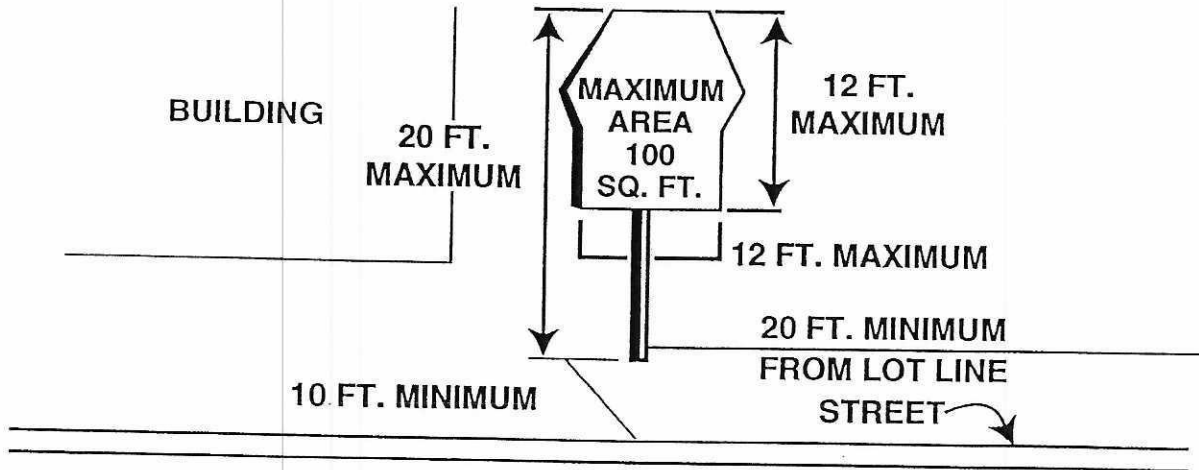
(SEE SECTION 40-2-2 DEFINITIONS)

**APPENDIX**  
**SELECTED ILLUSTRATIONS**

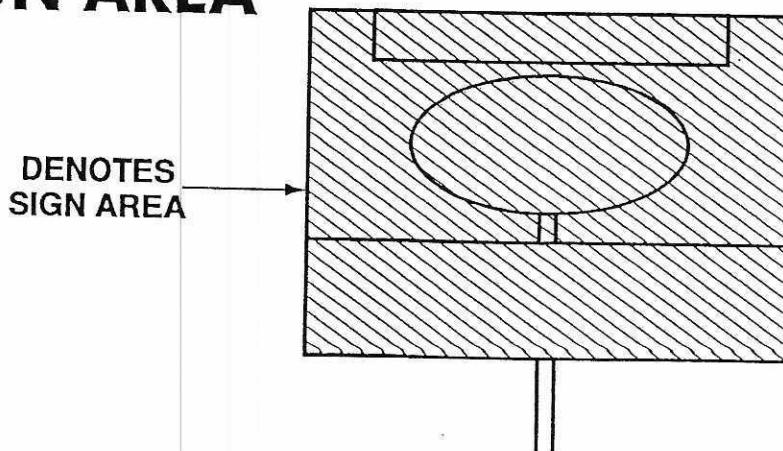
**A PROJECTING SIGNS**



**B FREE STANDING SIGNS**



**C SIGN AREA**



SEE SECTION 40-7-12

**FIGURE 3**



**SECTION 40-3-17 - AREA AND BULK REGULATIONS - SUMMARY SHEET**

Zone Districts	Minimum Lot Size				Minimum Yard Dimensions					
	Maximum Number of Dwelling Units	Area in Square Feet or Acres	Width at Building Line, in Linear Feet	Mean Depth in Linear Feet	Depth of Front Yard in Feet	Depth of Side Yard Abutting Street in Feet	Depth of Side Yard Abutting a Lot, in Linear Feet		Minimum Distance to Nearest Principal on Adjacent Lot in Feet	Depth of Rear Yard in Linear Feet
							Total for Both	Minimum for either		
"A" Agricultural	1	3 acres	150' Min	200' Min	50' Min	50' Min	25'	10'	N/A	25'
"SR-1" Single-Family	1	10,000 sq ft	80' Min	100' Min	25' Min	25' Min	25'	10'	N/A	25'
"SR-2" Single-Family	1	6,000 sq ft	50' Min	100' Min	25' Min	25' Min	15'	5'	N/A	15'
"MR-1" Multiple-Family	1 per 2,500 sq ft	10,000 sq ft or 2,500 sq ft per dwelling unit	80' Min	100' Min	25' Min	25' Min	15'	7.5'	15'	25'
"MH-1" Manufactured Housing	1	8,000 sq ft	60' Min	100' Min	25' Min	25' Min	15'	7.5'	15'	20'
"B-1" General Business	N/A	10,000 sq ft	90' Min	100' Min	25' Min	25' Min	30'	15'	N/A	15'
"I-1" Industrial	N/A	20,000 sq ft	125' Min	150' Min	50' Min	50' Min	50'	25'	N/A	25'

**SECTION 40-3-17 - AREA AND BULK REGULATIONS - SUMMARY SHEET**

Zone Districts	Accessory Buildings and Uses if Detached Minimum Distance to:					Maximum Building Height	Maximum Percentage Coverage Per Lot
	Principal Building in Linear Feet	Front Lot Line in Linear Feet	Side Lot Adjacent to Street in Linear Feet	Other Side Lot Line, in Linear Feet	Rear Lot Line in Linear Feet		
"A-1" Agricultural	N/A	50'	25'	3'	3'	35'	N/A
"SR-1" Single-Family	N/A	N/A	25'	3'	3'	35'	25%
"SR-2" Single-Family	N/A	N/A	25'	3'	3'	35'	25%
"MR-1" Multiple-Family	N/A	N/A	25'	3'	3'	35'	30%
"MH-1" Manufactured Housing	10'	25'	25'	15'	3'	35'	25%
"B-1" General Business	15'	15'	25'	15'	12'	40'	50%
"I-1" Industrial	15'	15'	25'	15'	12'	60'	40%