

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

**PREPARED BY:**

**Illinois Codification Services**

**"Serving Illinois Since 1970"**

Post Office Box 69

Freeburg, Illinois 62243-0069

**Phone: (618) 539-5771**

**Email: [xavier.stclair04@gmail.com](mailto:xavier.stclair04@gmail.com)**

# **VILLAGE OF LUDLOW**

---

**ORDINANCE NO. 2020-05**

**AN ORDINANCE ADOPTING  
A CODE OF ORDINANCES  
FOR THE  
VILLAGE OF LUDLOW, ILLINOIS**

---

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

**THIS 13<sup>TH</sup> DAY OF OCTOBER, 2020**

---

**Published in book form by authority of the Mayor and the Village Board  
of Trustees of the Village of Ludlow, Champaign County, Illinois this  
13<sup>th</sup> day of October, 2020.**

---

**ORDINANCE NO. 2020-05**

**AN ORDINANCE ADOPTING A REVISED CODE OF ORDINANCES OF THE VILLAGE OF LUDLOW, CHAMPAIGN COUNTY, ILLINOIS.**

**WHEREAS**, the Village of Ludlow, 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 PRESIDENT AND VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF LUDLOW, CHAMPAIGN COUNTY, ILLINOIS, THAT:**

**SECTION 1: Amendment.** The following exhibit shall be the "**The Revised Code of Ordinances**" of the Village of Ludlow, Champaign 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ordinances, code provisions or pertinent portions thereof in effect at the time this ordinance takes effect are hereby repealed.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 13<sup>th</sup> day of October, 2020 by the Village Board of Trustees of the Village of Ludlow, Champaign County, Illinois, and deposited and filed in the office of the Village Clerk in said Village on that date.

---

DAWN GOOD, VILLAGE CLERK  
LUDLOW, ILLINOIS

NAME	AYE	NAY	ABSTAIN	ABSENT	CONFLICT
Randy Michael Alesia					
W Brian Bina					
Nancy Cox					
Miranda Moore					
Paxton Palumbo					
Marsha Spear					

Approved by the President of the Village of Ludlow, Champaign County, Illinois,  
this 13<sup>th</sup> day of October, 2020.

---

STEVE THOMAS, MAYOR  
LUDLOW, ILLINOIS

ATTEST:

---

DAWN GOOD, VILLAGE CLERK  
LUDLOW, ILLINOIS

**(SEAL)**

**VILLAGE CLERK'S CERTIFICATE**

**STATE OF ILLINOIS                    )**  
**COUNTY OF CHAMPAIGN            )**     **ss.        VILLAGE CLERK'S OFFICE**  
**VILLAGE OF LUDLOW                )**

I, Dawn Good, Village Clerk of the Village of Ludlow, do hereby certify that the following Revised Code of Ordinances of the Village of Ludlow, Champaign County, Illinois, published by authority of the Village Board of Trustees was duly passed by the Village Board of Trustees of the Village of Ludlow, 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 Ludlow, Illinois, this 13<sup>th</sup> day of October, 2020.

\_\_\_\_\_  
DAWN GOOD, VILLAGE CLERK  
LUDLOW, 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>7.</b>	<b>Business Code</b>	<b>7-1</b>
<b>14.</b>	<b>Flood Plain Code</b>	<b>14-1</b>
<b>15.</b>	<b>Franchises</b>	<b>15-1</b>
<b>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</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>33.</b>	<b>Street Regulations</b>	<b>33-1</b>
<b>34.</b>	<b>Subdivision Code</b>	<b>34-1</b>
<b>36.</b>	<b>Taxation</b>	<b>36-1</b>
<b>38.</b>	<b>Water System</b>	<b>38-1</b>
<b>40.</b>	<b>Zoning Code</b>	<b>40-1</b>

## **CHAPTER 1 - ADMINISTRATION**

<b><u>ARTICLE</u></b>	<b><u>TITLE</u></b>	<b><u>PAGE</u></b>
<b>1</b>	<b>GENERAL CODE PROVISIONS</b>	
	<i>Division I - Title</i>	
	Section 1-1-1 - Title	1-1
	Section 1-1-2 - Acceptance	1-1
	Section 1-1-3 - Amendments	1-1
	Section 1-1-4 - Code Alteration	1-1
	Section 1-1-5 - Jurisdiction	1-1
	Section 1-1-6 - 1-1-7 Reserved	
	<i>Division II - Saving Clause</i>	
	Section 1-1-8 - Repeal of General Ordinances	1-2
	Section 1-1-9 - Public Utility Ordinances	1-2
	Section 1-1-10 - Court Proceedings	1-2
	Section 1-1-11 - Severability of Provisions	1-2
	Section 1-1-12 - Village Clerk's Certificate	1-2
	Section 1-1-13 - 1-1-14 Reserved	
	<i>Division III - Definitions</i>	
	Section 1-1-15 - Construction of Words	1-3
	Section 1-1-16 - Definitions	1-3
	Section 1-1-17 - Catchlines	1-5
	Section 1-1-18 - 1-1-19 Reserved	
	<i>Division IV - General Penalty</i>	
	Section 1-1-20 - Penalty	1-5
	Section 1-1-21 - Service by Certified Mail	1-6
	Section 1-1-22 - Application	1-6
	Section 1-1-23 - Liability of Officers	1-6
	Section 1-1-24 - License	1-6
<b>II</b>	<b>VILLAGE BOARD</b>	
	<i>Division I - Village Board of Trustees</i>	
	Section 1-2-1 - Composition and General Powers	1-7
	Section 1-2-2 - Regular Meetings	1-7
	Section 1-2-3 - Special Meetings	1-7
	Section 1-2-4 - Committees	1-7
	Section 1-2-5 - Special Committees	1-7
	Section 1-2-6 - Quorum	1-8
	Section 1-2-7 - Compelling Attendance	1-8
	Section 1-2-8 - 1-2-10 Reserved	
	<i>Division II - Rules of the Village Board</i>	
	Section 1-2-11 - Rules of the Board	1-8
	Section 1-2-12 - Agenda	1-11
	Section 1-2-13 - Address by Non-Members	1-11

<u>ARTICLE</u>	<u>TITLE</u>	<u>PAGE</u>
----------------	--------------	-------------

**II VILLAGE BOARD (CONTINUED)**

*Division III - Ordinances*

<i>Section 1-2-14</i>	- Ordinances	1-12
<i>Section 1-2-15</i>	- Reconsideration – Passing Over Veto	1-13
<i>Section 1-2-16</i>	- No Vote to be Reconsidered at Special Meeting	1-13
<i>Section 1-2-17</i>	- Reserved	

*Division IV - General Provisions*

<i>Section 1-2-18</i>	- Corporate Seal	1-13
<i>Section 1-2-19</i>	- Elections	1-13
<i>Section 1-2-20</i>	- Appointment of Elected Officials	1-13
<i>Section 1-2-21</i>	- Municipal Officers - Regulations	1-14
<i>Section 1-2-22</i>	- Resignation of Appointed Officials	1-15
<i>Section 1-2-23</i>	- Qualifications; Elective Office	1-15
<i>Section 1-2-24</i>	- Bonds of Village Officers	1-15
<i>Section 1-2-25</i>	- Liability Insurance	1-16
<i>Section 1-2-26</i>	- Bidding and Contract Procedures	1-16
<i>Section 1-2-27</i>	- Interests in Contracts Prohibited	1-18
<i>Section 1-2-28</i>	- Salaries Regulation	1-20
<i>Section 1-2-29</i>	- Claims	1-20
<i>Section 1-2-30</i>	- Municipal Year	1-21
<i>Section 1-2-31</i>	- Expense Reimbursement Policy	1-21
<i>Section 1-2-32</i>	- Official Records	1-21
<i>Section 1-2-33</i>	- Federal Old Age and Survivor's Insurance System	1-22
<i>Section 1-2-34</i>	- Illinois Municipal Retirement Fund	1-22
<i>Section 1-2-35</i>	- Control of Property Owned by Village Outside of Village Limits	1-22
<i>Section 1-2-36</i>	- Certificates of Insurance	1-22
<i>Section 1-2-37</i>	- Territorial Jurisdiction Established	1-22

*Division V – Vacancies*

<i>Section 1-2-38</i>	- Vacancy by Resignation	1-22
<i>Section 1-2-39</i>	- Vacancy by Death or Disability	1-23
<i>Section 1-2-40</i>	- Vacancy by Other Causes	1-23
<i>Section 1-2-41</i>	- Election of an Acting Mayor	1-23
<i>Section 1-2-42</i>	- Appointment to Fill Trustee Vacancy	1-24
<i>Section 1-2-43</i>	- Election to Fill Vacancies in Municipal Offices With Four (4) Year Terms	1-24
<i>Section 1-2-44</i>	- Vacancies Due to Election Being Declared Void	1-24
<i>Section 1-2-45</i>	- Owing a Debt to the Municipality	1-24
<i>Section 1-2-46</i>	- 1-2-49 Reserved	

**III VILLAGE OFFICIALS**

*Division I - Mayor*

<i>Section 1-3-1</i>	- Election	1-25
<i>Section 1-3-2</i>	- Mayor Pro-Tem; Temporary Chairman	1-25
<i>Section 1-3-3</i>	- Chief Executive Officer	1-25
<i>Section 1-3-4</i>	- Mayor's Signature	1-25
<i>Section 1-3-5</i>	- Appointment of Officers	1-25
<i>Section 1-3-6</i>	- Supervise Conduct of Officers; Removal of Officers	1-26



<b><u>ARTICLE</u></b>	<b><u>TITLE</u></b>	<b><u>PAGE</u></b>
<b>III</b>	<b>VILLAGE OFFICIALS (CONTINUED)</b>	
	<i>Division I – Mayor (Continued)</i>	
	Section 1-3-7 - Designation of Officers’ Duties	1-26
	Section 1-3-8 - Formal Occasions	1-26
	Section 1-3-9 - General Duties	1-26
	Section 1-3-10 - Business License Commissioner	1-26
	Section 1-3-11 - Local Liquor Commissioner	1-26
	Section 1-3-12 - Health Commissioner	1-26
	Section 1-3-13 - Deciding Vote - Mayor	1-27
	Section 1-3-14 - 1-3-15 Reserved	
	<i>Division II - Village Clerk</i>	
	Section 1-3-16 - Appointed	1-27
	Section 1-3-17 - Vacancy	1-27
	Section 1-3-18 - Publication of Ordinances; Board Minutes; Records	1-27
	Section 1-3-19 - Delivery of Papers to Officers	1-28
	Section 1-3-20 - Preparation of Documents, Commissions and Licenses	1-28
	Section 1-3-21 - Village Licenses	1-28
	Section 1-3-22 - Report of Licenses	1-28
	Section 1-3-23 - Administration of Oaths	1-28
	Section 1-3-24 - Outstanding Bonds	1-28
	Section 1-3-25 - Reports	1-28
	Section 1-3-26 - Successor	1-28
	Section 1-3-27 - Payments	1-29
	Section 1-3-28 - Notification to Persons Appointed to Office	1-29
	Section 1-3-29 - Other Duties	1-29
	Section 1-3-30 - Deputy Clerk	1-29
	Section 1-3-31 - Reserved	
	<i>Division III - Village Treasurer</i>	
	Section 1-3-32 - Committee Established	1-29
	Section 1-3-33 - Finance Committee	1-29
	Section 1-3-34 - Treasurer Appointed; Vacancy	1-29
	Section 1-3-35 - Money; Warrants; Accounts; Payments	1-29
	Section 1-3-36 - Warrant Register	1-30
	Section 1-3-37 - Personal Use of Funds	1-30
	Section 1-3-38 - Bond	1-30
	Section 1-3-39 - Special Assessments	1-30
	Section 1-3-40 - Bookkeeping	1-30
	Section 1-3-41 - Statements	1-30
	Section 1-3-42 - Report Delinquent Officers	1-30
	Section 1-3-43 - Year-End Report	1-31
	Section 1-3-44 - Submit Appropriation to Village Board	1-31
	Section 1-3-45 - Deposit of Funds	1-31
	Section 1-3-46 - 1-3-47 Reserved	
	<i>Division IV – Village Attorney</i>	
	Section 1-3-48 - Appointment of Attorney	1-32
	Section 1-3-49 - Duties	1-32
	Section 1-3-50 - 1-3-52 Reserved	

<b><u>ARTICLE</u></b>	<b><u>TITLE</u></b>	<b><u>PAGE</u></b>
<b>III</b>	<b>VILLAGE OFFICIALS (CONTINUED)</b>	
	<i>Division V – Water Clerk</i>	
	Section 1-3-53 - Office Established	1-33
	Section 1-3-54 - Duties	1-33
	Section 1-3-55 - Compensation	1-33
	Section 1-3-56 - 1-3-59 Reserved	
	<i>Division VI - Village Engineer</i>	
	Section 1-3-60 - Appointment	1-34
	Section 1-3-61 - Duties – Salary	1-34
	Section 1-3-62 - Reserved	
	<i>Division VII – Superintendent of Water</i>	
	Section 1-3-63 - Office Created	1-34
	Section 1-3-64 - Utility Systems	1-34
	Section 1-3-65 - Department Employees	1-34
	Section 1-3-66 - Property Custodian	1-34
	Section 1-3-67 - Reserved	
	<i>Division VIII - Code Enforcement Officer -- Zoning Administrator</i>	
	Section 1-3-68 - Creation of Position	1-34
	Section 1-3-69 - Duties	1-35
<b>IV</b>	<b>SALARIES</b>	
	Section 1-4-1 - Official Salaries	1-36
<b>V</b>	<b>MANAGEMENT ASSOCIATION</b>	
	Section 1-5-1 - Participation	1-36
	Section 1-5-2 - Contribution	1-36
<b>VI</b>	<b>MEETING PROCEDURES</b>	
	<i>Division I – Recording Closed Meetings</i>	
	Section 1-6-1 - Recording Closed Sessions	1-37
	Section 1-6-2 - Responsibility for Recording Closed Sessions and Maintaining Recordings	1-37
	Section 1-6-3 - Closed Session Minutes	1-37
	Section 1-6-4 - Procedure for Recording	1-37
	Section 1-6-5 - Back-Up Equipment/Procedure for Equipment Malfunction	1-37
	Section 1-6-6 - Procedure for Review of Closed Session Minutes and Recordings	1-37
	Section 1-6-7 - Maintenance and Public Release of Recordings and Access to Tapes	1-38
	Section 1-6-8 - Procedure for Destruction of Recordings	1-38
	Section 1-6-9 - 1-6-10 Reserved	

<b><u>ARTICLE</u></b>	<b><u>TITLE</u></b>	<b><u>PAGE</u></b>
<b>VI</b>	<b>MEETING PROCEDURES (CONTINUED)</b>	
	<i>Division II – Remote Meeting Participation</i>	
	<i>Section 1-6-11 - Statutory Authority for Participation</i>	<i>1-38</i>
	<i>Section 1-6-12 - Definition of Meeting</i>	<i>1-38</i>
	<i>Section 1-6-13 - Amendment of Previous Terms</i>	<i>1-38</i>
	<i>Section 1-6-14 - Remote Participation Policy</i>	<i>1-38</i>
	<i>Addendum "A" - Voluntary Payment of Fines</i>	<i>1-39</i>
	<i>Addendum "B" - Governmental Unit Remote Attendance Policy</i>	<i>1-41</i>
	<i>Addendum "C" - Request for Auxiliary Aid(s) and/or Service(s)</i>	<i>1-42</i>
	<i>Addendum "D" - Travel, Meal, and Lodging Expense Reimbursement Request Form</i>	<i>1-43</i>
	<i>Addendum "E" - Governmental Unit Remote Attendance Policy During a Disaster Declaration</i>	<i>1-44</i>

**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 Ludlow"**. 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. **(See 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**. **(See 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. **(See 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; 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 CHAMPAIGN ) ss.  
VILLAGE OF LUDLOW )**

**VILLAGE CLERK'S OFFICE**

I, Dawn Good, Village Clerk of the **Village of Ludlow, Illinois**, do hereby certify that the following **Revised Code of Ordinances of the Village of Ludlow, Illinois of 2020**, published by authority of the Village Board of Trustees were duly passed by the Village Board of Trustees of the **Village of Ludlow, 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 Ludlow, Illinois**, this 13<sup>th</sup> day of October, 2020.

\_\_\_\_\_  
**DAWN GOOD, VILLAGE CLERK  
VILLAGE OF LUDLOW**

(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 Ludlow.

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

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

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

**"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 **April 1<sup>st</sup> of each year and end on March 31<sup>st</sup> of the following year. (See 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. **(See 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 as 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, unless a court appearance is required by the ordinance violated. **(65 ILCS 5/1-2-7 and 5/1-2-8)**

(F) **Alternative Penalty Payment Policy. See Addendum "A".**

**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. **(See 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 BOARD

### 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. **(See 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>) Tuesday** 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 Monday 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. **(See 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. **(See 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) Police         | (4) Park     |
|     | (2) Water/Streets  | (5) July 4th |
|     | (3) Zoning/Permits |              |

(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. **(See 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. **(See 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. **(See 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 COMPELLING ATTENDANCE.** It shall be the duty of each and all Trustees to attend all regular meetings of the Village Board and all special meetings when each has been duly notified of the date and place of such meeting. If, at any meeting duly called a quorum is not present, the Trustees in attendance may adjourn the same to some stated time; and any Trustee duly notified in writing by the Clerk of the time and place of such adjourned meeting may be compelled to attend; provided that the foregoing shall not apply when any Trustee is absent from such meeting or meetings on account of sickness, unavoidable accident, or is working.

Any member of the Village Board who shall neglect to or refuse to attend at least **one (1) meeting** per month of the Village Board without good and sufficient excuse to be passed upon by the Village Board shall not receive compensation for that month. **(See 65 ILCS 5/3.1-40-20)**

**1-2-9 - 1-2-10 RESERVED.**

## **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. **(See 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. **(See 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 **five (5) 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 "C", 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. **[See 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. **(See 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. **(See 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. **(See 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. **(See 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 Ludlow, Champaign County, Illinois**" in the exterior circle, and the words "**Corporate Seal**" in the center. **(See 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. **(See 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. **(See 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. **(See 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. **(See 65 ILCS 5/3.1-15-15)**

**NOTE: One (1) member may serve on the Library Board, if one exists. (See 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).

**(See 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.  
**(See 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. **(See 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.  
**(See 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. **(See 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.

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

**(See "Administration of Oaths", Section 1-3-23)**

**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. **(See 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).

**(See 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	50,000.00
(3)	Village Clerk	50,000.00
(4)	Police Chief	50,000.00
(5)	Water Clerk	50,000.00

(B) **Premium Payment by Village.** The surety bonds required by law shall be paid by the Village. **(See 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. **(See 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. (See 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.

**(See 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.

**(See 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 (**See 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.

**(See Addendum "D" – 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. **(See 40 ILCS 5/21-101 et seq.)**

**1-2-34**            **ILLINOIS MUNICIPAL RETIREMENT FUND.**

(A)            The Village does hereby elect to participate in the Illinois Municipal Retirement Fund.

(B)            **Special Tax.** The Village includes in its levy and appropriation ordinance provision for the levying of a special tax to pay the Village's cost of participating in the Retirement Fund and appropriate therefrom funds to pay the cost of participation.

(C)            **Coverage.** To be eligible to be included in the IMRF a person shall have to work a minimum of **one thousand (1,000) hours** per year.

**1-2-35**            **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. **(See 65 ILCS 5/7-4-2)**

**1-2-36**            **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.

**1-2-37**            **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. **(See 65 ILCS 5/7-4-1)**

**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)**.

(See **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. **(See 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. **(See 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. **(See 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. **(See 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. **(See 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. **(See 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. **(See 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. **(See 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. **(See 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. **(See 65 ILCS 5/3.1-40-30)**

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

## **DIVISION II - VILLAGE CLERK**

**1-3-16**        **APPOINTED.** The Village Clerk shall be appointed by the Mayor with the advice and consent of the Village Board for a **one (1) year term** and shall serve until his successor is appointed and has qualified. **(See 65 ILCS 5/3.1-25-90 and 5/3.1-30-5)**

**1-3-17**        **VACANCY.** Whenever a vacancy in the office of Village Clerk appointed under the statutes occurs during the term, the vacancy shall be filled for the remainder of the term by the appointment of a clerk by the Mayor and with the advice and consent of the Board of Trustees. **(See 65 ILCS 5/3.1-25-90)**

**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. **(See 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. **(See 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. **(See 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. **(See 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. **(See 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. **(See 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. **(See 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]. **(See 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. **(See 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. **(See 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. **(See 65 ILCS 5/3.1-30-10 and 5/3.1-10-45 and 5/3.1-35-95)**

**1-3-31**        **RESERVED.**

### **DIVISION III - VILLAGE TREASURER**

**1-3-32**        **COMMITTEE ESTABLISHED.** There is hereby established a department of the municipal government of the Village which shall be known as the "Finance Committee". It shall embrace the Village Board Committee on Finance, the Village Treasurer and the Budget Officer.

**1-3-33**        **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.

**1-3-34**        **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. **(See 65 ILCS 5/3.1-30-5)**

**1-3-35**        **MONEY; WARRANTS; ACCOUNTS; PAYMENTS.** The Village Treasurer 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 Treasurer 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. **(See 65 ILCS 5/3.1-35-40)**

**1-3-36**        **WARRANT REGISTER.** The Treasurer 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 Treasurer shall cancel all warrants as soon as they are redeemed. **(See 65 ILCS 5/3.1-35-40 and 5/3.1-35-45)**

**1-3-37**        **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. **(See 65 ILCS 5/3.1-35-55)**

**1-3-38**        **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. **(See 65 ILCS 5/3.1-10-45)**

**1-3-39**        **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. **(See 65 ILCS 5/3.1-35-85)**

**1-3-40**        **BOOKKEEPING.** The Treasurer 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. **(See 65 ILCS 5/3.1-35-40)**

**1-3-41**        **STATEMENTS.** The Treasurer 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. **(See 65 ILCS 5/3.1-35-45)**

**1-3-42**        **REPORT DELINQUENT OFFICERS.** It shall be the duty of the Treasurer 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 Treasurer at the time required by law or by ordinances of the Village.

**1-3-43            YEAR-END REPORT.** Within **six (6) months** after the end of each fiscal year, the Treasurer 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 Treasurer 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 Treasurer, the Village Clerk shall post the account at least once in three or more locations in the Village. **(See 65 ILCS 5/3.1-35-65)**

**[NOTE: The Treasurer 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.]**

**1-3-44            SUBMIT APPROPRIATION TO VILLAGE BOARD.** The Treasurer 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 Treasurer 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 Treasurer 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 Treasurer 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. **(See 65 ILCS 5/3.1-35-115)**

**1-3-45            DEPOSIT OF FUNDS.**

(A)            **Designation by Board.** The Treasurer 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 1-3-45(F)**. When requested by the Treasurer, 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 Treasurer. 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 Treasurer of that fact in writing at least **five (5) days** before the transfer of funds. The Treasurer shall be discharged from responsibility for all funds or money that the Treasurer deposits in a designated bank or savings and loan association while the funds and money are so deposited.

(B) The Village Treasurer may require any bank or savings and loan association to deposit with the Treasurer 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 Treasurer may enter into agreements of any definite or indefinite term regarding the deposit, redeposit, investment, reinvestment, or withdrawal of municipal funds.

(D) Each Village Treasurer 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 Treasurer 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. **(See 65 ILCS 5/3.1-35-50 and 30 ILCS 235/6)**

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

- (1) Bank of Rantoul, Rantoul, IL
- (2) Farmers and Merchants Bank of Illinois, Paxton, IL

**1-3-46 - 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. **(See 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 Water System, 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 – WATER CLERK**

**1-3-53      OFFICE ESTABLISHED.** There is hereby established the office of Water Clerk who shall be appointed by the Mayor with the advice and consent of the Board of Trustees.

**1-3-54      DUTIES.** The Water Clerk 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 Water Clerk'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 Water Clerk 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 Water Clerk a copy of any receipt so filed. **(See 65 ILCS 5/3-11-25)**

**1-3-55      COMPENSATION.** The salary of the Water Clerk shall be set in the annual appropriation ordinance.

**1-3-56 - 1-3-59      RESERVED.**

## **DIVISION VI - VILLAGE ENGINEER**

**1-3-60**        **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.

**1-3-61**        **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 5/3.1-30-5)**

**1-3-62**        **RESERVED.**

## **DIVISION VII - SUPERINTENDENT OF WATER**

**1-3-63**        **OFFICE CREATED.** The Superintendent of Water shall be appointed by the Mayor, with the advice and consent of the Board of Trustees for a term of **one (1) year.** **(See 65 ILCS 5/3.1-30-5)**

**1-3-64**        **UTILITY SYSTEMS.** The Superintendent shall have charge of the operation and maintenance of the municipal water system as provided in **Chapter 38** of this Code.

**1-3-65**        **DEPARTMENT EMPLOYEES.** All employees, if any, assigned to the Department shall perform their duties subject to the orders and under the supervision of the Superintendent.

**1-3-66**        **PROPERTY CUSTODIAN.** The Superintendent shall be the custodian of all property of the Village which is not assigned to the care or custody of any other officer.

**1-3-67**        **RESERVED.**

## **DIVISION VIII - CODE ENFORCEMENT OFFICER -- ZONING ADMINISTRATOR**

**1-3-68**        **CREATION OF POSITION.** There is hereby created the position of Zoning Administrator. The Zoning Administrator shall be hired under the provisions of **Section 1-3-5** of the Revised Code. The Zoning Administrator shall also serve 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.

**1-3-69**      **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 Zoning Certificates, and make and maintain records thereof.  
(B)            Issue all Certificates of Occupancy, and make and maintain records thereof.  
(C)            Issue 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>**, if required by law.

(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 Zoning Board of Appeals, all applications for appeals, amendments, variances and special permits, and other matters upon which the Zoning Board of Appeals is required to act under the Zoning Code.

(J)            Keep the Corporate Authorities advised of zoning activities by written report once each month, including statements of permits and certificates issued and orders promulgated.

(K)            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.

(L)            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 Manufactured Home Code, and the Subdivision Code, as adopted and amended from time to time by the Village Board.

## ARTICLE IV - SALARIES

**1-4-1**            **OFFICIAL SALARIES.** The salaries of the elected and appointed Village officials shall be as follows:

(A)            **Mayor.** The Mayor shall receive a monthly salary of **One Hundred Dollars (\$100.00).**

(B)            **Clerk.** The Village Clerk shall receive a salary as provided in the appropriation ordinance.

(C)            **Trustees.** Each Trustee shall receive a monthly salary of **Thirty Dollars (\$30.00).** All members shall be allowed **two (2) absences** in each year for which compensation will be paid. Trustees serving active duty in the United States military forces may be paid for meetings held during their period of active duty.

(D)            **Treasurer.** The Village Treasurer shall receive a salary as provided in the appropriation ordinance.

(E)            **Zoning Administrative Officer.** The Zoning Administrative Officer shall receive compensation as provided in the annual appropriation ordinance. **(See 65 ILCS 5/3.1-50-5; 5/3.1-50-10; 5/3.1-50-15)**

(F)            **Water Clerk.** The Water Clerk shall receive an annual salary as provided in the annual appropriation ordinance.

**(See 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 Policies, as outlined in Addendum “B” and in Addendum “E”, that permit 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"

### VOLUNTARY PAYMENT OF FINES

(A) **Notice of Violation.** Village Police Officers are authorized to issue a Notice of Violation in the form prescribed in paragraph (C) below to any person who has committed any violation of those sections listed below. For each violation that has previously been issued a Citation and subsequently a fine, the fine will increase by **Twenty-Five Dollars (\$25.00)** per additional violation.

(B) **Delivery of Notice to Accused.** The Notice of Violation shall be served by leaving a copy thereof with the Defendant personally or by leaving a copy at the Defendant's usual place of abode, with some person of the family, of the age of **thirteen (13)** or upwards, and informing that person of the contents thereof providing the person making the service of the Notice of Violation shall also send a copy of the Notice of Violation in a sealed envelope with postage fully prepaid addressed to the Defendant at his or her usual place of abode within **seven (7) days** of the issuance of said Notice of Violation.

(C) **Violation Specified in Notice.** A Notice of Violation shall set forth the name of the violator (Defendant), name of offense (e.g. "Dog running at large"), the section number of the Village Code that prohibits the conduct, the date, time and location where the violation occurred and a statement that the violator may settle the matter of the violation by a voluntary payment to the Village Clerk on or before the following Village monthly board meeting, normally held on the first Monday of each month at 7:00 P.M.

(D) **Notice of Violation – In Lieu.** The Notice of Violation provided for herein shall be considered to be a courtesy in lieu of an arrest for the violation charged.

(E) **Failure.** If the person named in the Notice of Violation as the Defendant does not settle the claim within the period provided, a complaint may be filed in the Circuit Court of Champaign County, Illinois and upon conviction of the violation, the Defendant shall be fined as set forth in the section of the Village Code that provides the penalty for such offense if different than the penalty set forth below.

(F) **Settling Complaint Penalty.** If, after a complaint is filed in the Office of the Circuit Clerk of Champaign County, Illinois, the Defendant wants to voluntarily settle the claim of violation, if the Chief of Police and Village Attorney agree, the matter may be settled and the complaint dismissed upon payment to the Village Clerk of the amount set forth below plus an additional **Fifty Dollars (\$50.00)**, plus all court costs accrued to the date of dismissal.

(G) **List of Violations.**

<b><u>Violation</u></b>	<b><u>Section</u></b>	<b><u>Penalty</u></b>
Barking dogs	Sec. 3-1-5	\$50.00
Rabbit pen odor	Sec. 3-1-10	100.00
Dogs running at large	Sec. 3-3-2	50.00
Soliciting without license	Ch. 7; Art. II	50.00
Possession of fireworks	Sec. 7-9-3	50.00
Illegal transportation	Sec. 21-3-8	100.00
Minor misrepresenting age	Sec. 21-3-31	50.00
Minor in possession	Sec. 21-3-32	100.00
Illegal possession	Sec. 21-3-32	100.00
Parking violations – fire hydrant	Sec. 24-6-4(A)(2)(b)	100.00
Parking violations – blocking fire station	Sec. 24-6-4(A)(2)(e)	100.00
Abandoned/inoperable vehicles	Sec. 24-7-15	100.00
Derelict vehicles	Chapter 24	50.00
Weeds, failure to remove after notice	Ch. 25; Art. II	75.00
Discharge firearms	Sec. 27-2-20	200.00
Missiles	Sec. 27-2-20	50.00
Combustibles	Sec. 27-2-22	50.00

<b><u>Violation</u></b>	<b><u>Section</u></b>	<b><u>Penalty</u></b>
Damaging Village property	Sec. 27-2-24	150.00
Curfew	Sec. 27-2-32	75.00
Noise	Sec. 27-2-35	75.00
Amplifier without permit	Sec. 27-2-35	75.00
Theft	Sec. 27-3-1	100.00
Damaging private property	Sec. 27-3-2	100.00
Disorderly conduct	Sec. 27-4-1	150.00
Criminal trespass	Sec. 27-6-2	100.00
Open burning	Ch. 27; Art. IX	75.00
Depositing harmful materials on roadway	Sec. 33-2-8	100.00

## ADDENDUM "B"

### 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 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, 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 the 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 "C"**

**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 "D"**

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

Before an expense for travel, meals, or lodging may be approved under the Municipal Code, the following minimum documentation must first be submitted, in writing, to the corporate authorities of this Municipality:

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 Official

\_\_\_\_\_  
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

**[NOTE: See Policy in Section 1-2-31.]**

## ADDENDUM "E"

### 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.

**VILLAGE OF LUDLOW, ILLINOIS**

**CLOSED SESSIONS – MINUTES**

NOTE: The identifying names have been changed to preserve confidentiality for Ludlow.

<b>Inventory</b>	<b>Date</b>	<b>Purpose</b>	<b>Discussion</b>	<b>Proposed Action</b>	<b>Comments</b>

**Key**

- P** Personnel
- P/L** Pending Litigation
- L/A** Land Acquisition
- CB** Collective Bargaining



## **CHAPTER 3 - ANIMALS**

<b><u>ARTICLE</u></b>	<b><u>TITLE</u></b>	<b><u>PAGE</u></b>
<b>I</b>	<b>GENERAL REGULATIONS</b>	
	Section 3-1-1 - Short Title	3-1
	Section 3-1-2 - Definitions	3-1
	Section 3-1-3 - Injury to Property	3-3
	Section 3-1-4 - Manner of Keeping	3-3
	Section 3-1-5 - Keeping Barking Dogs and Crying Cats	3-3
	Section 3-1-6 - Cruelty to Animals Prohibited	3-4
	Section 3-1-7 - Exhibiting Wild or Vicious Animals	3-4
	Section 3-1-8 - Health Hazard	3-4
	Section 3-1-9 - Limitation on Number of Dogs and Cats Kept	3-4
	Section 3-1-10 - Animals, Etc. in Village	3-5
	Section 3-1-11 - Animal Feed Prohibited	3-7
<b>II</b>	<b>DOGS</b>	
	Section 3-2-1 - Restraint of Dogs	3-8
	Section 3-2-2 - Rabies Inoculation	3-8
	Section 3-2-3 - Impoundment of Dogs Running at Large or Unlicensed Dogs; Citation of Owner or Keeper	3-8
	Section 3-2-4 - Notice and Citation to Owner or Keeper of Impoundment	3-9
	Section 3-2-5 - Obstructing Poundmaster	3-9
	Section 3-2-6 - Impoundment of Dogs Which Have Bitten Persons	3-9
	Section 3-2-7 - Impoundment	3-9
	Section 3-2-8 - Redemption of Impounded Animals	3-9
	Section 3-2-9 - Village Pound Designated	3-9
	Section 3-2-10 - Disposition of Dogs Deemed Nuisances	3-9
	Section 3-2-11 - Dangerous Dog - Female Dog at Large	3-10
	Section 3-2-12 - Female Dog with Other Dogs	3-10
	Section 3-2-13 - Confinement in Motor Vehicle	3-10
	Section 3-2-14 - Vicious Animals Prohibited	3-10
	Section 3-2-15 - Intergovernmental Agreement	3-10
<b>III</b>	<b>VICIOUS AND DANGEROUS DOGS</b>	
	Section 3-3-1 - Definitions	3-11
	Section 3-3-2 - Unlawful to Maintain	3-11
	Section 3-3-3 - Owner's Responsibility	3-12
	Section 3-3-4 - Dog Permitted to Leave Premises	3-12
	Section 3-3-5 - Injunction	3-12
	Section 3-3-6 - Liability of Owner or Dog Attacking or Injuring Person	3-12
	Section 3-3-7 - Right of Entry – Inspections	3-12
<b>IV</b>	<b>TETHERING</b>	
	Section 3-4-1 - Tethering Dog Regulations	3-13
	Section 3-4-2 - Variances	3-13
	Appendix "A" - Intergovernmental Agreement for Animal Control Services	3-14

## 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"**. "Owner" means any person having a right of property in an animal, or who keeps or harbors an animal, or who has it in his care, or acts as its custodian, or who knowingly permits a dog to remain on any premises occupied by him or her. "Owner" does not include a feral cat caretaker participating in a trap, spay/neuter, return or release program. **(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)**

**"RECKLESS DOG OWNER"**. "Reckless dog owner" means a person who owns a dog that while anywhere other than upon the property of the owner, and without justification, kills another dog that results in that dog being deemed a dangerous dog under **510 ILCS 5/15.1** and who knowingly allows the dog to violate **510 ILCS 5/9** on two occasions within **twelve (12) months** of the incident for which the dog was deemed dangerous or is involved in another incident that results in the dog being deemed dangerous on a second occasion within **twenty-four (24) months** of the original dangerous determination.

**"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 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 rabbits shall not exceed **ten (10)**.
- (4) Any structures housing hobby animals shall be termed an "accessory structure".
- (5) 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.
- (6) Care for Hobby Animals shall follow the provisions set forth in this Chapter.
  - (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 **five (5) 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)**

**(In Part, 1987 Code – Chapter 4)**



## ARTICLE II - DOGS

**3-2-1        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)**

**3-2-2        RABIES INOCULATION.**

(A)        **Dogs.** Every owner of a dog **four (4) months** or more of age shall have each dog inoculated against rabies by a licensed veterinarian. Every dog shall have a second rabies vaccination within **one (1) year** of the first. Terms of subsequent vaccine administration and duration of immunity must be in compliance with USDA licenses of vaccines used.

(B)        **Cats.** Every owner of a cat that is a companion animal and is **four (4) months** or more of age shall have each cat inoculated against rabies by a licensed veterinarian. Every cat that is a companion animal shall have a second rabies vaccination within **one (1) year** of the first. Terms of subsequent vaccine administration and duration of immunity must be in compliance with USDA licenses of vaccines used. This subsection (B) does not apply to feral cats; however, if a feral cat is presented to a licensed veterinarian for sterilization, the feral cat shall be inoculated against rabies, unless the person presenting the feral cat for care provides an inoculation certificate showing that the feral cat has been inoculated against rabies, and the cost of the inoculation shall be paid by the person presenting the feral cat to a licensed veterinarian for care.

(C)        **Duties of Veterinarian.** A veterinarian immunizing a dog, cat, or ferret against rabies shall provide the Administrator of the county in which the dog, cat, or ferret resides with a certificate of immunization. Evidence of such rabies inoculation shall be entered on a certificate the form of which shall be approved by the Board and which shall contain the microchip number of the dog, cat, or ferret if it has one and which shall be signed by the licensed veterinarian administering the vaccine. Only one dog, cat, or ferret shall be included on each certificate.

(D)        **Dog Tags Issued.** Veterinarians who inoculate a dog shall procure from the County Animal Control in the county where their office is located serially numbered tags, one to be issued with each inoculation certificate. The Board shall cause a rabies inoculation tag to be issued, at a fee established by the Board for each dog inoculated against rabies.

(E)        **Cat Tags Issued.** A veterinarian who inoculates a cat that is a companion animal shall issue an inoculation certificate to the owner which shall comply with any registration requirements adopted by the County under **510 ILCS 5/3.**  
**(See 510 ILCS 5/8)**

**3-2-3        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 for each day that a dog is housed in the pound. **(510 ILCS 5/10)**

**3-2-4 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.

**3-2-5 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.

**3-2-6 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)**

**3-2-7 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.

**3-2-8 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.

**3-2-9 VILLAGE POUND DESIGNATED.** The Village Board shall designate a Village Pound.

**3-2-10 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.

**3-2-11**            **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.

**3-2-12**            **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.

**3-2-13**            **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)**

**3-2-14**            **VICIOUS ANIMALS PROHIBITED.** It shall be unlawful for any person to bring or transfer into the incorporated area of the Village any dog or animal that has been declared "vicious" by any other unit of local government.

**3-2-15**            **INTERGOVERNMENTAL AGREEMENT.** The Intergovernmental Agreement between the Village and Champaign County Animal Control Department is included as **Appendix "A"**. **(June 9, 2020)**

**(65 ILCS 5/11-1-1 and 5/11-20-9 or 510 ILCS Animals)**

## 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 Village Hall. The variance shall be reviewed by the Village Board for approval or disapproval.

**(510 ILCS 70/3)**

## APPENDIX "A"

### INTERGOVERNMENTAL AGREEMENT FOR ANIMAL CONTROL SERVICES

THIS AGREEMENT is entered into by the County of Champaign (hereinafter "County") and the Village of Ludlow (hereinafter "Village") for animal control services.

WHEREAS, Section 10 of Article VII of the Illinois Constitution of 1970 and the Illinois Governmental Cooperation Act, 5 ILCS 220/1 *et seq.*, enables the parties to enter into agreements among themselves and provides authority for intergovernmental cooperation; and

WHEREAS, there is a need to respond to requests for animal control services within the Village; and

WHEREAS, there is a need to remove stray dogs and other animals subject to impoundment from within the Village upon the request of the Village;

WHEREAS, the County has the ability to provide such services through the Champaign County Animal Control Department (hereinafter "Department");

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties agree as follows:

1. The County agrees to provide to the Village animal control services in accordance with Village ordinances through the Department.
2. The Department will respond to requests for animal control services from citizens residing within the Village.
3. For services provided by the Department, the Village shall pay an annual rate of \$1.47 per capita. The annual rate increase to go into effect on the anniversary date of the signing of this Agreement for each subsequent year of the Agreement will be an adjustment to the previous year's rate by the annual Property Tax Extension Limitation Law (hereinafter "PTELL") CPI rate as set by the State of Illinois in January. Should the PTELL CPI rate be under zero the rate increase shall be 0%; should the PTELL CPI rate be over 5% the rate of increase shall be capped at 5%. The Village shall pay the County through the Department monthly on the 15<sup>th</sup> day of each month. In January, the Department shall annually issue to the Village the PTELL CPI rate adjustment for the ensuing contract renewal year.
4. Owned animals will be held for no longer than a period of five days, unless otherwise directed by the Champaign County Sheriff's Department or directed by a court order.
5. The Department agrees to provide yearly reports to the Village breaking down the number of calls responded to and number of boarding days for impounded animals on the request of the Village President.
6. **Indemnification.** The Village and the County agree to hold the other party harmless and indemnify the other for any loss, liability or damages arising from any action, omission, or negligence of each party's employees, officers, or agents regarding the performance of this Agreement.
7. This agreement shall continue in effect from year to year unless terminated by either party giving written notice to the other at least thirty days prior to the annual renewal date, which shall occur annually on the anniversary of the effective date of this agreement.

8. This agreement shall become effective on July 1, 2020.
9. This Agreement may be amended only by a written document signed by both parties.
10. Any terms of this Agreement that by their nature extend after the end of the Agreement, whether by way of expiration or termination, will remain in effect until fulfilled.
11. Any written notice that is required between the parties shall be sent through first class mail, return receipt requested to:

Village Mayor  
Village of Ludlow  
PO Box 177  
Ludlow, Illinois 60949

Champaign County Executive  
1776 East Washington Street  
Urbana, Illinois 61802

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed on the date and year indicated herein.

VILLAGE OF LUDLOW  
An Illinois Municipal Corporation

CHAMPAIGN COUNTY

By:       /s/ Steve Thomas      

By: \_\_\_\_\_

Date:   June 9, 2020  

Date: \_\_\_\_\_

ATTEST:       /s/ Dawn Good      

ATTEST: \_\_\_\_\_

APPROVED AS TO FORM:

APPROVED AS TO FORM:

\_\_\_\_\_  
Village Attorney

\_\_\_\_\_  
State's Attorney's Office



**AN INTERGOVERNMENTAL AGREEMENT  
FOR ANIMAL IMPOUNDMENT SERVICES  
(Village of Ludlow – County of Champaign)**

THIS AGREEMENT is made and entered by and between the Village of Ludlow, an Illinois Municipal Corporation, (hereinafter referred to as "Village") and the County of Champaign, (hereinafter referred to as "County").

WHEREAS, Section 10 of Article VII of the Illinois Constitution of 1970 and the Illinois Intergovernmental Cooperation Act, 5 ILCS 220/1 *et seq.*, enables the parties to enter into agreements among themselves and provides authority for intergovernmental cooperation; and

WHEREAS, the County proposes to provide an Animal Service Facility primarily for the impounding of animals for the use of local law enforcement agencies; and

WHEREAS, this Agreement is in the best interests of the Village and the County.

Also, for the purposes of this agreement, veterinary services shall be defined as rabies inoculations, health evaluations, the treatment of minor curable diseases and injuries, and euthanasia. Also, for the purposes of this agreement the term animal(s) shall be defined as dogs, cats, rabbits, small rodents, ferrets, and small reptiles. The term animal(s) does not include livestock, exotic animals, or any animal considered to be a "dangerous animal" under the Illinois Dangerous Animals Act, 720 ILCS 585/0.1 *et seq.*, or any other federal or state law or regulation.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties agree as follows:

- 1. County to Provide Facilities and Services.** The County shall maintain and operate an animal services facility for the impoundment of animals that are seized by the Village pursuant to Village Ordinances. The County shall provide all services necessary for the impoundment, care, transfer, and euthanasia of all animals delivered by the Village or citizens residing within the Village limits of Ludlow. The County will be solely responsible for the hiring and payment of facility personnel and veterinary services provided by the County Veterinarian at the Animal Services Facility. If outside vet care is needed the County shall inform the Village and a joint decision for care will be made. The County is required to provide the services and other obligations in this agreement starting on the date its animal services facility opens or the date this agreement becomes effective, whichever date is later.
- 2. Compliance with Laws; Inspections.** The County shall operate the facility in a humane and sanitary manner and in compliance with all applicable state and local laws, ordinances and regulations. The Chief of Police or his designee shall be entitled to inspect and examine the premises and to examine the records kept of impounded animals received from the Village to ensure compliance with this Agreement during normal business hours. Nothing contained herein shall make the Village responsible for the manner of operation or maintenance of the facilities.
- 3. Hours of Operation; Access.** The facility shall be open to the public no less than 8 hours per day, Monday through Friday, excluding County holidays. The County shall set the exact hours of service. Village personnel shall have access to the facilities for the purpose of delivering impounded animals at all times. The County shall provide necessary keys, access cards and/or codes to the Village for such purposes. The Village shall be responsible for securing animals delivered and securing the facilities upon departure in the event no County staff is available.
- 4. Equipment.** The County shall provide adequate facilities to house the animals delivered to it in a safe and sanitary manner. The County shall endeavor to maintain a minimum of one run or cage for the proper housing and exercise of animals. The County shall maintain separate cages for animals of different species. The County shall have sufficient space to house the normal and

customary number of animals that the Village generally needs held for animal control purposes. The Village must give advance notice to the County's Animal Control Director of any extraordinary event that would result in an impoundment of more than three animals, such as the arrest of an animal hoarder. The County will attempt to provide housing in such an extraordinary event but is unable to guarantee that housing will be provided to all animals in such a circumstance. If the County is unable to provide housing in such an extraordinary event, then the Village must find housing for any animals for which the County is unable to provide housing at the Village's expense. The County will notify the Village as soon as possible in the event it does not have the capacity to house and maintain animals pursuant to this Agreement.

5. **Notice of Delivery and Special Directions.** The Village shall notify the County as soon as practical of its intent to deliver animals to the facility for impound. The Village shall provide information concerning the nature of the impoundment and indicate any special directions it believes may be necessary for the proper handling, care and treatment of the animals. The County shall keep animals impounded for bite quarantine or that are infected with a contagious disease in isolation from all other animals as required by law or in the exercise of sound veterinary practices.
6. **Hold Orders; Orders of Destruction.** In the event a hold order is issued by the Village or a court of competent jurisdiction, the County shall hold the animal and shall not make it available for redemption, adoption or euthanasia without written consent of the Village or Court issuing the hold order. Boarding fees for animals held by the Village past the 5, 7 or 10 redemption period as described in Section 8 of this agreement, shall be paid by the Village for each animal held by the Village, for each day or part of a day of impoundment. The daily boarding fee shall be the County boarding fee of \$15.00 per day or any part of a day. The County shall invoice the Village on the first of each month, to be paid by the 30<sup>th</sup> of each month until said animals have been released by a court of law or the Village's Legal Department. In the event an Order of Destruction is issued, the County shall humanely euthanize the subject animal(s) pursuant to the Order.
7. **Transfer of Ownership.** Animals delivered to the facility shall become the property of the County after one of the following events occurs: after the expiration of any applicable redemption period; upon execution of an owner-relinquishment form of the animal's owner(s); after issuance of an order or other release authorizing the County to take ownership of the animal. The County is thereafter authorized to sell, adopt out, convey, euthanize or otherwise dispose of the animal in whatever manner it deems appropriate. The County accepts sole responsibility for its discretionary decision.
8. **Fees.** The County is authorized to collect such fees and fines as authorized by the Champaign County Board and is authorized to collect fees and fines as stated in the Village's Code. All fines and fees collected on behalf of the Village shall be remitted monthly, to be received no later than the 15<sup>th</sup> day of each month.
9. **Payment.** The Village shall pay an annual rate of \$0.97 per capita for animal impoundment services. The annual rate increase to go into effect on the anniversary date of the signing of this Agreement for each subsequent year of the Agreement will be an adjustment to the previous year's rate by the annual Property Tax Extension Limitation Law (hereafter "PTELL") CPI rate as set by the State of Illinois in January. Should the PTELL CPI rate be under zero the rate increase shall be 0%; should the PTELL CPI rate be over 5% the rate of increase shall be capped at 5%. In January, the Department shall annually issue to the Village the PTELL CPI rate adjustment for the ensuing contract renewal year. The Village shall pay the County through the Department monthly on the 15<sup>th</sup> day of each month.
10. **Records.** The County shall keep and maintain all required records in compliance with the Ordinances of the Village and the Statutes of the State of Illinois, which shall include but not be limited to complete financial records covering fees, fines and other charges as well as records of the type and number of animals impounded. The County shall provide a monthly report of the

number of animals received and the final dispositions of the animals. The Village shall provide information concerning the status of pending cases upon request.

11. **Computer Records.** The parties shall endeavor to design/evaluate, procure, implement and maintain a computer records management program. Necessary data shall include: the number of animals housed and/or received on behalf of the Village of Ludlow, boarding dates, date of final disposition, type of disposition and any fees associated therewith. Such pertinent data shall be made part of the basis in determining costs associated with the impoundment services provided by the County.
12. **Indemnification.** The Village and the County agree to hold the other party harmless and indemnify the other for any loss, liability or damages arising from any action, omission, or negligence of each party's employees, officers, or agents regarding the performance of this Agreement.
13. **Duration; Termination.** This agreement shall be effective on July 1, 2020 and shall be effective until, either party terminates this contract by notifying the other party in writing at least ninety (90) days before termination is to become effective. The written notice shall be sent first class mail, return receipt requested to:

Village Mayor  
Village of Ludlow  
PO Box 177  
Ludlow, Illinois 60949

Champaign County Executive  
1776 East Washington Street  
Urbana, Illinois 61801

14. **Amendments.** This Agreement may be amended only by writing signed by both parties.
15. **Survival of Provisions.** Any terms of this Agreement that by their nature extend after the end of the Agreement, whether by way of expiration or termination, will remain in effect until fulfilled.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed on the date and year indicated herein.

VILLAGE OF LUDLOW  
An Illinois Municipal Corporation

CHAMPAIGN COUNTY

By:     /s/ Steve Thomas    

By: \_\_\_\_\_

Date:   June 9, 2020  

Date: \_\_\_\_\_

ATTEST:     /s/ Dawn Good    

ATTEST: \_\_\_\_\_

APPROVED AS TO FORM:

APPROVED AS TO FORM:

\_\_\_\_\_  
Village Attorney

\_\_\_\_\_  
State's Attorney's Office

**CHAPTER 4 – BOARDS AND COMMISSIONS**

<b><u>ARTICLE</u></b>		<b><u>TITLE</u></b>	<b><u>PAGE</u></b>
<b><i>I</i></b>	<b><i>PLAN COMMISSION</i></b>		
	<i>Section 4-1-1</i>	- <i>Established</i>	<i>4-1</i>
	<i>Section 4-1-2</i>	- <i>Membership</i>	<i>4-1</i>
	<i>Section 4-1-3</i>	- <i>Term of Office</i>	<i>4-1</i>
	<i>Section 4-1-4</i>	- <i>Procedure</i>	<i>4-1</i>
	<i>Section 4-1-5</i>	- <i>Powers and Duties</i>	<i>4-1</i>
	<i>Section 4-1-6</i>	- <i>Land Subdivision or Re-subdivision and the Official Map</i>	<i>4-2</i>
	<i>Section 4-1-7</i>	- <i>Improvements</i>	<i>4-2</i>
	<i>Section 4-1-8</i>	- <i>Further Purposes</i>	<i>4-2</i>
	<i>Section 4-1-9</i>	- <i>Expenditures</i>	<i>4-2</i>

## 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.

**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 and the Village Board, 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 **five (5) 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 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)**

## **CHAPTER 7 – BUSINESS CODE**

<b><u>ARTICLE</u></b>	<b><u>TITLE</u></b>	<b><u>PAGE</u></b>
<b>I</b>	<b>ADMINISTRATION</b>	
	Section 7-1-1 - Applications	7-1
	Section 7-1-2 - Persons Subject to License	7-1
	Section 7-1-3 - Form of License	7-1
	Section 7-1-4 - Investigations	7-1
	Section 7-1-5 - Fees	7-2
	Section 7-1-6 - Termination of Licenses	7-2
	Section 7-1-7 - Building and Premises	7-2
	Section 7-1-8 - Change of Location	7-2
	Section 7-1-9 - Location	7-2
	Section 7-1-10 - Nuisances Prohibited	7-3
	Section 7-1-10.1 - Generally	7-3
	Section 7-1-10.2 - Unsafe or Unhealthful Business	7-3
	Section 7-1-10.3 - Refuse Disposal	7-3
	Section 7-1-11 - Working Conditions	7-3
	Section 7-1-11.1 - Health Requirements	7-3
	Section 7-1-11.2 - Sanitation	7-4
	Section 7-1-11.3 - Heat Required	7-4
	Section 7-1-11.4 - Inspection	7-4
	Section 7-1-12 - Inspections	7-4
	Section 7-1-13 - Suspension, Revocation of License or Permit	7-4
	Section 7-1-13.1 - Nuisance	7-4
	Section 7-1-13.2 - Hearing	7-5
	Section 7-1-13.3 - Revocation	7-5
	Section 7-1-13.4 - Hearing Notice	7-5
	Section 7-1-13.5 - Counsel	7-5
	Section 7-1-14 - Appeal	7-5
	Section 7-1-15 - License to be Posted	7-5
<b>II</b>	<b>SOLICITORS</b>	
	Section 7-2-1 - Definitions	7-6
	Section 7-2-2 - Certificate of Registration	7-6
	Section 7-2-3 - Application for Certificate of Registration	7-6
	Section 7-2-4 - Issuance and Revocation of Certificate	7-7
	Section 7-2-5 - Policy on Soliciting	7-7
	Section 7-2-6 - Notice Regulating Soliciting	7-7
	Section 7-2-7 - Compliance by Solicitors	7-8
	Section 7-2-8 - Uninvited Soliciting Prohibited	7-8
	Section 7-2-9 - Time Limit on Soliciting	7-8
	Section 7-2-10 - Solicitations on Public Highways	7-8
	Section 7-2-11 - Fees	7-9
<b>III</b>	<b>PEDDLERS</b>	
	Section 7-3-1 - License Required	7-10
	Section 7-3-2 - Definition	7-10

<b><u>ARTICLE</u></b>	<b><u>TITLE</u></b>	<b><u>PAGE</u></b>
<b>III</b>	<b>PEDDLERS (CONTINUED)</b>	
	Section 7-3-3 - Applications	7-10
	Section 7-3-4 - Investigation of Applicants	7-10
	Section 7-3-5 - Hours	7-10
	Section 7-3-6 - Fraud	7-10
	Section 7-3-7 - Photographs	7-10
	Section 7-3-8 - Unwanted Peddling	7-11
	Section 7-3-9 - Peddlers as Nuisance	7-11
	Section 7-3-10 - Duty of Police to Abate	7-11
	Section 7-3-11 - Local Businesses and Farmers Excluded	7-11
	Section 7-3-12 - Fees	7-11
<b>IV</b>	<b>COIN-OPERATED MACHINES</b>	
	Section 7-4-1 - Definitions	7-12
	Section 7-4-2 - License Required	7-12
	Section 7-4-3 - Application	7-12
	Section 7-4-4 - Prohibited Licensees	7-12
	Section 7-4-5 - Fees	7-13
	Section 7-4-6 - Non-Assignability of License	7-13
	Section 7-4-7 - Gambling Regulations	7-13
	Section 7-4-8 - Display of License	7-13
	Section 7-4-9 - Right of Entry	7-13
	Section 7-4-10 - Closing Hours	7-13
<b>V</b>	<b>JUNK DEALERS</b>	
	Section 7-5-1 - Definitions	7-14
	Section 7-5-2 - Physical Requirements	7-14
	Section 7-5-3 - License Required	7-14
	Section 7-5-4 - Application	7-14
	Section 7-5-5 - Disqualification	7-15
	Section 7-5-6 - License	7-15
	Section 7-5-7 - License Fee	7-15
	Section 7-5-8 - Minors	7-15
<b>VI</b>	<b>RAFFLES AND POKER RUNS</b>	
	Section 7-6-1 - Definitions	7-16
	Section 7-6-2 - Requirement of License	7-17
	Section 7-6-3 - Applications for a License for a Raffle	7-17
	Section 7-6-4 - Application for a License for a Poker Run	7-18
	Section 7-6-5 - Licensee Qualifications	7-18
	Section 7-6-6 - License Issuance	7-19
	Section 7-6-7 - Conduct of Raffles and Poker Runs	7-20
	Section 7-6-8 - Manager – Bond for Raffles	7-20
	Section 7-6-9 - Records	7-20
	Section 7-6-10 - Limited Construction	7-21
	Section 7-6-11 - Prize Limitations; Term	7-21



<b><u>ARTICLE</u></b>	<b><u>TITLE</u></b>	<b><u>PAGE</u></b>
<b>VII</b>	<b>ADULT USE LICENSING AND REGULATION</b>	
	Section 7-7-1 - Purpose	7-22
	Section 7-7-2 - Definitions	7-22
	Section 7-7-3 - License Required	7-24
	Section 7-7-4 - Issuance of License	7-25
	Section 7-7-5 - Liquor	7-25
	Section 7-7-6 - Fees	7-25
	Section 7-7-7 - Inspection	7-25
	Section 7-7-8 - Expiration of License	7-26
	Section 7-7-9 - Suspension	7-26
	Section 7-7-10 - Revocation	7-26
	Section 7-7-11 - Transfer of License	7-27
	Section 7-7-12 - Business Records	7-27
	Section 7-7-13 - Liquor License	7-27
	Section 7-7-14 - Adult Entertainment Cabarets – Restrictions	7-27
	Section 7-7-15 - Video Viewing Booths – Restrictions	7-27
	Section 7-7-16 - Hours of Operation	7-27
	Section 7-7-17 - Investigation	7-27
<b>VIII</b>	<b>FIREWORKS CODE</b>	
	Section 7-8-1 - Definitions	7-28
	Section 7-8-2 - Sale of Fireworks Unlawful	7-28
	Section 7-8-3 - Possession, Use and Discharge of Dangerous Fireworks Unlawful	7-28
	Section 7-8-4 - Permit Required to Sell or Display Fireworks	7-28
	Section 7-8-5 - Time Limit Set on Sale and Use	7-28
	Section 7-8-6 - Permit Fees	7-29
	Section 7-8-7 - Issuance – Nontransferable Voiding	7-29
	Section 7-8-8 - Application for Public Display Permit	7-29
	Section 7-8-9 - Application for Seller’s Permit – Conditions for Issuance	7-29
	Section 7-8-10 - Sale from Stands – Exceptions	7-30
	Section 7-8-11 - Standards for Temporary Stands	7-30
	Section 7-8-12 - Standards for Public Fireworks Displays	7-31
	Section 7-8-13 - Use of Fireworks in Public Parks	7-31
	Section 7-8-14 - Special Effects for Entertainment Media	7-32
	Section 7-8-15 - Nonprohibited Acts	7-32
	Section 7-8-16 - Applicability	7-32
	Section 7-8-17 - Status of State Law	7-32
	Section 7-8-18 - Enforcement	7-32
	Section 7-8-19 - Reckless Discharge or Use Prohibited	7-32

## 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. **(See Addendum "A" for list of fees.)**

**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.

**7-1-11            WORKING CONDITIONS.**

**7-1-11.1        HEALTH REQUIREMENTS.** No owner, lessee, manager, or superintendent of any store, factory, workshop or other place where persons are employed shall cause or permit such place or any room or part thereof to be overcrowded or inadequate or faulty in respect to light, ventilation, heat or cleanliness.

**7-1-11.2      SANITATION.** All such places of employment shall be kept in a clean condition, free from effluvia of a sewer, drain, privy, stable or other nuisance(s); also as far as practicable, such premises shall be free from all gases, vapors, dust, or other impurities generated by manufacturing processes or otherwise which are injurious to health. Sufficient washroom facilities for male and female employees shall be provided and such facilities shall be properly ventilated.

**7-1-11.3      HEAT REQUIRED.**  
(A) It shall be the duty of every person owning or controlling the heating plant which furnishes heat to any factory or workshop to maintain a temperature within such factory or workshop of not less than **sixty-two degrees Fahrenheit (62°F.)** without such undue restriction of ventilation as to interfere with proper sanitary conditions therein; provided, however, that this requirement shall not apply to any factory or workshop where the business conducted therein is of such a nature that a higher or lower temperature than **sixty-two degrees Fahrenheit (62°F.)** is necessary or expedient for the work or manufacturing processes of such business.

(B) It shall be the duty of every person owning or controlling the heating plant which furnishes heat to any office, store, or other place of employment to maintain a temperature therein of not less than **sixty-two degrees Fahrenheit (62°F.)**, without such undue restriction of ventilation as to interfere with proper sanitary conditions therein between the hours of **8:00 A.M. and 6:00 P.M. from October 1<sup>st</sup> of each year until June 1<sup>st</sup> of the succeeding year [Sundays and legal holidays excepted]**.

**7-1-11.4      INSPECTION.** The Mayor or the Chief of Police shall visit or cause to be visited all places of employment in this Municipality as often as they shall deem necessary to assure compliance with the provisions of this Section, and to have such arrangements made as may be deemed necessary for the health and safety of the employees.

**7-1-12      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.

**7-1-13      SUSPENSION, REVOCATION OF LICENSE OR PERMIT.**

**7-1-13.1      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**.

**7-1-13.2 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.

**7-1-13.3 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 7-1-13.4 and 7-1-13.5** 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.

**7-1-13.4 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.

**7-1-13.5 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.

**7-1-14 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 7-1-13** 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 7-1-13** hereof. The decision of the Village Board on such appeal shall be final.

**7-1-15 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** 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.

**(See 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:**                      **\$15.00 per person per day.**

(B)            **Annual License:**                      **\$50.00 per person per year.**

**(See 65 ILCS 5/11-42-5)**

**(See 2015 Code Section 6.14)**

## 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** 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:**                    **\$15.00 per person per day**
- (B)            **Annual License:**                    **\$50.00 per person per year**

**(See 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-Five Dollars (\$25.00) per year** or part thereof for each coin-operated amusement device set up for operation, leased or distributed to a proprietor; provided there will be no charge for video poker machines.

(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 between the hours of **12:00 Midnight and 6:00 A.M.** on any day or between **12:00 Midnight Saturday and 12:00 Noon** the following Sunday.

**(See 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 **Two Hundred Dollars (\$200.00)** 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 **Two Hundred Dollars (\$200.00)** 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.

**(See 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 a 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 age 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 PRIZE LIMITATIONS; TERM.**

(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) The maximum number of days during which chances may be issued or sold or poker hands issued or sold shall not exceed **one (1) year**;

(E) Licenses issued pursuant to this Code shall be valid for **one (1) raffle** and may be suspended or revoked for any violation of this Code;

(F) Licenses shall be issued to 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, or organization shall be issued more than **one (1) license** in a period of **one (1) week**;

(I) The manager of a raffle game or poker run shall give a fidelity bond in the sum of **One Thousand Dollars (\$1,000.00)** in favor of the organization conditioned upon his honesty in the performance of his duties. The Mayor or his designated representative is authorized to waive requirement for bond by including a waiver provision in the license issued, provided that the license containing such waiver provision shall be granted only by unanimous vote of the members of the licensed organization. The terms of the bond shall provide that notice shall be given in writing to the licensing authority not less than **thirty (30) days** prior to its cancellation.

## ARTICLE VII – ADULT USE LICENSING AND REGULATION

**7-7-1**            **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.

### **7-7-2**            **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.



**7-7-3            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.

**7-7-4**            **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 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.

**7-7-5**            **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.

**7-7-6**            **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.

**7-7-7**            **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.

**7-7-8 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 7-7-4**. 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.

**7-7-9 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.

**7-7-10 REVOCATION.**

(A) The Village shall revoke a license if a cause of suspension in **Section 7-7-8** 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.

**7-7-11**        **TRANSFER OF LICENSE.** A licensee shall not transfer his/her license to another nor shall a licensee operate an adult use business under the authority of a license at any place other than the address on the license.

**7-7-12**        **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.

**7-7-13**        **LIQUOR LICENSE.** No adult use may be issued a liquor license. Nor shall any establishment with a liquor license operate as an adult use.

**7-7-14**        **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.

**7-7-15**        **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.

**7-7-16**        **HOURS OF OPERATION.** No adult use shall be open prior to **10:00 A.M.** or after **2:00 A.M.**

**7-7-17**        **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 VIII – FIREWORKS CODE**  
**(In part 1987 Code – Chapter 8)**

**7-8-1**        **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.

**7-8-2**        **SALE OF FIREWORKS UNLAWFUL.** It is unlawful for any person to sell any fireworks within the Village other than those fireworks designated in **Section 7-8-5** of this Article, provided that this prohibition shall not apply to duly authorized public displays.

**7-8-3**        **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.

**7-8-4**        **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.

**7-8-5**        **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.

**7-8-6 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.

**7-8-7 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 7-8-11** 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.

**7-8-8 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 7-8-12** of this Article.

**7-8-9 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 7-8-4** 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 7-8-5** 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 7-8-11** 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.

**7-8-10 SALE FROM STANDS – EXCEPTIONS.** All approved fireworks as set forth in **Section 7-8-5** 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.

**7-8-11 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.

**7-8-12**      **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.

**7-8-13**      **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 7-8-5** of this Article. Otherwise lawful discharge and possession of fireworks as allowed by **Section 7-8-5** 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 for 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.

**7-8-14**        **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 7-8-7** and **7-8-8** of this Code.

**7-8-15**        **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.

**7-8-16**        **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.

**7-8-17**        **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.

**7-8-18**        **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.

**7-8-19**        **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.

**ADDENDUM "A"**

**(See Sec. 7-1-5)**

Handbill Distribution	\$5.00 per day
Kennels & Pet Shops	\$10.00 per annum
Scavengers	\$15.00 per annum

**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**

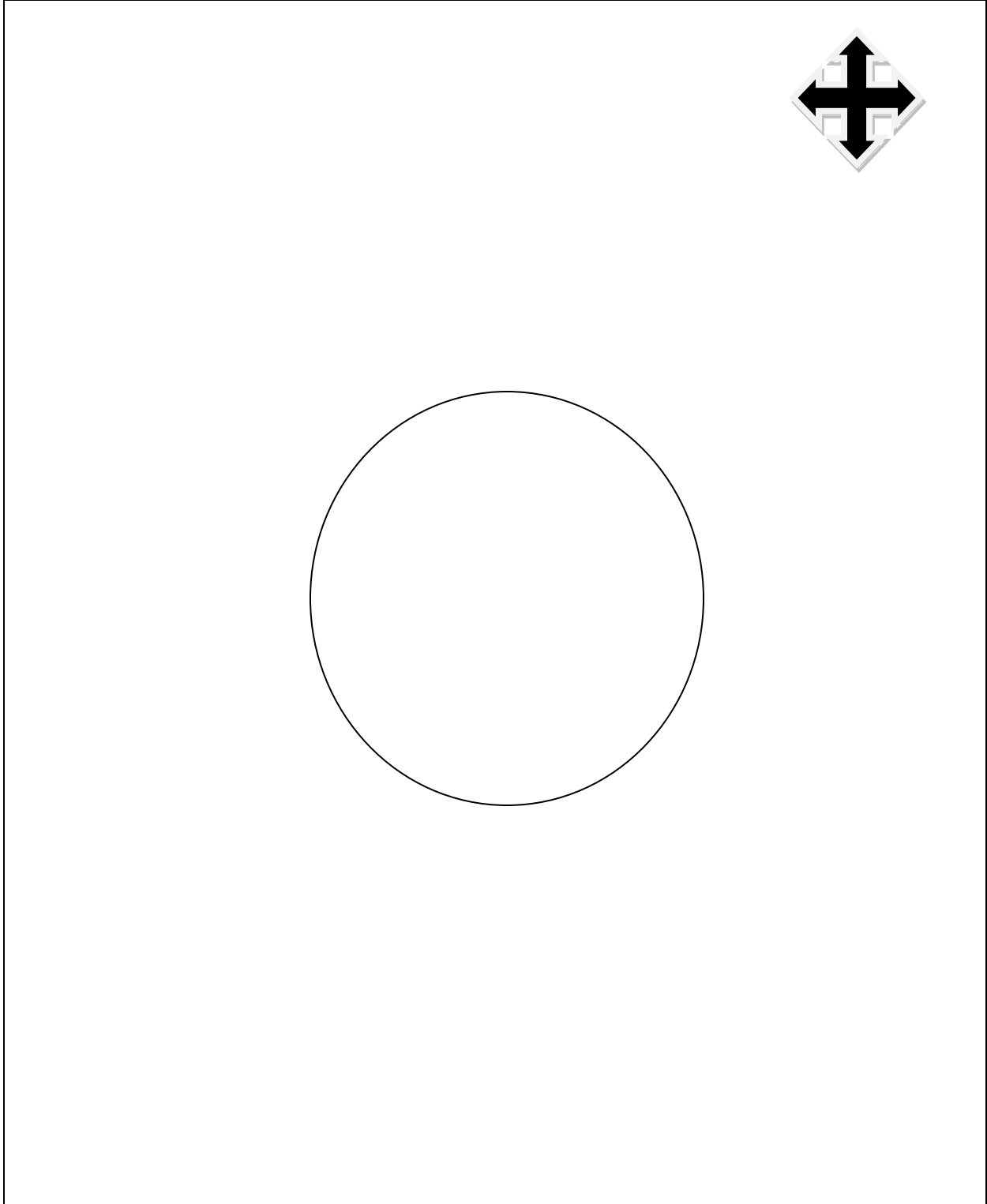
Answer the following questions	Yes	No
Is distance to any fire hydrant or water supply greater than 600'?		
Is display area clear from overhead obstructions?		
Have provisions been made to keep the public out of display area?		
Is a hospital, nursing home, or other institution within 600' of the display 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:



The diagram area is a large rectangle with a thin black border. In the center of this rectangle is a large, empty circle. In the top right corner of the rectangle is a north arrow symbol, which consists of a diamond shape with four arrows pointing outwards (up, down, left, right) from its center. The arrows are black with white outlines.

**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.

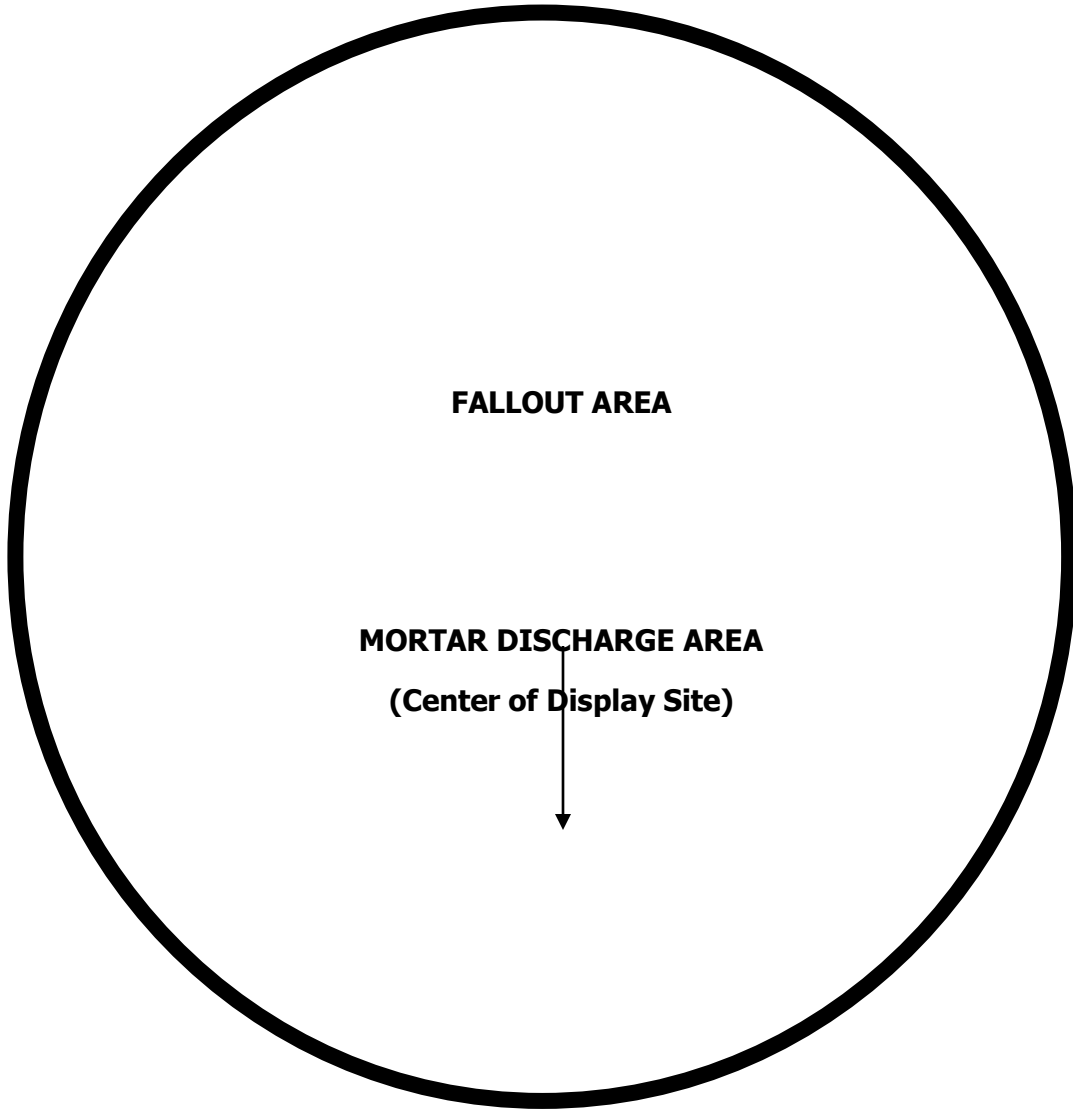
#### **PART I – POST DISPLAY INSPECTION**

- 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 →



**FALLOUT AREA**

**MORTAR DISCHARGE AREA  
(Center of Display Site)**

**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 LUDLOW**  
**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 CHAMPAIGN** ) **ss.**  
**VILLAGE OF LUDLOW** )

**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 Ludlow, Illinois** in this behalf made and required license is, by authority of the **Village of Ludlow, Illinois** given and granted to the \_\_\_\_\_  
\_\_\_\_\_ to \_\_\_\_\_ at \_\_\_\_\_  
\_\_\_\_\_ in the **Village of Ludlow, County of Champaign, 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 Ludlow, 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 Ludlow, County of Champaign, Illinois** and the seal thereof, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
**MAYOR**  
**VILLAGE OF LUDLOW**

**COUNTERSIGNED:**

\_\_\_\_\_  
**VILLAGE CLERK**  
**VILLAGE OF LUDLOW**

**(SEAL)**

**VILLAGE OF LUDLOW**

**APPLICATION FOR RAFFLE OR POKER RUN 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.**

# VILLAGE OF LUDLOW

## RAFFLE LICENSE

License No.: \_\_\_\_\_

Organization Name: \_\_\_\_\_

Address: \_\_\_\_\_

Area or areas in which raffle chances may be sold or issued: \_\_\_\_\_

\_\_\_\_\_

Period of time during which raffle chances may be sold: \_\_\_\_\_

\_\_\_\_\_

Maximum price charged for each raffle chance issued or sold: \$ \_\_\_\_\_

Date, time and location at which winning chance will be determined:

Date: \_\_\_\_\_ Time: \_\_\_\_\_

Location: \_\_\_\_\_

**THIS LICENSE SHALL BE PROMINENTLY DISPLAYED AT THE TIME AND LOCATION OF THE DETERMINATION OF THE WINNING CHANCES.**

**WITNESS** the hand of the Mayor of the Village of Ludlow and the Corporate Seal thereof, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
MAYOR  
VILLAGE OF LUDLOW

\_\_\_\_\_  
VILLAGE CLERK  
VILLAGE OF LUDLOW

**(SEAL)**

# 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		Action Leading to Check:			
Weight		Eyes	Hair					
Complexion		Date of Birth						
Unusual Features:								
				Comments:				
Hat		Coat		Associates:				
Cap		Jacket						
Blouse		Dress						
Shirt		Sweater						
Skirt		Trousers						

**CHAPTER 14 – FLOOD PLAIN CODE**

<b><u>ARTICLE</u></b>	<b><u>TITLE</u></b>	<b><u>PAGE</u></b>
<b><i>I</i></b>	<b><i>GENERALLY</i></b>	
	<i>Section 14-1-1 - Definitions</i>	<i>14-1</i>
	<i>Section 14-1-2 - Permit Requirements</i>	<i>14-1</i>
	<i>Section 14-1-3 - Application</i>	<i>14-1</i>
	<i>Section 14-1-4 - Duties of the Code Enforcement Officer</i>	<i>14-1</i>
	<i>Section 14-1-5 - Review of Proposed Development</i>	<i>14-2</i>
	<i>Section 14-1-6 - Review of Permit Application</i>	<i>14-2</i>
	<i>Section 14-1-7 - Review of Subdivision Proposals</i>	<i>14-2</i>
	<i>Section 14-1-8 - Water Supply Systems</i>	<i>14-2</i>



## CHAPTER 14

### FLOOD PLAIN CODE

#### ARTICLE I – GENERALLY

**14-1-1**        **DEFINITIONS.** Unless specifically defined below, words or phrases used in this document shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this document its most reasonable application.

(A)            **Development:** Any man-made change to real estate including but not limited to construction or reconstruction of buildings, installing manufactured homes or travel trailers, installing utilities, construction of roads or bridges, erection of levees, walls, or fences, drilling, mining, filling, dredging, and storage of materials.

(B)            **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.

(C)            **Floodplain:** Any land area susceptible to being inundated by water from any source (see "Flood").

(D)            **Floodproofing:** Any combination of structural or nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

(E)            **Manufactured Home:** A structure transportable in **one (1)** 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.

(F)            **Structure:** For floodplain management purposes, a walled and roofed building, including gas or liquid storage tanks, that is principally above ground. The term includes RVs and travel trailers on site for more than **one hundred eighty (180) days.**

(G)            **Substantial Improvements:** Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds **fifty percent (50%)** of the market value of the structure either, (a) before the improvement or repair is started, or (b) if the structure has been damaged, and is being restored, before the damage occurred. For the purpose of definition, "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. The term does not, however, include either (1) any 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 (2) any alteration of a structure listed on the National Register of Historic Places or the Illinois Register of Historic Places.

**14-1-2**        **PERMIT REQUIREMENTS.** No person, firm, corporation, or governmental body not exempted by state law shall commence any development activity without first obtaining a development permit from the Code Enforcement Officer.

**14-1-3**        **APPLICATION.** To obtain a permit the applicant must first file a permit application on a form furnished for that purpose. The form must be completed and submitted to the Code Enforcement Officer.

**14-1-4**        **DUTIES OF THE CODE ENFORCEMENT OFFICER.** In addition to his other duties, the Code Enforcement Officer shall be responsible for the general administration of this Chapter and ensure that all development activities under the jurisdiction of the Village meet the requirements of this Chapter. The Code Enforcement Officer shall be responsible for receiving applications and examining

the plans and specifications for the proposed construction or development. After reviewing the application, the Code Enforcement Officer shall require any additional measures which are necessary to meet the minimum requirements of this Chapter.

**14-1-5            REVIEW OF PROPOSED DEVELOPMENT.**

(A)            The Code Enforcement Officer shall review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including section 404 of the *Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.*

(B)            If the development is proposed for a channel or adjacent area of a stream draining **one (1) square mile** or more, the applicant must first secure a permit from the Illinois Division of Water Resources, or a letter stating "Permit Not Required."

**14-1-6            REVIEW OF PERMIT APPLICATION.** The Code Enforcement Officer shall

review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood prone area, all new construction and substantial improvements (including the placement of prefabricated buildings and mobile homes) shall:

(A)            be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure,

(B)            be constructed with materials resistant to flood damage,

(C)            be constructed by methods and practices that minimize flood damage,

(D)            be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during flooding.

**14-1-7            REVIEW OF SUBDIVISION PROPOSALS.** The Code Enforcement Officer

shall review subdivision proposals and other proposed new development to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood prone area, any such proposals shall be reviewed to assure that:

(A)            all such proposals are consistent with the need to minimize flood damage within the flood prone area,

(B)            all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and

(C)            adequate drainage is provided to reduce exposure of flood hazards.

**14-1-8            WATER SUPPLY SYSTEMS.** The Code Enforcement Officer shall require within

flood prone areas new and replacement water supply systems to be designed to minimize or eliminate infiltration of flood waters into the systems.

**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 FRANCHISE</i></b>	
	<i>Section 15-1-1 - Nicor Gas Franchise</i>	<i>15-1</i>
<b><i>II</i></b>	<b><i>ELECTRIC UTILITY FRANCHISE</i></b>	
	<i>Section 15-2-1 - Ameren Illinois Electric Franchise</i>	<i>15-1</i>
	<i>Addendum "A" - Gas Franchise</i>	<i>15-2</i>
	<i>Addendum "B" - Electric Franchise</i>	<i>15-4</i>

**CHAPTER 15**

**FRANCHISES**

**ARTICLE I – GAS UTILITY FRANCHISE**

**15-1-1**        **NICOR GAS FRANCHISE.** The natural gas franchise agreement between the Village of Ludlow and Nicor Gas company is hereby included by reference in **Addendum "A"**. (**Ord. No. 16-C; 09-12-16**)

**ARTICLE II – ELECTRIC UTILITY FRANCHISE**

**15-2-1**        **AMEREN ILLINOIS ELECTRIC FRANCHISE.** The electric franchise agreement between the Village of Ludlow and Ameren Illinois for 50 years is hereby included by reference in **Addendum "B"**. (**Ord. No. 91A; 04-01-91**)

## **ADDENDUM "A"**

AN ORDINANCE AUTHORIZING NORTHERN ILLINOIS GAS COMPANY (d/b/a NICOR GAS COMPANY) ITS SUCCESSORS AND ASSIGNS, TO CONSTRUCT, OPERATE AND MAINTAIN A GAS DISTRIBUTING SYSTEM IN AND THROUGH THE VILLAGE OF LUDLOW, ILLINOIS.

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LUDLOW, ILLINOIS:

SECTION 1. That the right, permission and authority be and the same are hereby granted to NORTHERN ILLINOIS GAS COMPANY (d/b/a NICOR GAS COMPANY), an Illinois corporation, its successors and assigns (hereinafter referred to as the "Grantee"), to construct, operate and maintain in and through the VILLAGE OF LUDLOW (hereinafter referred to as the "Municipality"), in the State of Illinois, for a term of fifty (50) years, a system for the production, distribution and sale of gas for fuel, heating, power, processing and other purposes within and outside the corporate limits of the Municipality, and to construct, lay, maintain and operate such gas pipes, mains, conductors and other devices, apparatus and equipment as may be necessary or convenient for such system in, under, along and across each and all of the streets, alleys, avenues and other public places in the Municipality, subject to the conditions and regulations hereinafter set forth.

SECTION 2. All pipes, mains, conductors and other appliances, including connections with service pipes, hereafter laid in streets, alleys, avenues or other public places, shall be laid under the supervision of the Committee on Streets and Alleys of the Municipality, or such other duly authorized agent of the Municipality as the Board of Trustees may from time to time designate. All pipes, mains, conductors and other appliances shall be so located as not to injure unnecessarily any drains, sewers, catch basins, water pipes, pavements or other like public improvements, but should any drain, sewer, catch basin, water pipe, pavement or other like public improvement be injured by such location, the Grantee shall forthwith repair the damage caused by such injury to the satisfaction of the Committee on Streets and Alleys, or such other duly authorized agent, and in default thereof the Municipality may repair such damage and charge the cost thereof to, and collect the same from, the Grantee. The Grantee shall be subject to all reasonable regulations which may now or hereafter be prescribed by general ordinance of the Municipality with respect to the use of the public streets, alleys, avenues and other public places of the Municipality.

SECTION 3. The Grantee shall indemnify, become responsible for and forever save harmless the Municipality from any and all judgments, damages, decrees, costs and expenses, including attorneys' fees, which the Municipality may legally suffer or incur, or which may be legally obtained against the Municipality, for or by reason of the use and occupation of any street, alley, avenue or other public place in the Municipality by the Grantee pursuant to the terms of this ordinance or legally resulting from the exercise by the Grantee of any of the privileges herein granted; except that the indemnity provided for in this Section 3 shall not apply to any liability, judgments, damages, decrees, costs and expenses determined by a court of competent jurisdiction to have resulted from the negligence or intentional acts or omissions of Municipality, its agents and employees.

SECTION 4. After the passage of this ordinance, and within thirty (30) days after passage, this ordinance, if accepted, shall be accepted by the Grantee by its filing with the City/Village Clerk of the Municipality an unconditional written acceptance hereof, to be duly executed according to law, and a failure of the Grantee to so accept this ordinance within said period of time shall be deemed a rejection hereof by the Grantee, and the rights and privileges herein granted shall after the expiration of said period of thirty (30) days, if not so accepted, absolutely cease and determine, unless said period of time shall be extended by the Municipality by ordinance passed for that purpose and before the expiration of said period of thirty (30) days.

SECTION 5. All provisions of this ordinance which are obligatory upon, or which inure to the benefit of, said NORTHERN ILLINOIS GAS COMPANY (d/b/a NICOR GAS COMPANY) shall also be obligatory upon and shall inure to the benefit of any and all successors and assigns of said Company, and the word "Grantee" wherever appearing in this ordinance shall include and be taken to mean not only said NORTHERN ILLINOIS GAS COMPANY (d/b/a NICOR GAS COMPANY), but also each and all of such successors and assigns.

SECTION 6. This ordinance, if accepted by the Grantee as hereinabove provided, shall be in full force and effect as of July 12, 2017, and from and after the effective date shall supersede, cancel, repeal and be in lieu of any and all other existing or prior grants of right, permission and authority by said Municipality to said Grantee or any predecessor companies or assignors of the Grantee to construct, operate and maintain any system for the production, distribution and sale of gas for fuel, heating, power, processing and any other purposes within the corporate limits of this Municipality, and this ordinance shall likewise cancel all of the obligations under said existing or prior grants.

**(Ord. No. 16-C; 09-12-16)**

## **ADDENDUM "B"**

AN ORDINANCE AUTHORIZING CENTRAL ILLINOIS PUBLIC SERVICE COMPANY, ITS SUCCESSORS AND ASSIGNS, TO CONSTRUCT, OPERATE AND MAINTAIN AN ELECTRIC UTILITY SYSTEM IN THE VILLAGE OF LUDLOW, COUNTY OF CHAMPAIGN AND STATE OF ILLINOIS.

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LUDLOW, COUNTY OF CHAMPAIGN AND STATE OF ILLINOIS:

SECTION 1. There is hereby given and granted to Central Illinois Public Service Company, its successors and assigns, hereinafter referred to as "Grantee", the right, privilege and authority to construct, operate, maintain and extend within the corporate limits, as the same now exist or may hereafter be extended, of the Village of Ludlow, hereinafter referred to as "Municipality", an electric utility system for the transmission, distribution and sale of electric energy, together with the right, privilege and authority to lay, install, operate and maintain all necessary poles, conductors, wires, conduits and apparatus in, along, over, under and across the streets, avenues, alleys and public places.

SECTION 2. All poles and other equipment placed or installed under this Ordinance in streets, alleys, avenues and other public places, shall be so placed as not to interfere unnecessarily with travel on such streets, alleys, avenues and other public places. All poles and other equipment placed or installed under this Ordinance shall be so located as not to injure unnecessarily any pipes, conduits, sewers, drains or other like public improvements, and said Grantee 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 and in default thereof said Municipality may repair such damage and charge the cost thereof to, and collect the same from, the Grantee.

SECTION 3. As a consideration for the rights, privileges and authorities granted by this Ordinance the Grantee shall allow the Municipality, without paying other compensation therefor, to place one crossarm on poles erected under this Ordinance and string thereon such wires as the Municipality may require for its police and fire alarm system; provided, that said crossarms and wires shall be used for such purposes only and shall be so placed and maintained by said Municipality, under the direction of said Grantee, as not to interfere with the operation or maintenance of Grantee's said system for the distribution and sale of electric energy; and, provided, further, that the Municipality shall indemnify and hold harmless the said Grantee from any and all loss and damage that may be caused by the exercise of the right given the Municipality under this Section of the Ordinance.

SECTION 4. As a further consideration for the rights, privileges and authorities granted by this Ordinance, the Grantee shall, throughout the period in which Grantee shall exercise the rights, privileges and authority granted by this Ordinance, furnish to the said Municipality, annually, free of cost, electric energy required for the operation of any rooms or buildings actually used by said Municipality for municipal purposes to an amount not exceeding 2,000 kilowatt hours. The cost of all equipment including the installation thereof required in said rooms or buildings shall be borne by said Municipality. If said Municipality shall, for the purpose of operating said rooms or buildings, require in any year electric energy in excess of said quantity to be furnished free of cost, then and in that case Municipality shall pay for such excess in accordance with Grantee's applicable rates, terms and conditions as from time to time approved by the Illinois Commerce Commission, such rates, terms and conditions being, respectively, at the present time, Rate 10, set forth in Grantee's Electric Service Schedule Ill. C. C. No. 9B, Section One. Neither the acceptance by the Grantee of this Ordinance nor anything contained herein shall limit or abridge any right or remedy the Grantee has or would have, if this Ordinance were not in effect, to change, modify or supersede any of the rates, terms and conditions which now are or hereafter may be applicable to any service to be rendered by the Grantee to the Municipality under this Ordinance. The application of the Grantee's rates, terms and conditions, as from time to time approved or permitted to become effective by the Illinois Commerce Commission to the service to be rendered Municipality hereunder, shall in no wise be affected by the existence of this Ordinance.

SECTION 5. All poles and other equipment placed or installed by Grantee along streets, avenues, alleys and public places under this Ordinance shall, insofar as practicable, be installed under the direction of the official or officials of said Municipality having charge of the supervision thereof; and the Grantee shall, in constructing, maintaining and operating poles and other equipment, save and keep harmless the said Municipality from any loss or damage to life or property occasioned by reason thereof.

SECTION 6. The charges to be made by the Grantee for public service rendered by it under this Ordinance shall be such as are approved from time to time by the Illinois Commerce Commission of the State of Illinois or such other duly constituted governmental authority as shall have jurisdiction thereof.

SECTION 7. All provisions of this Ordinance which are obligatory upon and which inure to the benefit of said Grantee shall also be obligatory upon and shall inure to the benefit of Grantee's successors or assigns, and the word "Grantee" whenever used in this Ordinance shall mean and include not only the Central Illinois Public Service Company, but also its successors and assigns.

SECTION 8. All rights, privileges and authority granted by this Ordinance shall, upon its acceptance by Grantee in the manner hereinafter provided, be and remain in full force and effect for and during the term of fifty (50) years from and after its passage and approval.

SECTION 9. No right, privilege or authority given or granted by this Ordinance shall become effective until there shall have been filed with the Village Clerk of said Municipality the written acceptance of said Ordinance by the Central Illinois Public Service Company. Such acceptance shall be so filed within forty-five (45) days from the passage of this Ordinance and when so filed, shall, together with operation by the Grantee, or its successors or assigns, under the terms of said Ordinance, constitute full consideration for the rights, privileges and authority hereby granted.

SECTION 10. All ordinances, or parts of ordinances, in conflict herewith, are hereby repealed.

SECTION 11. This ordinance shall be in full force and effect from and after its passage, approval and, if necessary, its recordation.

**(Ord. No. 91A; 04-01-91)**



## **CHAPTER 21 - LIQUOR**

<b><u>ARTICLE</u></b>	<b><u>TITLE</u></b>	<b><u>PAGE</u></b>
<b>I</b>	<b>GENERALLY</b>	
	Section 21-1-1 - Definitions	21-1
<b>II</b>	<b>LICENSES</b>	
	Section 21-2-1 - License Required	21-4
	Section 21-2-2 - Applications	21-4
	Section 21-2-3 - Examination of Applicant	21-5
	Section 21-2-4 - Prohibited Licenses	21-5
	Section 21-2-5 - Requisites for Manager	21-6
	Section 21-2-6 - Term; Fee Submitted in Advance	21-6
	Section 21-2-7 - Classification – Fee - Limitation	21-7
	Section 21-2-8 - Nature of License	21-7
	Section 21-2-9 - Limitation of Licenses	21-8
	Section 21-2-10 - Dramshop Insurance	21-8
	Section 21-2-11 - Display of License	21-8
	Section 21-2-12 - Record of Licenses	21-8
	Section 21-2-13 - Beer License at Village Fair	21-8
<b>III</b>	<b>REGULATIONS</b>	
	Section 21-3-1 - Closing Hours for All Licenses	21-9
	Section 21-3-2 - Happy Hour Restrictions	21-9
	Section 21-3-3 - Prohibited Locations	21-11
	Section 21-3-4 - Change of Location	21-11
	Section 21-3-5 - Stores Selling School Supplies, Lunches, Etc.	21-11
	Section 21-3-6 - Transporting, Etc. in Motor Vehicles	21-11
	Section 21-3-7 - Open Liquor – Cup-to-Go Prohibited	21-11
	Section 21-3-8 - Liquor in Vehicles; Underage	21-11
	Section 21-3-9 - Restricted Residential Areas	21-12
	Section 21-3-10 - Election Days	21-12
	Section 21-3-11 - Unlawful Acts	21-12
	Section 21-3-12 - Unlawful Entertainment	21-12
	Section 21-3-13 - Sanitary Conditions	21-12
	Section 21-3-14 - Diseased Employees	21-13
	Section 21-3-15 - Health Permit	21-13
	Section 21-3-16 - Peddling	21-13
	Section 21-3-17 - Gambling	21-13
	Section 21-3-18 - Disorderly House	21-13
	Section 21-3-19 - Prohibited Sales - Generally	21-13
	Section 21-3-20 - Persons Selling Liquor	21-13
	Section 21-3-21 - Underaged; Entry on Licensed Premises	21-13
	Section 21-3-22 - Unlawful Purchase of Liquor	21-14
	Section 21-3-23 - Identification Required	21-14
	Section 21-3-24 - Transfer of Identification Card	21-14
	Section 21-3-25 - Posting Warning	21-14
	Section 21-3-26 - Exclusionary Provision	21-14
	Section 21-3-27 - Inspections	21-14

<b><u>ARTICLE</u></b>	<b><u>TITLE</u></b>	<b><u>PAGE</u></b>
<b>III</b>	<b>REGULATIONS (CONTINUED)</b>	
	Section 21-3-28 - Books and Records--Available Upon Reasonable Notice and Maintained in State Records	21-15
	Section 21-3-29 - Restrictions on Licensee	21-15
	Section 21-3-30 - Selling False Identification	21-15
	Section 21-3-31 - False Identification	21-15
	Section 21-3-32 - Underaged Drinking on Streets	21-15
	Section 21-3-33 - Residential Drinking	21-16
	Section 21-3-34 - Renting Hotel Rooms for Drinking	21-16
	Section 21-3-35 - BASSET Training Required	21-16
<b>IV</b>	<b>VIOLATIONS AND PENALTIES</b>	
	Section 21-4-1 - Owner of Premises Permitting Violation	21-17
	Section 21-4-2 - Acts of Agent or Employee - Liability; Knowledge	21-17
	Section 21-4-3 - Revocation of License After Conviction	21-17
	Section 21-4-4 - Revocation of License When Employee Convicted	21-17
	Section 21-4-5 - Misbranding	21-17
	Section 21-4-6 - Abatement of Place Used in Violation	21-17
	Section 21-4-7 - Use of Premises for One Year After Revocation	21-17
	Section 21-4-8 - Revocation of Licenses	21-18
	Section 21-4-9 - Complaints by Residents	21-18
	Section 21-4-10 - Revocation or Suspension of Local License; - Notice and Hearing	21-18
	Section 21-4-11 - Appeals from Order of Liquor Commissioner	21-19
	Section 21-4-12 - Subsequent Violations in a Year	21-19
	Section 21-4-13 - Appeal Limitations for Subsequent Violation	21-19

## 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.

**"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 and is a registered voter. **(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 **two (2) members** 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) (See 1987 Code; Sec. 3.7)**

**21-2-4 PROHIBITED LICENSEES.** Except as otherwise provided in paragraph (U) of this Section, no license of any kind pursuant to state law in **235 ILCS 5/7-1** shall be issued by the Mayor to the following:

- (A) A person who is not a resident of this Village; \*
- (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, any mayor, any trustee, 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 trustee, 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 prescribed 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 Village;

(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;

(V) A co-partnership to which a federal wagering stamp has been issued by the federal government for the current tax period, or if any of the partners have been issued a federal gaming device stamps or federal wagering stamp by the federal government for the current tax period;

(W) A corporation, if any officer, manager or director thereof, or any stockholder owning in the aggregate more than **twenty percent (20%)** of the stock of such corporation has been issued a federal wagering stamp for the current tax period. **(235 ILCS 5/6-2)**

**21-2-5 REQUISITES FOR MANAGER.** No licensee shall employ any person to manage his licensed liquor establishment, unless such person possesses the same qualifications required of a licensee in **Section 21-2-4**, except for residency and citizenship. No licensee shall permit any person to act as a manager of his liquor establishment, unless such manager has been approved by the Local Liquor Commissioner.

**21-2-6 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 **April 1<sup>st</sup> to March 31<sup>st</sup>** of the following year.

For any license issued on or after **November 1<sup>st</sup>** of any calendar year, the license fee shall be one-half of the amount specified in this Section but there shall be no further fractional division of the license fee payable under this Chapter. All license fees may be payable in quarterly installments in advance.



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. **A licensee may make arrangements to pay the liquor license fees quarterly.** 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)**

**21-2-7**      **CLASSIFICATION - FEE - LIMITATION.** Every person engaged in the retail sale of alcoholic liquor in the Municipality shall pay an annual license fee. Such licenses shall be divided into the following **six (6) classes:**

(A)      **Class "A" License: Taverns.** There is hereby created a Class "A" liquor license, which shall authorize retail sale of alcoholic liquor for consumption on or off the premises specified. The annual fee shall be **Three Hundred Dollars (\$300.00).** There shall be a limit of **one (1) license.**

(B)      **Class "B" Licenses: Convenience Stores.** There is hereby created a Class "B" license, which shall permit the sale of alcoholic liquor for consumption off the premises. Alcoholic liquor in said places of business shall be inaccessible to customers during all times other than those hour of operation specified in **Section 21-3-1.** The annual license fee shall be **Three Hundred Dollars (\$300.00).** There shall be a limit of **three (3) licenses.**

(C)      **Class "C" Licenses: Restaurant.** There is hereby created a Class "C" license, which shall authorize retail sale of alcoholic liquor for consumption on the premises when food is served. The annual fee shall be **Three Hundred Dollars (\$300.00).** There shall be a limit of **one (1) license.**

(D)      **Class "D" Licenses: Civic Organizations, Etc.** Upon application, the Liquor Commissioner is authorized to issue a Class "D" license for a period of **twelve (12) or twenty-four (24) hours** to any civic or religious organization which keeps or desires to keep any place selling or offering for sale, or in any manner dealing in any alcoholic liquors. The fee for such license shall be for the sale of alcoholic liquors, the sum of **One Dollar (\$1.00)** for each **twelve (12) hours;** for more than **twelve (12) hours** and not more than **twenty-four (24) hours** within any **one (1) day,** the fee shall be **Two Dollars (\$2.00),** subject to the provisions of this Chapter. **(See Sec. 21-2-13)**  
**(235 ILCS 5/4-1)**

**21-2-8**      **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) (See 1987 Code; Sec. 3.13)**

**21-2-9            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)**

**21-2-10            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)**  
**(See 1987 Code, Sec. 3.10)**

**21-2-11            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)**

**21-2-12            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)** **(See 1987 Code, Sec. 3.12)**

**21-2-13            BEER LICENSE AT VILLAGE FAIR.**

(A)            Notwithstanding any provisions to the contrary in the Village Code, a person or corporation that holds a valid license to sell liquor issued by the Village, may, in conjunction with the Village sponsored fair, sell beer for consumption at the location authorized by the Mayor in the approval of an application for such privilege.

(B)            No more than **one (1)** such application may be approved in any calendar year.

(C)            The application must be in writing and submitted to the Mayor at least **five (5) days** prior to the schedule fair date.

(D)            The application must specify the measures to be taken by the Applicant to ensure that minors are not served beer.

(E)            The privilege cannot exceed a consecutive **thirty-six (36) hour** period and will be valid for only those hours approved by the Mayor. If the location involves any real property owned by a private party, the application must include a permission of that owner to use the premises, signed and dated within **thirty (30) days** of the application.

**(See Sec. 3.33)**

## ARTICLE III - REGULATIONS

**21-3-1 CLOSING HOURS FOR ALL LICENSES.** It shall be unlawful for any licensee to give or sell or offer for sale or gift or in any way provide any alcoholic liquors, spirits, beer, or wine in the Village during the following hours:

**Hours of Closing:**

Monday	From	3:00 A.M. to 12:00 P.M.
Tuesday	From	3:00 A.M. to 12:00 P.M.
Wednesday	From	3:00 A.M. to 12:00 P.M.
Thursday	From	3:00 A.M. to 12:00 P.M.
Friday	From	3:00 A.M. to 12:00 P.M.
Saturday	From	3:00 A.M. to 12:00 P.M.
Sunday	From	3:00 A.M. to 12:00 P.M.

The times referred to above shall refer to Daylight Savings Time or when the same is in effect in the Village and upon cessation of Daylight Savings Time, shall be Central Standard Time.

All patrons or customers shall leave the premises at the specified closing time and shall not remain on the premises thereafter. **(235 ILCS 5/4-1) (See 1987 Code, Sec. 3.25)**

**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(e)) (Ord. No. 80-B)**

**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) (1987 Code)**

**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. **(See Chapter 40 of the Revised 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 Code. **(1987 Code, Sec. 3.26)**

**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 in any private property without permission of the 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.) (1987 Code)**

**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) (1987 Code)**

**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) (1987 Code)**

**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.)**

**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, mentally deficient or in need of mental treatment. 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 attend 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.**

(A)            It shall be unlawful for any person under the age of **twenty-one (21) years** to enter upon premises where alcoholic liquors, spirits, beer or wine are sold by the holder of a license unless accompanied by a parent or legal guardian. No holder of a license, nor any officer, associate, member, representative, agent or employee of such licensee shall permit any person under the age of **twenty-one (21) years** not accompanied by a parent or legal guardian to enter the licensed premises. For the purpose of preventing the violation of this section, any holder of a license, or his agent or employee, may refuse to permit entry onto the licensed premises of any person under the age of **twenty-one (21) years** who is unable to produce adequate written evidence of the fact that the person accompanying such person under the age of **twenty-one (21) years** is that person's parent or legal guardian.

(B) **Exception.** No prohibition of entry under this Section shall apply to any licensed premises, such as without limitation a restaurant, food shop, or convenience-type store including gas stations which sell convenience wares, where selling, giving, or delivering alcoholic liquor is not the principal business of the licensee at those premises. **(235 ILCS 5/6-16.2)**

**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. **(235 ILCS 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."**

**(1987 Code, Sec. 3.27)**

**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) (See Sec. 3.20(D))**

**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) (1987 Code, Sec. 3.22)**

**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 "G" 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 City 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 REVOCATION.** 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 be 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)**

**APPLICATION FOR VILLAGE LIQUOR RETAILER'S LICENSE**

TO: Mayor  
Village of Ludlow  
PO Box 177  
Ludlow, IL 60949-0177

The undersigned hereby make(s) application for the issuance of a Village 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, trustee, member of the board of trustees, 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? \_\_\_\_\_  
 (Village 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 \_\_\_\_\_  
(Village 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? \_\_\_\_\_  
(Village 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     )**  
**)**     **SS**  
**COUNTY OF CLINTON    )**

I (or we) swear (or affirm) that I (or we) will not violate any of the ordinances of the Village of Damiansville 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**

<b><u>ARTICLE</u></b>	<b><u>TITLE</u></b>	<b><u>PAGE</u></b>
<b>I</b>	<b>IDENTITY THEFT</b>	
	Section 22-1-1 - Program Adoption	22-1
	Section 22-1-2 - Program Purpose and Definitions	22-1
	Section 22-1-3 - Identification of Red Flags	22-2
	Section 22-1-4 - Detecting Red Flags	22-3
	Section 21-1-5 - Preventing and Mitigating Identity Theft	22-3
	Section 22-1-6 - Program Updates	22-4
	Section 22-1-7 - Program Administration	22-4
<b>II</b>	<b>USE OF SOCIAL SECURITY NUMBERS</b>	
	Section 22-2-1 - Definitions	22-5
	Section 22-2-2 - Prohibited Activities	22-5
	Section 22-2-3 - Public Inspection and Copying of Documents	22-6
	Section 22-2-4 - Applicability	22-6
	Section 22-2-5 - Compliance with Federal Law	22-6
	Section 22-2-6 - Embedded Social Security Numbers	22-7
	Section 22-2-7 - Identity—Protection Requirements	22-7
	Section 22-2-8 - Penalty	22-7
	Section 22-2-9 - Amendment of Privacy Policy	22-7
	Section 22-2-10 - Conflict with Stricter Laws	22-7
<b>III</b>	<b>FREEDOM OF INFORMATION POLICY</b>	
	Section 22-3-1 - Public Records Available	22-8
	Section 22-3-2 - Designation, Duties and Training of Freedom of Information Act Officers	22-8
	Section 22-3-3 - Procedures	22-8
	Section 22-3-4 - Requests to Inspect or Copy	22-8
	Section 22-3-5 - Request for Commercial Purposes	22-9
	Section 22-3-6 - Fees	22-10
	Section 22-3-7 - Public File	22-10
	Section 22-3-8 - Granting or Denial of Requests	22-10
	Section 22-3-9 - Certain Information Exempt from Inspection and Copying	22-10
	Section 22-3-10 - Notice of Denial of Request; Appeals	22-10
<b>IV</b>	<b>FAIR HOUSING CODE</b>	
	Section 22-4-1 - Declaration of Policy	22-11
	Section 22-4-2 - Definitions	22-11
	Section 22-4-3 - Prohibited Acts	22-12
	Section 22-4-4 - Penalty	22-12
<b>V</b>	<b>INVESTMENT POLICY</b>	
	Section 22-5-1 - Investment Policy	22-13
	Section 22-5-2 - Scope	22-13

<b><u>ARTICLE</u></b>	<b><u>TITLE</u></b>	<b><u>PAGE</u></b>
<b>V</b>	<b><i>INVESTMENT POLICY (CONTINUED)</i></b>	
	<i>Section 22-5-3 - Prudence</i>	<i>22-13</i>
	<i>Section 22-5-4 - Objective</i>	<i>22-13</i>
	<i>Section 22-5-5 - Delegation of Authority</i>	<i>22-13</i>
	<i>Section 22-5-6 - Ethics and Conflicts of Interest</i>	<i>22-13</i>
	<i>Section 22-5-7 - Authorized Financial Dealers and Institutions</i>	<i>22-13</i>
	<i>Section 22-5-8 - Authorized and Suitable Investments</i>	<i>22-13</i>
	<i>Section 22-5-9 - Collateralization</i>	<i>22-13</i>
	<i>Section 22-5-10 - Safekeeping and Custody</i>	<i>22-14</i>
	<i>Section 22-5-11 - Diversification</i>	<i>22-14</i>
	<i>Section 22-5-12 - Maximum Maturities</i>	<i>22-14</i>
	<i>Section 22-5-13 - Internal Control</i>	<i>22-14</i>
	<i>Section 22-5-14 - Performance Standards</i>	<i>22-14</i>
	<i>Section 22-5-15 - Reporting</i>	<i>22-14</i>
<b>VI</b>	<b><i>ETHICS CODE</i></b>	
	<i>Section 22-6-1 - State Officials and Employees Ethics Act</i>	<i>22-15</i>
<b>VII</b>	<b><i>EQUAL EMPLOYMENT POLICY</i></b>	
	<i>Section 22-7-1 - Adoption of Codes</i>	<i>22-16</i>
	<i>Section 22-7-2 - Non-Discriminatory Practices</i>	<i>22-16</i>
	<i>Section 22-7-3 - Contracting with Non-Complaints</i>	<i>22-16</i>
	<i>Section 22-7-4 - Outreach to All</i>	<i>22-18</i>
	<i>Section 22-7-5 - Minority Hiring</i>	<i>22-18</i>
	<i>Section 22-7-6 - Accommodations for Disabled</i>	<i>22-18</i>
	<i>Section 22-7-7 - Compliance by Employees</i>	<i>22-18</i>
	<i>Section 22-7-8 - Designated Enforcers</i>	<i>22-18</i>
<b>VIII</b>	<b><i>DRUG FREE WORKPLACE</i></b>	
	<i>Section 22-8-1 - Definitions</i>	<i>22-19</i>
	<i>Section 22-8-2 - Requirements for Village</i>	<i>22-19</i>
<b>IX</b>	<b><i>DRUG/ALCOHOL TESTING POLICY AND PROCEDURE</i></b>	
	<i>Section 22-9-1 - Drug and Alcohol Free Workplace Policy</i>	<i>22-21</i>
	<i>Section 22-9-2 - Definitions</i>	<i>22-21</i>
	<i>Section 22-9-3 - Prohibited Actions</i>	<i>22-21</i>
	<i>Section 22-9-4 - Applicability</i>	<i>22-21</i>
	<i>Section 22-9-5 - Testing Procedure</i>	<i>22-22</i>
	<i>Section 22-9-6 - Screening and Testing</i>	<i>22-22</i>
	<i>Section 22-9-7 - Confidentiality of Test Results</i>	<i>22-24</i>
	<i>Section 22-9-8 - Consequences of Positive Test Result or Refusal to Cooperate</i>	<i>22-24</i>

<b><u>ARTICLE</u></b>	<b><u>TITLE</u></b>	<b><u>PAGE</u></b>
<b>X</b>	<b><i>POLICY PROHIBITING SEXUAL HARASSMENT</i></b>	
	<i>Section 22-10-1 - Prohibition on Sexual Harassment</i>	<i>22-25</i>
	<i>Section 22-10-2 - Definition of Sexual Harassment</i>	<i>22-25</i>
	<i>Section 22-10-3 - Procedure for Reporting an Allegation of Sexual Harassment</i>	<i>22-25</i>
	<i>Section 22-10-4 - Prohibition on Retaliation for Reporting Sexual Harassment Allegations</i>	<i>22-27</i>
	<i>Section 22-10-5 - Consequences of a Violation of the Prohibition on Sexual Harassment</i>	<i>22-27</i>
	<i>Section 22-10-6 - Consequences for Making a False Report</i>	<i>22-28</i>
<b>XI</b>	<b><i>STANDARDS OF ETHICAL CONDUCT TO ADDRESS FRAUD, WASTE AND ABUSE</i></b>	
	<i>Section 22-11-1 - Policy</i>	<i>22-29</i>
	<i>Section 22-11-2 - Scope</i>	<i>22-29</i>
	<i>Section 22-11-3 - Interpretation</i>	<i>22-29</i>
	<i>Section 22-11-4 - Definitions</i>	<i>22-29</i>
	<i>Section 22-11-5 - Expectations</i>	<i>22-30</i>
	<i>Section 22-11-6 - Reporting</i>	<i>22-31</i>
	<i>Section 22-11-7 - Investigation and Enforcement</i>	<i>22-31</i>
	<i>Appendix "A" - Controlled Substance Policy</i>	<i>22-32</i>

## 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 Water System’s operations and account systems, and the nature and scope of the Water System’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 Water System’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 Water System offers or maintains primarily for personal, family or household purposes, that involves multiple payments or transactions; and
- (2) Any other account the Water System offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the Water System 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 Water System 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 Water System 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 Water System that a customer is not receiving mail sent by the Water System;
  - (6) Notice to the Water System that an account has unauthorized activity;
  - (7) Breach in the Water System'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 Water System 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**, Water System 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**, Water System 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 Water System 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 Water System accounts, the Water System 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 Water System from Identity Theft. In doing so, the Program Administrator will consider the Water System's experiences with Identity Theft situations, changes in Identity Theft methods, changes in Identity Theft detection and prevention methods, and changes in the Water System'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 Water System. The Committee is headed by a Program Administrator who may be the head of the Water System or his or her appointee. Two or more other individuals appointed by the head of the Water System 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 Water System 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.** Water System 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 Water System engages a service provider to perform an activity in connection with one or more accounts, the Water System 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 Water System'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 Water System's Identity Theft prevention efforts in order to facilitate the commission of Identity Theft.



## 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 days** 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.

## 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.

**(2004)**

## 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.

## 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 Compiled Statutes, as amended.

(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 Cannabis Regulation and Tax Act, Public Act 101-0027.

**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 – POLICY PROHIBITING SEXUAL HARASSMENT

**22-10-1 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.

**22-10-2 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."

**22-10-3 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.

**22-10-4 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.

**22-10-5 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 **Seven Hundred Fifty Dollars (\$750.00)** 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.

**22-10-6**      **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 **Seven Hundred Fifty Dollars (\$750.00)** against any person who intentionally makes a false, frivolous or bad faith allegation.



## **ARTICLE XI – STANDARDS OF ETHICAL CONDUCT TO ADDRESS FRAUD, WASTE AND ABUSE**

**22-11-1      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.

**22-11-2      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.

**22-11-3      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.

**22-11-4      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.

**22-11-5 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.

**22-11-6 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.

**22-11-7 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.

**APPENDIX "A"**

**CONTROLLED SUBSTANCE 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 Ludlow, Illinois**  
**Name of Organization**

## CHAPTER 23 – MANUFACTURED HOUSING CODE

<b><u>ARTICLE</u></b>	<b><u>TITLE</u></b>	<b><u>PAGE</u></b>
<b>I</b>	<b>GENERAL PROVISIONS</b>	
	Section 23-1-1 - Definitions	23-1
	Section 23-1-2 - State Requirements Adopted by Reference	23-3
	Section 23-1-3 - Manufactured Housing Act Adopted	23-3
	Section 23-1-4 - Illinois Department of Public Health and Regulations Adopted	23-3
	Section 23-1-5 - National Safety Standards	23-3
	Section 23-1-6 - Skirting	23-3
	Section 23-1-7 - Fire Extinguishers	23-3
	Section 23-1-8 - Inspection	23-4
	Section 23-1-9 - Off-Street Parking	23-4
	Section 23-1-10 - Prohibited Residential Uses	23-4
	Section 23-1-11 - Carbon Monoxide Alarm Detectors	23-4
	Section 23-1-12 - Smoke and Fire Detectors	23-4
<b>II</b>	<b>IMMOBILIZED MANUFACTURED HOMES</b>	
	Section 23-2-1 - Immobilized Manufactured Homes	23-5
	Section 23-2-2 - Permit - Fee	23-5
	Section 23-2-3 - Lot Size	23-5
	Section 23-2-4 - Concrete Pads	23-5
	Section 23-2-5 - Limit of Units	23-5
<b>III</b>	<b>MANUFACTURED HOME PARKS</b>	
	Division I - Administration Requirements	
	Section 23-3-1 - Compliance with Statutes, Applicability of Article	23-6
	Section 23-3-2 - Permitting and Planning a Park	23-6
	Section 23-3-3 - Local Government Requirements	23-6
	Section 23-3-4 - Permits	23-6
	Section 23-3-5 - Inspection of Manufactured Home Park	23-6
	Section 23-3-6 - Violation Proceedings	23-6
	Section 23-3-7 - Initial Permit Required	23-7
	Section 23-3-8 - 23-3-9 Reserved	
	Division II – Design and Construction Requirements	
	Section 23-3-10 - Plan Document	23-7
	Section 23-3-11 - Application	23-7
	Section 23-3-12 - Location	23-8
	Section 23-3-13 - Roadways and Parking	23-8
	Section 23-3-14 - 23-3-16 Reserved	
	Division III - Generally	
	Section 23-3-17 - Lot Size	23-8
	Section 23-3-18 - Miscellaneous Restrictions	23-8
	Section 23-3-19 - 23-3-20 Reserved	
	Division IV - Fees	
	Section 23-3-21 - License Fee	23-8

## 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"**: As applied to a manufactured home, "immobilize" means to remove the wheels, tongue and hitch and to affix to a permanent foundation. The term implies that, once affixed to a permanent foundation, the destruction of said foundation would be necessary in order to move the dwelling to another location.

**"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"** 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 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 overhang, 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"**. (See 210 ILCS Sec. 115/2.10)

**"MANUFACTURED HOME, DEPENDENT"** means a manufactured home which does not have a toilet and bath or shower facilities. (See 210 ILCS Sec. 115/2.3)

**"MANUFACTURED HOME, DOUBLE-WIDE"** consists of **two (2) mobile 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. (See 210 ILCS Sec. 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. **(See 210 ILCS Sec. 115/2.5)**

**"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.

**"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"**.

**"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.

**"OWNER" or "OPERATOR"** means the licensee.

**"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 requirement 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"** means a period of **two (2) or more months**.

**"PERMIT"** means a certificate issued by the Building or Zoning Inspector, 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. **(See 210 ILCS Sec. 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.

**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.

**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. **(See 430 ILCS Sec. 115/1 et seq.)**

**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.

**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 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.

**23-1-7 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. **(See 425 ILCS Secs. 60/1-60/4)**

**23-1-8            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.

**23-1-9            OFF-STREET PARKING.** Every owner of a manufactured housing unit shall provide for an off-street parking area of **four hundred (400) square feet.**

**23-1-10          PROHIBITED RESIDENTIAL USES.**  
(A)            **Dependent Manufactured Home.** It shall be unlawful to reside in a dependent manufactured home or motor 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 motor home in a state-licensed travel trailer park without written permission of the Zoning Administrator.

**23-1-11          CARBON MONOXIDE ALARM DETECTORS.** Each unit shall be equipped with a carbon monoxide alarm detector as prescribed by state statute. **(See 430 ILCS 135/1 et seq.)**

**23-1-12          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 or Zoning Permit** from the Village Clerk or Building Inspector. 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)**. **(See Zoning Code for districts permitting these uses.)**

**23-2-3**        **LOT SIZE.** The minimum lot size for the location of an immobilized manufactured home unit shall be **eight thousand (8,000) square feet**. All units shall be located in the Village according to the requirements and restrictions of this Code. They shall not exceed **forty percent (40%) coverage** of the lot or the requirements of the Zoning Code, if any.

**23-2-4**        **CONCRETE PADS.** All immobilized manufactured homes shall conform to the specifications for these units as provided in the definition in **Section 23-1-1**.

**23-2-5**        **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)** 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)            **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 Village Board or Plan Commission for approval prior to the granting of a permit.)**

**23-3-3**        **LOCAL GOVERNMENT REQUIREMENTS.** A permit does not relieve the applicant from complying with this Code or other ordinances applicable thereto. **(See Zoning Code, if any.)**

**23-3-4**        **PERMITS.** The Plan Commission or the Village 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 Village Board or its designee 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 Village 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 or Zoning Permit from the Village. All future locations on the same lot shall be exempt from the fee. **(See Zoning Code)**

**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 Village 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 Village Clerk 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. **[If there is a Zoning Administrator then the plans should be filed with that office.]**

**23-3-11**            **APPLICATION.**

(A)            Every applicant shall file with the Village Clerk 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 and Zoning Codes, if any.)**

**23-3-13      ROADWAYS AND PARKING.**

(A) All streets and driveways in every park shall be constructed in compliance with the Subdivision Code in **Chapter 34.**

(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 corporate authorities.

(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 - 23-3-16      RESERVED.**

**DIVISION III - GENERALLY**

**23-3-17      LOT SIZE.** The minimum lot size for a manufactured home pad shall be **eight thousand (8,000) 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 Village Board or the Zoning Board.

**23-3-19 - 23-3-20      RESERVED.**

**DIVISION IV - FEES**

**23-3-21      LICENSE FEE.** The annual license fee per manufactured home park shall be **One Hundred Dollars (\$100.00)**, 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>**.

## **CHAPTER 24 – MOTOR VEHICLE CODE**

<b><u>ARTICLE</u></b>	<b><u>TITLE</u></b>	<b><u>PAGE</u></b>
<b><i>I</i></b>	<b><i>DEFINITIONS</i></b>	
	<i>Section 24-1-1 - Illinois Vehicle Code; Definitions Adopted</i>	<i>24-1</i>
<b><i>II</i></b>	<b><i>GENERAL REGULATIONS</i></b>	
	<i>Section 24-2-1 - Obedience to Police</i>	<i>24-1</i>
	<i>Section 24-2-2 - Scene of Fire</i>	<i>24-1</i>
	<i>Section 24-2-3 - Signs and Signals</i>	<i>24-1</i>
	<i>Section 24-2-4 - Unauthorized Signs</i>	<i>24-1</i>
	<i>Section 24-2-5 - Interference with Signs or Signals</i>	<i>24-1</i>
	<i>Section 24-2-6 - Advertising Signs</i>	<i>24-2</i>
	<i>Section 24-2-7 - Animals or Bicycles</i>	<i>24-2</i>
	<i>Section 24-2-8 - Bicycle Lamps, Reflectors, and Equipment</i>	<i>24-2</i>
	<i>Section 24-2-9 - Regulation of Skateboards, In-Line Skates (Rollerblades or Rollerskis) and Rollerskates</i>	<i>24-2</i>
<b><i>III</i></b>	<b><i>STOP AND THROUGH STREETS</i></b>	
	<i>Section 24-3-1 - Through Streets</i>	<i>24-3</i>
	<i>Section 24-3-2 - One-Way Streets or Alleys</i>	<i>24-3</i>
	<i>Section 24-3-3 - Stop Streets</i>	<i>24-3</i>
	<i>Section 24-3-4 - Yield Right-of-Way Streets</i>	<i>24-3</i>
	<i>Section 24-3-5 - Posting Signs</i>	<i>24-3</i>
<b><i>IV</i></b>	<b><i>DRIVING RULES</i></b>	
	<i>Section 24-4-1 - Illinois Vehicle Code; Rules of the Road Adopted</i>	<i>24-4</i>
	<i>Section 24-4-2 - Driving Rules</i>	<i>24-4</i>
	<i>Section 24-4-3 - Duty to Report Accident</i>	<i>24-5</i>
	<i>Section 24-4-4 - Transporting Liquor in Vehicles</i>	<i>24-5</i>
	<i>Section 24-4-5 - Excessive Noise – Stopped Vehicle</i>	<i>24-5</i>
	<i>Section 24-4-6 - Excessive Noise – Wheels</i>	<i>24-5</i>
	<i>Section 24-4-7 - Excessive Noise – Squealing Tires</i>	<i>24-5</i>
	<i>Section 24-4-8 - Reckless, Negligent or Careless Driving</i>	<i>24-6</i>
	<i>Section 24-4-9 - Excessive Noise While Driving</i>	<i>24-6</i>
	<i>Section 24-4-10 - Electronic Communication Devices</i>	<i>24-6</i>
<b><i>V</i></b>	<b><i>EQUIPMENT OF VEHICLES</i></b>	
	<i>Section 24-5-1 - Illinois Vehicle Code; Equipment of Vehicles Adopted</i>	<i>24-7</i>
	<i>Section 24-5-2 - Muffler</i>	<i>24-7</i>
	<i>Section 24-5-3 - Sound Amplification System</i>	<i>24-7</i>
	<i>Section 24-5-4 - Excessive Engine Braking Noise Prohibited</i>	<i>24-7</i>
<b><i>VI</i></b>	<b><i>PARKING RULES</i></b>	
	<i>Section 24-6-1 - Time Limit Parking</i>	<i>24-8</i>
	<i>Section 24-6-2 - Parking for Sale or Repair</i>	<i>24-8</i>

<b><u>ARTICLE</u></b>	<b><u>TITLE</u></b>	<b><u>PAGE</u></b>
<b>VI</b>	<b>PARKING RULES (CONTINUED)</b>	
	Section 24-6-3 - Private Property	24-8
	Section 24-6-4 - Stopping, Standing or Parking Prohibited in Specified Places	24-8
	Section 24-6-5 - Parking for the Handicapped	24-9
	Section 24-6-6 - Load Limits	24-9
	Section 24-6-7 - Towing Cars Away	24-10
	Section 24-6-8 - Parking Violations	24-10
	Section 24-6-9 - Prima Facie Proof	24-10
	Section 24-6-10 - Parking, Hard Surfaces Only	24-10
	Section 24-6-11 - Parking Tickets – State Statute	24-10
<b>VII</b>	<b>ABANDONED, LOST, STOLEN OR UNCLAIMED VEHICLES</b>	
	Section 24-7-1 - Abandonment of Vehicles Prohibited	24-11
	Section 24-7-2 - Abandoned, Lost, Stolen, or Unclaimed Vehicle Notification to Law Enforcement Agencies	24-11
	Section 24-7-3 - Removal of Motor Vehicles or Other Vehicles; Towing or Hauling Away	24-11
	Section 24-7-4 - Police Tows; Reports, Release of Vehicles, Payment	24-11
	Section 24-7-5 - Record Searches for Unknown Owner	24-12
	Section 24-7-6 - Identifying and Tracing of Vehicle	24-13
	Section 24-7-7 - Reclaimed Vehicles; Expenses	24-13
	Section 24-7-8 - Disposal of Unclaimed Vehicle	24-13
	Section 24-7-9 - Disposal of Unclaimed Vehicles Without Notice	24-13
	Section 24-7-10 - Disposal of Hazardous Dilapidated Motor Vehicles	24-14
	Section 24-7-11 - Collection of Unpaid Charges	24-14
	Section 24-7-12 - Police Record for Disposed Vehicle	24-14
	Section 24-7-13 - Public Sale Proceeds; Disposition of	24-14
	Section 24-7-14 - Liability of Law Enforcement Officers	24-14
	Section 24-7-15 - Violations of Article	24-15
<b>VIII</b>	<b>GOLF CARTS, RIGHT-OF-WAY</b>	
	Section 24-8-1 - Definitions	24-16
	Section 24-8-2 - Operator Requirements	24-16
	Section 24-8-3 - Equipment Requirements	24-16
	Section 24-8-4 - Registration Fee	24-16
	Section 24-8-5 - Violations	24-16
	Schedule "A" - Stop Intersections	MV-1
	Schedule "C" - Yield Intersections	MV-2
	Schedule "H" - Handicapped Parking	MV-3

## CHAPTER 24

### MOTOR VEHICLE CODE

#### ARTICLE I – DEFINITIONS

**24-1-1** **ILLINOIS VEHICLE CODE; DEFINITIONS ADOPTED.** The Illinois Vehicle Code, **Illinois Compiled Statutes, Chapter 625, Chapter 1**, entitled "**Title and Definitions**", 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. **(See 65 ILCS Sec. 5/1-3-2 and 5/11-1-1)**

#### ARTICLE II - GENERAL REGULATIONS

**24-2-1** **OBEDIENCE TO POLICE.** Members of the Police Department, Special Police, and Auxiliary Police assigned to traffic duty are hereby authorized to direct all traffic in accordance with the provisions of this Article or in emergencies as public safety or convenience may require, and it shall be unlawful for any person to fail or refuse to comply with any lawful order, signal or direction of a policeman. Except in cases of emergency, it shall be unlawful for any person not authorized by law to direct or attempt to direct traffic. **(See 625 ILCS Sec. 5/11-203)**

**24-2-2** **SCENE OF FIRE.** The Fire Department officer in command or any fireman designated by him may exercise the powers and authority of a policeman in directing traffic at the scene of any fire or where the Fire Department has responded to an emergency call for so long as the Fire Department equipment is on the scene in the absence of or in assisting the Police Department.

**24-2-3** **SIGNS AND SIGNALS.** It shall be unlawful for the driver of any vehicle to disobey the instructions of any traffic sign or signal placed in view by authority of the corporate authorities or in accordance with the laws of the State of Illinois except upon direction of a police officer. All signs and signals established by direction of the governing body shall conform to the Illinois State Manual of Uniform Traffic Control Devices for Streets and Highways. **(See 625 ILCS 5/11-301)**

**24-2-4** **UNAUTHORIZED SIGNS.** No person shall place, maintain or display upon or in view of any street, any unauthorized sign, signal, marking, light, reflector 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, nor shall any person or place, maintain or display upon or in view of any street, any other sign which hides from view or interferes with the movement of traffic or effectiveness of any traffic-control device or any railroad sign or signal, and 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. No tree, bush or foliage of any kind shall be so placed, maintained, allowed to remain, or be displayed upon either public or private property in such a manner as to hide from view or interfere with the movement of traffic or the effectiveness of any traffic-control device, sign or signal.

**24-2-5** **INTERFERENCE WITH SIGNS OR SIGNALS.** It shall be unlawful for any person to deface, injure, move or interfere with any official traffic sign or signal.



**24-2-6**        **ADVERTISING SIGNS.** It shall be unlawful to maintain anywhere in the Village any sign, signal, marking or device other than a traffic sign or signal authorized by the Village Board or the Illinois Department of Transportation, which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal in view of any street or highway, and it shall be unlawful to place or maintain any sign which hides from view any lawful traffic-control device. It shall be unlawful to maintain or operate any flashing or rotating beacon of light in view of any street or highway. **(See Chapter 27 and 33) (Also See Chapter 40 - Zoning Code)**

**24-2-7**        **ANIMALS OR BICYCLES.** Any person riding a bicycle or an animal or driving any animal drawing a vehicle upon any street shall be subject to the provisions of this Code applicable to the driver of a vehicle, except those provisions which can have no application to one riding a bicycle or driving or riding an animal. **(See 625 ILCS Sec. 5/11-206)**

**24-2-8**        **BICYCLE LAMPS, REFLECTORS, AND EQUIPMENT.** When used at nighttime, every bicycle shall be equipped with the following:

(A)            A lamp upon the front which emits a white light visible from a distance of at least **five hundred (500) feet** to the front.

(B)            A red reflector on the rear which shall be visible to a distance of **six hundred (600) feet** to the rear when directly in front of lawful lower beams of headlights on a motor vehicle.

(C)            A reflex reflector on each pedal visible from the front and rear of the bicycle from a distance up to **two hundred (200) feet** when viewed within the lawful lower beams of headlights on a motor vehicle.

(D)            Side reflectors upon each side of the bicycle which shall be visible up to a distance of **five hundred (500) feet** when viewed directly in front of a lawful lower beam of motor vehicle headlights. The requirements of this subparagraph may be met by reflective materials which shall be at least **three-sixteenths (3/16) of an inch** wide on each side of each tire or rim which may indicate as clearly as possible the continuous circular shape and size of the tires or rims of such bicycle and which reflective materials may be of the same color on both the front and rear tire or rim.

**24-2-9**        **REGULATION OF SKATEBOARDS, IN-LINE SKATES (ROLLERBLADES OR ROLLERSKIS) AND ROLLERSKATES.** All on-street operation of skateboards, in-line skates (rollerblades and rollerskis) and rollerskates shall be conducted as far to the right of the traffic lane as possible, in a single file and flowing with traffic. All operations of these skateboards, in-line skates and rollerskates shall be during daylight hours unless the operator has a white light showing to the front and is wearing some type of reflective clothing or reflective strips on his or her clothing which can be seen from a distance of **five hundred (500) feet** to the rear and side. Further, all operation shall be consistent with the rules of the road established for bicycles. Skateboards, in-line skates and rollerskates shall be allowed on all Village streets and sidewalks except for those listed in **Schedule "Z"** at the conclusion of this Code.

## **ARTICLE III - STOP AND THROUGH STREETS**

**24-3-1**        **THROUGH STREETS.** The streets and parts of streets of the Village designated by ordinance as "through streets" are hereby declared to be through streets. The driver of a vehicle shall stop at the entrance to a through street and shall yield the right-of-way to other vehicles which have entered the intersection or which are approaching so close on a through street as to constitute an immediate hazard unless directed otherwise by the traffic officer. See **Schedule "A"** for applicable through and stop streets.

**24-3-2**        **ONE-WAY STREETS OR ALLEYS.** It shall be unlawful to operate any vehicle on any streets or alleys designated as one-way streets or alleys by ordinance in any direction other than that so designated. See **Schedule "B"** for the designated one-way streets and alleys. **(See 625 ILCS Sec. 5/11-208)**

**24-3-3**        **STOP STREETS.** The driver of a vehicle shall stop in obedience to a stop sign at an intersection where a stop sign is erected pursuant to ordinance at one or more entrances thereto and shall proceed cautiously, yielding to the vehicles not so obliged to stop which are within the intersection or approaching so close as to constitute an immediate hazard, unless traffic at such intersection is controlled by a police officer on duty, in which event, the directions of the police officer shall be complied with. See **Schedule "A"** for designated stop intersections. **(See 625 ILCS Sec. 5/11-302)**

**24-3-4**        **YIELD RIGHT-OF-WAY STREETS.** The driver of a vehicle approaching a yield sign, in obedience to such sign, shall 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 such driver is moving across or within the intersection. **(See Schedule "C")**

**24-3-5**        **POSTING SIGNS.** Appropriate signs shall be posted to show all through, stop and yield right-of-way streets, all one-way streets and alleys and all stop intersections. **(See 625 ILCS Sec. 5/11-304)**

## ARTICLE IV - DRIVING RULES

**24-4-1**        **ILLINOIS VEHICLE CODE; RULES OF THE ROAD ADOPTED.** The Illinois Vehicle Code, **Illinois Compiled Statutes, Chapter 625, 5/11-100 et seq.**, entitled "**Rules of the Road**", as passed, approved and amended by the Illinois General Assembly is hereby adopted by the Village and the provisions thereof shall be controlling within the corporate limits of the Village except for the following changes, deletions and omissions:

- (A)        **Omissions:**
- (1)        Omit Sections 11-207, 11-208.1, 11-208.2, 11-209.1, 11-302, 11-303, 11-310(f), 11-313, 11-401 to and including 11-416, 11-500 to and including 11-502, 11-602, 11-603, 11-604, 11-606(b), 11-608, 11-1419, and 11-1422.
- (B)        **Changes and Additions:**
- (1)        Change 11-904(a) to read: "Preferential right-of-way at an intersection may be indicated by stop or yield signs as authorized by this Code."
- (2)        Change 11-1416(a) to read: "Any person who shall willfully and unnecessarily attempt to delay, hinder or obstruct any other person in lawfully driving and traveling upon or along any highway within this State or who shall offer for barter or sale, merchandise on said highway so as to interfere with the effective movement of traffic shall, upon conviction, be guilty of a violation of this Code."

**24-4-2**        **DRIVING RULES.**

(A)        **Careless Driving.** It shall be unlawful to operate a vehicle in the Village in a careless manner so as to interfere with the safe or lawful operation of any other vehicle or so as to interfere with or to injure, damage, or endanger persons or property engaged in the lawful use of the street.

(B)        **Drag Racing.** No person shall participate within the Village in drag racing as such activity is defined by **625 ILCS Sec. 5/11-504.**

(C)        **Fleeing or Attempting to Elude Police Officer.** Any driver or operator of a motor vehicle who, having been given a visual or audible signal by a police officer directing such driver or operator to bring his vehicle to a stop, willfully fails to or refuses to obey such direction, increases his speed, extinguishes his lights or otherwise flees or attempts to elude the officer is guilty of a violation of this Chapter. The signal given by the police officer may be by hand, voice, siren, red or blue light. Provided, however, the officer giving such signal shall be in police uniform and if driving a vehicle, such vehicle shall be marked showing it to be an official police vehicle.

(D)        **Unlawful Possession of Highway Sign or Marker.** Traffic control signals, signs or markers owned by the Village shall be possessed only by the Village's employees, police officers, contractors, or their employees engaged in highway construction, contract or work upon the roadways or public ways approved by the Village. No person shall possess a traffic control signal, sign or marker owned by the Village except as provided in this paragraph without the prior written authority of the Village. It shall be a violation of this Chapter for a person to possess such a traffic control signal, sign or marker without lawful authority. **(See 625 ILCS Sec. 5/11-313)**

(E)        **Special Speed Limitations on Elevated Structures.** No person shall drive a vehicle over any bridge or other elevated structure constituting a part of a highway at a speed which is greater than the maximum speed which can be maintained with safety to such bridge or structure when such structure is sign-posted.

Upon the trial of any person charged with the violation of this Section, proof of the determination of the maximum speed by the Village and the existence of such signs is conclusive evidence of the maximum speed which can be maintained with safety to such bridge or structure. **(See 625 ILCS Sec. 5/11-608)**

(F)        **General Speed Restrictions.** The speed limits on the various streets shall be approved by the Village Board, but shall not exceed **twenty miles per hour (20 MPH)** in a school zone

and not to exceed **twenty-five miles per hour (25 MPH)** on a residential street; otherwise, **thirty miles per hour (30 MPH)** on an arterial street unless otherwise posted. **(See Schedule "D") (See 625 ILCS Sec. 5/11-604) (See 65 ILCS Sec. 5/11-40-1)**

(G) **Special Speed Limit While Passing Schools.** No person shall drive a motor vehicle at a speed in excess of **twenty miles per hour (20 MPH)** while passing a school zone or while traveling upon any public thoroughfare on or across which children pass going to and from school during school days when school children are present.

This section shall not be applicable unless appropriate signs are posted upon streets and maintained by the Village or State wherein the school zone is located. **(See 625 ILCS Sec. 5/11-605)**

(H) **Failure to Reduce Speed.** A vehicle shall be driven upon the streets and alleys of this Village at a speed which is reasonable and proper with regard to traffic conditions and the use of the street or alley. The fact that the vehicle does not exceed the applicable maximum speed limit does not relieve the driver of the duty to decrease speed when approaching and crossing an intersection or when special hazard exists with respect to pedestrian 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.

(I) **Traffic Lane Usage.** Whenever any roadway within the Village has been divided into **two (2)** or more clearly marked lanes for traffic, 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.

(J) **U-Turns Prohibited.** No driver of a vehicle shall make a "U-turn" on any street or at any intersection of any streets in the Village.

**24-4-3** **DUTY TO REPORT ACCIDENT.** The driver of a vehicle which is in any manner involved in an accident within the Village shall, without unnecessary delay, notify the Police Department and shall make a report of such action. Failure to report an accident within the Village within **twenty-four (24) hours** shall result in arrests of the person or persons involved. **(See 625 ILCS Sec. 5/11-415)**

**24-4-4** **TRANSPORTING LIQUOR IN VEHICLES.** No person shall transport, carry, possess or have any alcoholic liquor within the passenger area of any motor vehicle in this Village except in the original container and with the seal unbroken. **(See 625 ILCS Sec. 5/11-502)**

**24-4-5** **EXCESSIVE NOISE - STOPPED VEHICLE.** No operator of a motor vehicle shall, when the motor vehicle is stopped, unreasonably accelerate the engine thereof with the gears of the vehicle in neutral, thereby causing an unreasonably loud or excessive noise.

**24-4-6** **EXCESSIVE NOISE - WHEELS.** No operator of a motor vehicle shall when the motor vehicle is stopped, accelerate the engine with the gears of such vehicle in neutral and while so accelerating the engine, shift the gears of the vehicle into a forward or reverse movement, thereby causing an unreasonably loud noise with the drive wheels of the vehicle.

**24-4-7** **EXCESSIVE NOISE - SQUEALING TIRES.** No operator of a motor vehicle shall cause the wheels of such vehicle to spin violently, thereby causing an unreasonably loud or excessive noise. **(See 625 ILCS Sec. 5/11-505)**

**24-4-8**            **RECKLESS, NEGLIGENT OR CARELESS DRIVING.** It shall be unlawful to operate any vehicle in the Village in a careless, reckless, negligent or wanton manner, or carelessly so as to endanger life or property.

**24-4-9**            **EXCESSIVE NOISE WHILE DRIVING.** No operator of a motor vehicle shall, when operating the vehicle, accelerate the vehicle or rapidly stop the vehicle causing an unreasonably loud noise.

**24-4-10**          **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.

## ARTICLE V - EQUIPMENT OF VEHICLES

**24-5-1**        **ILLINOIS VEHICLE CODE; EQUIPMENT OF VEHICLES ADOPTED.** The Illinois Vehicle Code, **Illinois Compiled Statutes, Chapter 625, Section 12**, entitled "**Equipment of Vehicles**", as passed, approved, and amended by the Illinois General Assembly is hereby adopted by the Village and the provisions thereof shall be controlling within the corporate limits of the Village. **(See 625 ILCS Secs. 5/12-605, 5/12-605.1; and 5/12-605.2)**

**24-5-2**        **MUFFLER.** No motor vehicle shall be operated on any street unless such vehicle is provided with a muffler in efficient actual working condition; and the use of a cut-out is prohibited. No muffler shall cause an unreasonably loud or excessive noise. **(See 625 ILCS Sec. 5/12-602)**

**24-5-3**        **SOUND AMPLIFICATION SYSTEM.** No driver of any motor vehicle within this Village shall operate or permit operation of any sound amplification system which can be heard outside the vehicle from **seventy-five (75) feet** or more when the vehicle is being operated upon a highway, unless such system is being operated to request assistance or warn of a hazardous situation. This Section shall not apply to authorized emergency vehicles. **(See 625 ILCS Sec. 5/12-611)**

**24-5-4**        **EXCESSIVE ENGINE BRAKING NOISE PROHIBITED.** It shall be unlawful for an operator of a commercial vehicle as defined in **625 ILCS 5/1-111.8** to operate or actuate any engine braking system within the Village that emits excessive noise unless it is an emergency. The Superintendent is authorized and directed to post signs stating: "**EXCESSIVE ENGINE BRAKING NOISE PROHIBITED**" at appropriate locations. **(See 625 ILCS 5/12-602.1)**

## ARTICLE VI - PARKING RULES

**24-6-1**        **TIME LIMIT PARKING.** It shall be unlawful to park any vehicle for a period of time in excess of the amount of time designated by law and so posted.

**24-6-2**        **PARKING FOR SALE OR REPAIR.** No person shall park a vehicle upon any street for the purpose of:

- (A)            displaying such vehicle for sale; or
- (B)            washing, greasing or repairing such vehicle, except when emergency repairs are necessary.

**24-6-3**        **PRIVATE PROPERTY.** It shall be unlawful to park any motor vehicle on any private property without the consent of the owner of the property.

**24-6-4**        **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 official traffic-control devices, 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.
  - (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 any alley that is open and maintained.
- (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 the 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 such entrance (when properly sign-posted).
  - (f)        At any place where official signs prohibit standing or parking.

- (3) **Parking 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;
  - (c) in yellow zones.
- (B) No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful.
- (C) Schedules "E", "F" and "G" shall list all applicable no-parking zones.
- (D) **Truck Parking Prohibitions.** No person shall park any vehicle, vehicles or trailer the length of which exceeds **twenty (20) feet** or any Second Division vehicle licensed for an "F" classification or higher:
- (1) Upon any street, alley or any public way within the Village except for the purpose and time period reasonably necessary to load and unload the same.
  - (2) Upon public or private property within the Village with the motor running for a continuous period in excess of **thirty (30) minutes**. **(See 625 ILCS Sec. 5/3-815)**

**24-6-5            PARKING FOR THE HANDICAPPED.**

(A) **Designated Parking.** Certain parking spaces within the confines of the Village shall be designated for use by handicapped persons' vehicles only and will be posted with appropriate signs to that effect.

(B) **Use of Designated Handicapped Parking.** The use of designated handicapped parking locations, duly posted and signed shall to that effect, be open to any vehicle which bears the appropriate handicapped Illinois Registration Plate issued by the Secretary of State for the State of Illinois, or a valid handicapped parking permit issued by another governmental agency or which bears a handicapped card furnished in accordance with **Illinois Compiled Statutes, Chapter 625; Section 5/11-1301.1, et. seq.** furnished by the Village.

(C) **Application for Illinois Handicapped Registration Plate.** The issuance of an Illinois Handicapped Motor Vehicle Registration Plate shall be made with the Secretary of State of the State of Illinois at any facility provided and approved for that purpose by the Secretary of State. **(See 625 ILCS Sec. 5/11-1301.2)**

(D) **Penalty.** Any vehicle parked in violation of this Article in a posted designated handicapped space which does not bear an Illinois Handicapped Registration Plate, or a valid handicapped parking permit issued by another governmental agency of a Village Handicapped Registration Card will be ticketed and the vehicle will be removed in accordance with departmental policies and in accordance with **Section 5/11-1302, Chapter 625 of the Illinois Compiled Statutes.** The registered owner of the vehicle as ascertained by the registration plates of the vehicle will be presumed to be in control of the vehicle and will be fined **Two Hundred Dollars (\$200.00)**. The same registered owner will be held liable for the cost of removal of the vehicle and must pay that cost, plus storage charges, if any, prior to the release of the vehicle. **(See 625 ILCS Sec. 5/11-1301.3(C))**

(E) **Handicapped Parking Areas.** Those places designated as "Handicapped Parking Spaces" are listed in **Schedule "H"**.

**24-6-6            LOAD LIMITS.**

(A) **Established.** There is hereby established "gross load limits" on certain Village streets. The term "gross load limit" shall mean the total weight of a vehicle and the load it is carrying. The specified streets and the load limits are hereby listed in **Schedule "J"**.

(B) **Restrictions.** It shall be unlawful to operate a vehicle upon any street where the operation is prohibited by this Section and where such signs of prohibition are posted, except that a vehicle may be driven on such street for not more than the minimum distance necessary for the purpose of making deliveries or picking up loads.



(C) **Exceptions.** This Chapter shall not include pickup trucks, trucks operated by the Village maintenance and repairs on the street or the operation of a vehicle owned by the U.S. government or State of Illinois while on lawful business of these agencies.

**24-6-7 TOWING CARS AWAY.** The Police Department and all members thereof assigned to traffic duty are hereby authorized to remove and tow away, or have removed and towed away by commercial towing service, any car, boat, trailer, or other vehicle illegally parked in any place where such parked vehicle creates or constitutes a traffic hazard, blocks the use of a fire hydrant or obstructs or may obstruct the movement of any emergency vehicle; or any vehicle which has been parked in any public street or other public place for a period of **twenty-four (24) hours**.

Vehicles towed away shall be stored on any Village property or in a public garage or parking lot and shall be restored to the owner or operator thereof after payment of the expense incurred by the Village in removing and storing such vehicle(s).

**24-6-8 PARKING VIOLATIONS.** Any person accused of a violation of an ordinance prohibiting parking a vehicle in a designated area or restricting the length of time a vehicle may be there parked, may settle and compromise the claim against him or her for such illegal parking by paying to the Village **Ten Dollars (\$10.00)** for each such offense and **Fifteen Dollars (\$15.00)** for the second offense within **six (6) months**. Such payment may be made at the Village Hall and a receipt shall be issued for all money so received and such money shall be promptly turned over to the Treasurer to be credited to the General Fund. The members of the Police Department are hereby authorized to refrain from instituting a prosecution for the alleged offense involved for at least **five (5) days**.

Provided, this Section shall not apply to persons parking a vehicle so as to obstruct the entrance or exit of any place where Police and Fire Department apparatus or other emergency equipment is kept or housed or so as to block an emergency entrance in a hospital. Nor shall this Section apply to any person charged with parking a vehicle so as to entirely obstruct traffic in any street or alley or parking in such a way as to reduce traffic on an arterial street to one-way traffic only; nor to any person who refuses to remove a vehicle illegally parked at the request of any member of the Police Department.

(A) **Removal - Time Limit.** Any 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 may be removed by any means when 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**.

(C) **Parking Violation Ticket.** The parking violation ticket shall be as follows:

**24-6-9 PRIMA FACIE PROOF.** The fact that a vehicle which is illegally parked or operated is registered in the name of a person shall be considered prima facie proof that such person was in control of the vehicle at the time of such violation.

**24-6-10 PARKING, HARD SURFACES ONLY.** Parking of more than **four (4)** motor vehicles and motorcycles, as defined in the Illinois Vehicle Code is illegal, in the right-of-way and shall be restricted to parking on hard surfaces, including oil-and-chip, concrete, asphalt or brick installed under the authority of the Village Board. Parking is not permitted on grass, dirt and wood chips or gravel.

**24-6-11 PARKING TICKETS - STATE STATUTE.** The Village Board intends to utilize **Illinois Compiled Statutes, Chapter 625; Section 5/6-306.5** and the procedure set forth therein.

The appropriate authorities are hereby authorized to utilize the statute and the procedure set forth therein.

**ARTICLE VII – ABANDONED, LOST, STOLEN OR  
UNCLAIMED VEHICLES**

**24-7-1            ABANDONMENT OF VEHICLES PROHIBITED.**

(A)            The abandonment of a vehicle or any part thereof on any highway in this Village is unlawful and subject to penalties as set forth under **Section 1-1-20** of this Code.

(B)            The abandonment of a vehicle or any part thereof on private or public property, other than a highway, in view of the general public, anywhere in this Village is unlawful except on property of the owner or bailee of such abandoned vehicle. A vehicle or any part thereof so abandoned on private property shall be authorized for removal, by the Village, 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 5/11-40-3.1 of the Illinois Municipal Code. A violation of subsections (A) or (B) of this Section is subject to penalties as set forth under **Section 1-1-20** of this Code.

(C)            A towing service may begin to process an unclaimed vehicle as abandoned by requesting a record search by the Secretary of State up to **ten (10) days** after the date of the tow, or any later date acceptable to the Secretary of State. This paragraph shall not apply to vehicles towed by order or authorization of the Village or a law enforcement agency. **(625 ILCS 5/4-201)**

**24-7-2            ABANDONED, LOST, STOLEN OR UNCLAIMED VEHICLE NOTIFICATION TO LAW ENFORCEMENT AGENCIES.**

When an abandoned, lost, stolen or unclaimed vehicle comes into the temporary possession or custody of a person in this Village, not the owner of the vehicle, such person shall immediately notify the municipal police when the vehicle is within the corporate limits of any Village having a duly authorized police department, or the State Police or the county sheriff when the vehicle is outside the corporate limits of the Village. Upon receipt of such notification, the municipal police will authorize a towing service to remove and take possession of the abandoned, lost, stolen or unclaimed vehicle. The towing service will safely keep the towed vehicle and its contents, maintain a record of the tow as set forth in **625 ILCS 5/4-204** for law enforcement agencies, until the vehicle is claimed by the owner or any other person legally entitled to possession thereof or until it is disposed of as provided in this Code. **(625 ILCS 5/4-202)**

**24-7-3            REMOVAL OF MOTOR VEHICLES OR OTHER VEHICLES; TOWING OR HAULING AWAY.**

(A)            When a vehicle is abandoned on a highway in an urban district **ten (10) hours** or more, its removal by a towing service may be authorized by a law enforcement agency having jurisdiction.

(B)            When a vehicle is abandoned or left unattended on a highway other than a toll highway, interstate highway, or expressway, outside of an urban district for **twenty-four (24) hours** or more, its removal by a towing service may be authorized by a law enforcement agency having jurisdiction.

(C)            When an abandoned, unattended, wrecked, burned or partially dismantled vehicle is creating a traffic hazard because of its position in relation to the highway or its physical appearance is causing the impeding of traffic, its immediate removal from the highway or private property adjacent to the highway by a towing service may be authorized by a law enforcement agency having jurisdiction.

**24-7-4            POLICE TOWS; REPORTS, RELEASE OF VEHICLES, PAYMENT.** When a vehicle is authorized to be towed away as provided in **Section 24-7-2** or **24-7-3**:

(A)            The authorization, any hold order, and any release shall be in writing, or confirmed in writing, with a copy given to the towing service.

(B)            The police headquarters or office of the law officer authorizing the towing shall keep and maintain a record of the vehicle towed, listing the color, year of manufacture, manufacturer's

trade name, manufacturer's series name, body style, Vehicle Identification Number, license plate year and number and registration sticker 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.

(C) The owner, operator, or other legally entitled person shall be responsible to the towing service for payment of applicable removal, towing, storage, and processing charges and collection costs associated with a vehicle towed or held under order or authorization of the law enforcement agency. If a vehicle towed or held under order or authorization of a law enforcement agency is seized by the ordering or authorizing agency or any other law enforcement or governmental agency and sold, any unpaid removal, towing, storage, and processing charges and collection costs shall be paid to the towing service from the proceeds of the sale. If applicable law provides that the proceeds are to be paid into the treasury of the appropriate civil jurisdiction, then any unpaid removal, towing, storage, and processing charges and collection costs shall be paid to the towing service from the treasury of the civil jurisdiction. That payment shall not, however, exceed the amount of proceeds from the sale, with the balance to be paid by the owner, operator, or other legally entitled person.

(D) Upon delivery of a written release order to the towing service, a vehicle subject to a hold order shall be released to the owner, operator, or other legally entitled person upon proof of ownership or other entitlement and upon payment of applicable removal, towing, storage, and processing charges and collection costs. **(625 ILCS 5/4-204)**

#### **24-7-5 RECORD SEARCHES FOR UNKNOWN OWNER.**

(A) When a law enforcement agency authorizing the impounding of a vehicle does not know the identity of the registered owner, lienholder or other legally entitled person, that law enforcement agency will cause the vehicle registration records of the State of Illinois to be searched by the Secretary of State for the purpose of obtaining the required ownership information.

(B) The law enforcement agency authorizing the impounding of a vehicle will cause the stolen motor vehicle files of the State Police to be searched by a directed communication to the State Police for stolen or wanted information on the vehicle. When the State Police files are searched with negative results, the information contained in the National Crime Information Center (NCIC) files will be searched by the State Police. The information determined from these record searches will be returned to the requesting law enforcement agency for that agency's use in sending a notification by certified mail to the registered owner, lienholder and other legally entitled persons advising where the vehicle is held, requesting a disposition be made and setting forth public sale information. Notification shall be sent no later than **ten (10) business days** after the date the law enforcement agency impounds or authorizes the impounding of a vehicle, provided that if the law enforcement agency is unable to determine the identity of the registered owner, lienholder or other person legally entitled to ownership of the impounded vehicle within a **ten (10) business day period** after impoundment, then notification shall be sent no later than **two (2) days** after the date the identity of the registered owner, lienholder or other person legally entitled to ownership of the impounded vehicle is determined. Exceptions to a notification by certified mail to the registered owner, lienholder and other legally entitled persons are set forth in **625 ILCS 5/4-209**.

(C) When ownership information is needed for a towing service to give notification as required under this Code, the towing service may cause the vehicle registration records of the State of Illinois to be searched by the Secretary of State.

The written request of a towing service, in the form and containing the information prescribed by the Secretary of State by rule, may be transmitted to the Secretary of State in person, by U.S. Mail or other delivery service, by facsimile transmission, or by other means the Secretary of State deems acceptable.

The Secretary of State shall provide the required information, or a statement that the information was not found in the vehicle registration records of the State, by U.S. Mail or other delivery service, facsimile transmission, as requested by the towing service, or by other means acceptable to the Secretary of State.

(D) The Secretary of State may prescribe standards and procedures for submission of requests for record searches and replies via computer link.

(E) Fees for services provided under this Section shall be in amounts prescribed by the Secretary of State under Section 3-821.1 of the Illinois Municipal Code. Payment may be made by the towing service using cash, any commonly accepted credit card, or any other means of payment deemed acceptable by the Secretary of State. **(625 ILCS 5/4-205)**

**24-7-6 IDENTIFYING AND TRACING OF VEHICLE.** When the registered owner, lienholder or other person legally entitled to the possession of a vehicle cannot be identified from the registration files of this State or from the registration files of a foreign state, if applicable, the law enforcement agency having custody of the vehicle shall notify the State Police, for the purpose of identifying the vehicle owner or other person legally entitled to the possession of the vehicle. The information obtained by the State Police will be immediately forwarded to the law enforcement agency having custody of the vehicle for notification purposes as set forth in **Section 24-7-5** of this Code. **(625 ILCS 5/4-206)**

**24-7-7 RECLAIMED VEHICLES; EXPENSES.**

(A) Any time before a vehicle is sold at public sale or disposed of as provided in **Section 24-7-8**, the owner, lienholder or other person legally entitled to its possession may reclaim the vehicle by presenting to the law enforcement agency having custody of the vehicle proof of ownership or proof of the right to possession of the vehicle.

(B) No vehicle shall be released to the owner, lienholder, or other person under this Section until all towing, storage, and processing charges have been paid. **(625 ILCS 5/4-207)**

**24-7-8 DISPOSAL OF UNCLAIMED VEHICLE.**

(A) When an abandoned, lost, stolen or unclaimed vehicle **seven (7) years** of age or newer remains unclaimed by the registered owner, lienholder or other legally entitled person for a period of **thirty (30) days** after notice has been given as provided in **Sections 24-7-5** and **24-7-6** of this Article, the law enforcement agency 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 **Article 5 of Chapter 625 of the Illinois Compiled Statutes** or the towing operator which towed the vehicle. 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 law enforcement agency where the vehicle is impounded, 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, or other legally entitled persons. Notice as provided in **Sections 24-7-5** and **24-7-6** of this Article as provided in this Section shall state the time and place of sale and shall contain a complete description of the vehicle to be sold and what steps must be taken by any legally entitled persons to reclaim the vehicle.

(B) If an abandoned, lost, stolen, or unclaimed vehicle displays dealer plates, notice under this Section and **Section 24-7-9** of this Code shall be sent to both the dealer and the registered owner, lienholder, or other legally entitled persons.

(C) In those instances where the certified notification specified in **Section 24-97-5** and **24-7-6** of this Article has been returned by the postal authorities to the law enforcement agency or towing service, the sending of a second certified notice will not be required. **(625 ILCS 5/4-208)**

**24-7-9 DISPOSAL OF UNCLAIMED VEHICLES WITHOUT NOTICE.**

(A) **New Car.** When the identity of the registered owner, lienholder, or other person legally entitled persons 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 Article, the vehicle may be sold as provided for in **Section 24-7-8** without notice to any person whose identity cannot be determined.

(B) **Old Car.** When an abandoned vehicle of more than **seven (7) years** of age is impounded as specified by this Article, or when any such vehicle is towed at the request or with the

consent of the owner or operator and is subsequently abandoned, it will be kept in custody or storage for a minimum of **ten (10) days** for the purpose of determining the identity of the registered owner, lienholder, or other legally entitled persons and contacting the registered owner, lienholder, or other legally entitled persons by the U.S. Mail, public service or in person for a determination of disposition; and an examination of the State Police stolen vehicle files for theft and wanted information. At the expiration of the **ten (10) day** period, without the benefit of disposition information being received from the registered owner, lienholder, or other legally entitled persons, the vehicle may be disposed of in either of the following ways:

- (1) The law enforcement agency having jurisdiction will authorize the disposal of the vehicle as junk or salvage.
  - (2) The towing service may sell the vehicle in the manner provided in **Section 24-7-8** of this Article, provided that the paragraph shall not apply to vehicles towed by order or authorization of a law enforcement agency.
- (C) **Antique Vehicle.** A vehicle classified as an antique vehicle, custom vehicle, or street rod may, however, be sold to a person desiring to restore it. **(625 ILCS Sec. 5/4-209)**

**24-7-10 DISPOSAL OF HAZARDOUS DILAPIDATED MOTOR VEHICLES.** Any hazardous dilapidated motor vehicle impounded pursuant to the provisions of this Article and **65 ILCS 5/11-40-3.1**, whether impounded at a public facility or on the property of private towing service, shall be kept in custody for a period of **ten (10) days** for the purpose of determining the identity of the registered owner or lienholder and contacting such owner or lienholder, if known, by regular U.S. Mail. At the expiration of the **ten (10) day** period, without benefit of disposition information being received from the registered owner or lienholder, the law enforcement agency having jurisdiction will authorize the disposal of the vehicle as junk. **(65 ILCS 5/4-209.1)**

**24-7-11 COLLECTION OF UNPAID CHARGES.** In an action to collect towing, storage, and processing charges that remain unpaid after disposition of a vehicle towed or relocated under this Code, the towing service may recover reasonable collection costs.

**24-7-12 POLICE RECORD FOR DISPOSED VEHICLE.** When a vehicle in the custody of the Village or law enforcement agency 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 Article, a report of the transaction will be maintained by that law enforcement agency for a period of **one (1) year** from the date of the sale or disposal. **(625 ILCS 5/4-210)**

**24-7-13 PUBLIC SALE PROCEEDS; DISPOSITION OF.**

(A) When a vehicle located within the corporate limits is authorized to be towed away by a law enforcement agency having jurisdiction and disposed of as set forth in this Article, the proceeds of the public sale or disposition after the deduction of towing, storage and processing charges shall be deposited in the treasury of the Municipality.

(B) The provisions of this Section shall not apply to vehicles disposed of or sold at public sale under subsection (k) of **625 ILCS 5/4-107** of the Illinois Vehicle Code. **(625 ILCS 5/4-211)**

**24-7-14 LIABILITY OF LAW ENFORCEMENT OFFICERS.**

(A) A law enforcement officer or agency, a department of municipal government designated under **625 ILCS 5/4-212.1** or its officers or employees, or a towing service owner, operator, or employee shall not be held to answer or be liable for 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 a vehicle when the vehicle was processed and sold or disposed of as provided by this Article.

(B) A towing service, and any of its officers or employees, that removes or tows a vehicle as a result of being directed to do so by a law enforcement officer or agency or a department of municipal government or its officers or employees shall not be held to answer or be liable for injury to, loss of, or damages to any real or personal property that occurs in the course of the removal or towing of a vehicle or its contents on a limited access highway in a designated Incident Management Program that uses fast lane clearance techniques as defined by the Department of Transportation. **(625 ILCS 5/4-213)**

**24-7-15 VIOLATIONS OF ARTICLE.**

(A) Any person who violates **Section 24-7-1** of this Article or who aids and abets in that violation:

- (1) shall be subject to a mandatory fine of **Five Hundred Dollars (\$500.00)**; and
- (2) shall be required by the court to make a disposition on the abandoned or unclaimed vehicle and pay all towing, storage, and processing charges and collection costs pursuant to **Section 24-7-3(A) and (E)**.

(B) When a vehicle is abandoned, it shall be presumed that the last registered owner is responsible for the abandonment and shall be liable for all towing, storage, and processing charges and collection costs, less any amounts realized in the disposal of the vehicle. The last registered owner's liability for storage fees may not exceed a maximum of **thirty (30) days'** storage fees.

The presumption established under this paragraph may be rebutted by a showing that, prior to the time of the tow:

- (1) a report of vehicle theft was filed with respect to the vehicle; or
- (2) the vehicle was sold or transferred and the last registered owner provides the towing service with the correct identity and address of the new owner at the time of the sale or transfer.

If the presumption established under this Section is rebutted, the person responsible for theft of the vehicle or to whom the vehicle was sold or transferred is liable for all towing, storage, and processing charges and collection costs. **(625 ILCS 5/4-214)**

## ARTICLE VIII – GOLF CARTS, RIGHT-OF-WAY

### 24-8-1 DEFINITIONS.

(A) **"Golf cart"** means a vehicle specifically designed and intended for the purposes of transporting **one (1)** or more persons and their golf clubs or maintenance equipment while engaged in the playing of golf, supervising the play of golf, or maintaining the conditions of the grounds on a public or private golf course.

(B) **"Utility-Terrain Vehicle"** shall mean a self-propelled, electronically powered four-wheeled motor vehicle or a self-propelled gasoline powered four wheeled motor vehicle with bench or bucket seats, an engine displacement under **one thousand two hundred (1,200) cubic centimeters** which is capable of attaining **one (1) mile** a speed of more than **twenty (20) miles** per hour but not more than **twenty-five (25) miles** per hour, is steered and maneuvered with a steering wheel.

(C) **"Snowmobile"** means a self-propelled device designed for travel on snow or ice or natural terrain steered by skis or runners, and supported in part by skis, belts, or cleats.

(D) **"Village"** means the Village of Ludlow, Champaign County, Illinois.

**24-8-2 OPERATOR REQUIREMENTS.** While equipped as required in **Section 24-8-3**, a golf cart, snowmobile or utility terrain vehicle may be operated upon the roadways within the Village by a driver who possesses a valid driver's license and provided:

(A) the golf cart, snowmobile or utility-terrain vehicle is currently registered within the Village; and

(B) the golf cart is at the time of operation on the roadways of the Village, covered by the minimum liability insurance that the State of Illinois requires of passenger automobiles.

### 24-8-3 EQUIPMENT REQUIREMENTS.

(A) The golf cart, snowmobile or utility-terrain vehicle must be factory-built equipment. No "home builds" shall be allowed.

(B) No alterations or modifications to the golf cart, snowmobile, or utility-terrain vehicle power plant for the purpose of increasing the speed of the original factory stock-built equipment will be allowed.

(C) Modifications intended for appearance only are acceptable.

(D) Must be equipped with brakes.

(E) Golf carts, snowmobiles, and utility-terrain vehicles must be equipped with a headlight/headlights that emit white light that is visible from a distance of **fifty (50) yards** in front and tail lamp that emits a red light visible from **fifty (50) yards** in the rear.

(F) Must display a slow moving emblem on the rear of the golf cart, snowmobile and utility-terrain vehicle.

**24-8-4 REGISTRATION FEE.** A one-time fee of **Five Dollars (\$5.00)** shall be required to register a golf cart, snowmobile and utility-terrain vehicle under this Article. The registration is not transferable. Proof of liability insurance required under **Section 24-8-2** above must be presented when the golf cart, snowmobile or utility-terrain vehicle are registered.

**24-8-5 VIOLATIONS.** It shall be unlawful to operate a golf cart, snowmobile or utility-terrain vehicle on the roadways of the Village in violation of this Article.

(See Section 1-1-20 for Penalty)  
(See 625 ILCS 40 for snowmobiles)

**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. | Overparked, Two Hour Zone           | \$10.00 [ ] |
| 2. | Double Parked                       | \$10.00 [ ] |
| 3. | Parked at Fire Plug                 | \$10.00 [ ] |
| 4. | Blocking Driveway or Alley          | \$10.00 [ ] |
| 5. | Parked Where Official Signs Erected | \$10.00 [ ] |
| 6. | Improper Parking                    | \$10.00 [ ] |
| 7. | Yellow Line                         | \$10.00 [ ] |
| 8. | Each Additional Hour Violation      | \$10.00 [ ] |
| 9. | Parking on Sidewalk                 | \$10.00 [ ] |

NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
VILLAGE \_\_\_\_\_ STATE \_\_\_\_\_ ZIP CODE \_\_\_\_\_

You may settle and compromise a claim for illegal parking by paying the sum set forth above for the first particular violation and the same sum shall apply for the same particular offense for the second and each subsequent violation within 5 days after the time set out above. If not paid within this time limit, an **Enforcement Warrant** will be issued and an assessment of not less than **\$15.00** will be collected.

**FOR YOUR CONVENIENCE**

After detaching your Ticket Stub, place the fine in the envelope and deposit at Village Hall.



**SCHEDULE "A"**

**STOP INTERSECTIONS**

In accordance with the provisions of **Sections 24-3-1** and **24-3-3** of this Chapter, the following streets are hereby designated as stop intersections, to-wit:

**I. ONE AND TWO-WAY STOPS**

<b><u>THROUGH STREET</u></b>	<b><u>STOP STREET (DIRECTION)</u></b>
Catherine St.	Locust St. (North Bd.)
Catherine St.	N. Orange Alley (North Bd.)
Hollywood St.	Katie St. (East Bd.)
Katie Ave.	Church St. (South Bd.)
Ludlow St.	Locust St. (Both)
Ludlow St.	N. Orange Alley (North Bd.)
Ludlow St.	Walnut St. (Both)
Oak St.	Catherine St. (West Bd.)
Oak St.	Ludlow St. (West Bd.)
Oak St.	Pera St. (West Bd.)
Oak St.	South St. (West Bd.)
Oak St.	Young St. (West Bd.)
Orange St.	South St. (Both)
Pera St.	Orange St. (North Bd.)
Thomas St.	Chestnut St. (Both)
Thomas St.	Church St. (Both)
Thomas St. (Co. Rd. 9)	N. Hickory St. (South Bd.)
Thomas St.	Hollywood St. (North Bd.)
Thomas St.	Locust St. (South Bd.)
Thomas St.	N. Orange Alley (Both)
Thomas St.	Poplar St. (South Bd.)
Thomas St.	Walnut St. (Both)

**II. FOUR-WAY STOP INTERSECTIONS**

- Ludlow St. and Poplar St.
- Thomas St. and Oak St.

**SCHEDULE "C"**

**YIELD INTERSECTIONS**

In accordance with the provisions of **Section 24-3-4**, the following streets are hereby established as yield right-of-way intersections, to-wit:

<b><u>THROUGH STREET</u></b>		<b><u>YIELD STREET (DIRECTION)</u></b>
Church St.	at	Pera St. (East Bd.)

## **SCHEDULE "H"**

### **HANDICAPPED PARKING**

In accordance with the provisions of **Section 24-6-5(E)**, the following streets are hereby designated as "handicapped parking zones", to-wit:

#### **LOCATION**

---

1. Methodist Church – 304 W. Thomas St.
2. Community Center – 202 E. Thomas St.
3. Pop's Place – 104 E. Thomas St.
4. Ludlow Grade School – 245 S. Orange St.

## **CHAPTER 25 - NUISANCES**

<b><u>ARTICLE</u></b>	<b><u>TITLE</u></b>	<b><u>PAGE</u></b>
<b>I</b>	<b>GENERALLY</b>	
	Section 25-1-1 - Specific Nuisances Enumerated	25-1
	Section 25-1-2 - Nuisances Detrimental to Health Generally	25-3
	Section 25-1-3 - Notice to Abate	25-3
	Section 25-1-4 - Hearing	25-3
	Section 25-1-5 - Appeal	25-3
	Section 25-1-6 - Abatement by Village	25-3
	Section 25-1-7 - Failure to Comply with Notice	25-4
<b>II</b>	<b>WEEDS</b>	
	Section 25-2-1 - Definition	25-5
	Section 25-2-2 - Height	25-5
	Section 25-2-3 - Notice	25-5
	Section 25-2-4 - Service of Notice	25-5
	Section 25-2-5 - Abatement	25-5
	Section 25-2-6 - Lien	25-5
	Section 25-2-7 - Payment	25-5
	Section 25-2-8 - Foreclosure of Lien	25-6
<b>III</b>	<b>GARBAGE AND DEBRIS</b>	
	Section 25-3-1 - Accumulation Prohibited	25-7
	Section 25-3-2 - Notice to Person	25-7
	Section 25-3-3 - Service of Notice	25-7
	Section 25-3-4 - Abatement	25-7
	Section 25-3-5 - Lien	25-7
	Section 25-3-6 - Payment	25-7
	Section 25-3-7 - Foreclosure of Lien	25-7
<b>IV</b>	<b>INOPERABLE MOTOR VEHICLE</b>	
	Section 25-4-1 - Definitions	25-8
	Section 25-4-2 - Declaration of Nuisance	25-8
	Section 25-4-3 - Notice to Owner	25-8
	Section 25-4-4 - Exclusions	25-8
<b>V</b>	<b>DANGEROUS AND UNSAFE PROPERTIES</b>	
	Section 25-5-1 - Adoption by Reference	25-9
<b>VI</b>	<b>PENALTIES AND SPECIAL ASSESSMENT</b>	
	Section 25-6-1 - Special Assessment	25-9

## 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)            **Wells Unplugged.** To permit any well drilled for oil, gas, salt water disposal or any other purpose in connection with the production of oil and gas, to remain unplugged after such well is no longer used for the purpose for which it was drilled.

(J)            **Burn-Out Pits.** To construct or operate any salt water pit or oil field refuse pit, commonly called a "**burn-out pit**" so that salt water, brine or oil field refuse or other waste liquids may escape therefrom in any manner except by the evaporation of such salt water or brine or by the burning of such oil field waste or refuse.

(K)            **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.

(L)            **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, or 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.

(M)            **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.

(N) **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.

(O) **Filthy Premise Conditions.** To keep or suffer to be kept in a foul, offensive, nauseous or filthy condition, 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.

(P) **Expectorate.** To expectorate on any public sidewalk or street, or other public building or floor or walk of any public vehicle or hall.

(Q) **Litter on Streets.** It shall be unlawful for any person to deposit upon 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.

(R) **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.

(S) **Rodents.** To cause or permit any condition or situation to exist that shall attract, harbor, or encourage the infestation of rodents.

(T) **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.

(U) **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.

(V) **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.

(W) **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.

(X) **Motor Transport Engines.** To operate motor vehicle transport engines or electric reefers 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.

(Y) **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.

(Z) **Discarded Machinery or Materials.** To store, keep or maintain outside of a closed building the following: (1) used appliances, used or dilapidated furniture, bathroom fixtures, tires, old iron or metal, motor vehicle parts and all other parts, tools, machinery, and equipment in inoperable condition, for longer than a two-week time period; or, (2) used lumber, bricks, blocks, or other building salvage or construction material, unless such material is intended for reuse and arranged in an orderly fashion.

(AA) **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. **(740 ILCS 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 5/11-60-2)**

**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 for General Penalty]**



## 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 **seventeen (17) 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 for General Penalty]**

## 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)

**[See Section 1-1-20 for General Penalty]**

## 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)

**[See Section 1-1-20 for General Penalty]**

## **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.

**[See Section 1-1-20 for General Penalty]**

## **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 Recorder of Deeds 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.

**[See Section 1-1-20 for General Penalty]**

# VILLAGE OF LUDLOW

## NOTICE OF NUISANCE VIOLATION

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, or under your control as the case may be located at \_\_\_\_\_, within the corporate limits of this Municipality contains an unlawful nuisance(s) as defined by **Chapter 25** of the Revised Code of Ordinances as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

You are required pursuant to **Chapter 25, Article I, Section 25-1-3** to abate and remove any nuisance(s) within **five (5) days** from the date of this Notice as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please be advised that within said **five (5) day** period after service of this Notice upon you, you may request a hearing before the President and Board of Trustees of the Village of Ludlow in order for you to contest the findings and conclusions stated herein or request an extension of time within which you shall remediate the condition of your property by removing the items specified and identified herein that constitute a violation of the Village Ordinances. This request shall be in writing and delivered to the Clerk or Deputy Clerk of the Village within said **five (5) days** after you receive said Notice. The hearing shall be scheduled within **thirty (30) days** after the Village receives your request. During the course of said hearing you may be represented by counsel, present evidence on your behalf and cross-examine any witnesses presented by the Village, that the formal rules of evidence shall not apply.

If your appeal or request for extension is denied, you shall then be required to remove all items which the Village contends which constitute a nuisance and violation of Municipal Ordinances within **five (5)** after having received notification of the Board's decision.

If you fail to comply and the nuisance is not abated within the time prescribed the Village of Ludlow shall proceed to issue the appropriate citation which may subject you to the penalties prescribed by the Municipal Ordinances and State law as well as institute a suit seeking a judicial order permitting the Village to remove all said items which constitute the nuisance from your premises and dispose of same at your expense, impose a monetary penalty and enjoin the continuation of said nuisance.

The Corporate Authorities shall keep an account of the expense incurred for said abatement charges and if this bill is not paid within **thirty (30) days** after it is presented to you, a lien for the costs and expenses incurred by the Village shall be recorded and the property which is subject to the lien may be sold for non-payment of same.

\_\_\_\_\_  
CHIEF OF POLICE  
VILLAGE OF LUDLOW

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**VILLAGE OF LUDLOW**

**NOTICE OF UNLAWFUL WEED, PLANT, OR GRASS GROWTH**

TO: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

You are hereby notified that the Chief of Police or his representatives has determined that the property owned by you and/or occupied by you, or under your control as the case may be located at \_\_\_\_\_, within the corporate limits of this Municipality contains unlawful weed, plant, or grass growth as defined by **Chapter 25, Article II**, of the Revised Code of Ordinances, that being said growth that exceeds **eight (8) inches** in height. Any such weeds, plants, or grass are hereby declared to be a nuisance.

You are required to remove all said growth within **five (5) days** from the date of this Notice.

Please be advised that within said **five (5) day** period after service of notice upon you, that you may request a hearing before the President of the Village of Ludlow in order for you to contest the findings and conclusions stated herein or request an extension of time within which you shall remediate the condition on your property by cutting and removing all said weeds, plants, or grass that are in violation of Village ordinances. This request shall be in writing and delivered to the Clerk or Deputy Clerk of the Village. The hearing shall be scheduled within **five (5) days** after the Village receives your request and shall be conducted by the Mayor or other person appointed by him. If your appeal or request for extension is denied you are then required to cut and remove all said weeds, plants, or grass within **five (5) days** after having received notification of the Mayor or his agent's decision. Oral notification is sufficient if rendered at the time of the hearing.

If you fail to comply the Village of Ludlow shall proceed to issue the appropriate citation which may subject you to the penalties prescribed by the Municipal Ordinances and State law. In addition, the municipal authorities shall proceed to abate said nuisance; that is, cut and remove the offending grass, weeds or plants.

The cost of such growth removal shall be paid by you. Charges for said action, i.e. the cutting or removal of said weeds, plants, or grass including labor shall be a lien upon said premises. A bill for the cost and expenses incurred by the Municipality shall be presented to you and if not paid within **thirty (30) days** of its submission, a Notice of Lien of said cost and expenses incurred by the Village shall be recorded against the property.

Any property subject to said lien may 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. You are also subject to penalties as provided by the terms and provisions of the Village code. The cost and expense of restitution, including all labor and material shall also be imposed as a penalty for each violation.

\_\_\_\_\_  
CHIEF OF POLICE  
VILLAGE OF LUDLOW

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**VILLAGE OF LUDLOW**

**NOTICE OF UNLAWFUL GARBAGE AND/OR DEBRIS OR TRASH**

TO: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

You are hereby notified that the Chief of Police has determined that property owned by you and/or occupied by you, or under your control as the case may be located at \_\_\_\_\_, within the corporate limits of this Municipality contains garbage and/or debris or trash as defined by **Chapter 25, Article III** of the Revised Code of Ordinances of the Village of Ludlow. The accumulation of said garbage, debris, or trash on said premises is hereby declared to be a nuisance and unlawful.

You are required to remove all such material within **five (5) days** from the date you receive this Notice.

Please be advised that within said **five (5) day** period after service of this Notice upon you, you may request a hearing before the President and Board of Trustees of the Village of Ludlow in order for you to contest the findings and conclusions stated herein or request an extension of time within which you shall remediate the condition of your property by removing said garbage, debris, and trash. This request shall be in writing and delivered to the Clerk or Deputy Clerk of the Village within said **five (5) days** after you receive said Notice. The hearing shall be scheduled within **thirty (30) days** after receipt of your request. During the course of said hearing you may be represented by counsel, present evidence on your behalf, and cross-examine any witnesses presented by the Village, that the formal rules of evidence shall not apply. If your appeal is denied, you are then required to remove all said garbage, debris, or trash within **five (5) days** after having received notification of the Board's decision. If you fail to comply the Village of Ludlow shall proceed to issue the appropriate citation, which may subject you to the penalties prescribed by the municipal ordinances and State law as well as institute a suit seeking a judicial order permitting the Village to remove all materials and items in violation of law from your premises and dispose of same at your expense.

The corporate authorities shall keep an account of the expense incurred for said abatement, charges and if this bill is not paid within **thirty (30) days** after it is presented to you, a lien for the costs and expenses thereof incurred by the Village shall be recorded and the property which is subject to the lien may be sold for non-payment of same.

\_\_\_\_\_  
CHIEF OF POLICE  
VILLAGE OF LUDLOW

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.



**VILLAGE OF LUDLOW**

**NOTICE OF 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, or under your control as the case may be is located at \_\_\_\_\_, within the corporate limits of this Municipality. That this constitutes an unlawful nuisance(s) as defined by **Chapter 25, Article IV, Section 25-4-1** 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.

Please be advised that within said **seven (7) day** period after service of this Notice upon you, you may request a hearing before the President and Board of Trustees of the Village of Ludlow in order for you to contest the findings and conclusions stated herein or request an extension of time within which you shall remediate the condition of your property by removing said inoperable vehicle(s) that constitute a violation of the Village Ordinances. This request shall be in writing and delivered to the Clerk or Deputy Clerk of the Village within said **seven (7) days** after you receive said Notice. The hearing shall be scheduled within **thirty (30)** days after the Village receives your request. During the course of said hearing you may be represented by counsel, present evidence on your behalf and cross-examine any witnesses presented by the Village, that the formal rules of evidence shall not apply.

If your contest or request for extension is denied, you shall then be required to remove all the inoperable vehicles which the Village contends constitute a nuisance and a violation of Municipal Ordinances within **seven (7) days** after having received notification of the Board's decision.

If you fail to comply and the nuisance is not abated within the time prescribed, the Village of Ludlow shall proceed to issue the appropriate citation which may subject you to the penalties prescribed by the Municipal Ordinances and State law as well as institute a suit seeking a judicial order permitting the Village to removal all said items which constitute the nuisance from your premises and dispose of same at your expense, impose a monetary penalty and enjoin the continuation of said nuisance.

The Corporate Authorities shall keep an account of the expense incurred for said abatement charges and if this bill is not paid within **thirty (30) days** after it is presented to you, a lien for the costs and expenses incurred by the Village shall be recorded and the property which is subject to the lien may be sold for non-payment of same.

\_\_\_\_\_  
CHIEF OF POLICE  
VILLAGE OF LUDLOW

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

**VILLAGE OF LUDLOW**

**NOTICE OF DERELICT**

TO: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

You are hereby notified that the Chief of Police or other person designated by him to act on his behalf, has received a complaint, or a member of the Police Department has personally observed or has reasonable and probable cause to believe and conclude that a derelict \_\_\_\_\_ owned, stored, housed, or possessed by you or under your control as the case may be, is presently located \_\_\_\_\_, within the corporate limits of the Village of Ludlow, that same is in view of the general public and is an unlawful nuisance(s) as defined by **Chapter 25, Nuisances, Article IV, et seq.** of the Village of Ludlow Revised Code of Ordinances. This/these \_\_\_\_\_ is/are hereby declared to be a nuisance.

Pursuant to said ordinance you are ordered and required to abate said nuisance by removing and disposing of the object(s) described herein within **seven (7) days** after you receive a copy of this Notice.

Please be advised that within said **seven (7) day** period after service of this Notice upon you, you may request a hearing before the Village of Ludlow in order for you to contest the findings and conclusions stated herein or request an extension of time within which you shall remediate the condition of your property by removing the items specified and identified herein that constitute a violation of the Village Ordinances. This request shall be in writing and delivered to the Clerk or Deputy Clerk of the Village within **seven (7) days** after you receive said Notice. The hearing shall be scheduled within **thirty (30) days** after the Village received your request before a person appointed by the Mayor. During the course of said hearing you may be represented by counsel, present evidence on your behalf and cross-examine any witnesses presented by the Village, that the formal rules of evidence shall not apply.

If your appeal or request for extension is denied, you shall then be required to remove all items which the Village contends which constitute a nuisance and violation of Municipal Ordinances within **seven (7) days** after having received notification of the decision.

If you fail to comply and the nuisance is not abated within the time prescribed the Village of Ludlow shall proceed to issue the appropriate citation which may subject you to the penalties prescribed by the Municipal Ordinances and State law as well as institute a suit seeking a judicial order permitting the Village to remove all said items which constitute the nuisance from your premises and dispose of same at your expense, impose a monetary penalty and enjoin the continuation of said nuisance.

The Corporate Authorities shall keep an account of the expense incurred for said abatement charges and if this bill is not paid within **thirty (30) days** after it is presented to you, a lien for the costs and expenses incurred by the Village shall be recorded and the property which is subject to the lien may be sold for non-payment of same.

\_\_\_\_\_  
CHIEF OF POLICE  
VILLAGE OF LUDLOW

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**VILLAGE OF LUDLOW**  
**NOTICE OF DANGEROUS AND/OR UNSAFE BUILDING/STRUCTURE**

TO: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

You, as owner(s) of the property lawfully described below, are hereby notified by the undersigned **Village of Ludlow, Champaign County, Illinois**, that said property has upon it a building/structure which is:

(A) Dangerous and/or unsafe in that said building or structure has become so dilapidated, decayed, unsafe, unsanitary or which so utterly fails to provide the amenities essential to decent living, that it is unfit for human habitation or is likely to cause sickness or disease, so as to cause injury to the health, morals, safety, or general welfare of those living therein now or hereafter; or

(B) Dangerous and/or unsafe in that said building or structure has light, air or sanitation facilities which are inadequate to protect the health, morals, safety, and general welfare of human beings who live or may live therein; or

(C) Dangerous and/or unsafe in that the condition of the building or structure is unsafe, unsanitary, or dangerous to the health, morals, safety, and general welfare of the people of this Village; or

(D) Dangerous and/or unsafe in that the building or structure is uncompleted and/or abandoned; or

(e) Dangerous and/or unsafe pursuant to any of the terms and provisions of the Village of Ludlow Code of Ordinances, **Chapter 25, Nuisances, Article V, Building as Nuisance**.

This building has been found to be a dangerous and unsafe building by the Village officials. This Notice shall remain on this building until it is repaired, vacated, or demolished in accordance with the Notice which has been given the owner, occupant, lessee, mortgagee, or agent of this building, or person or persons in whose name or names such building was last assessed, and all other persons having an interest in said building as shown by the land records of the County Recorder of Deeds. It is unlawful to remove this Notice until such notice is complied with.

That said building/structure is hereby declared to be a public nuisance and shall be repaired, vacated, or demolished as provided in the Village of Ludlow Code of Ordinances, **Chapter 25, Nuisances, Article V, Building as Nuisance**.

The property is hereby legally described as follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Unless such building/structure is repaired, put into safe condition or demolished and all debris removed 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/structure. Any costs incurred by the Village to restore the buildings to a safe condition or to demolish the building and remove debris shall be recovered from the owners of the above described property pursuant to Chapter 65, Paragraph 5/11-31-1, Illinois Compiled Statutes.

That the said costs incurred by the Village shall be a lien on the property which lien shall be subordinate to all prior existing liens and encumbrances. The Village shall file Notices of Lien in the office of the County Recorder of Deeds. Said lien may be enforced by proceeding to foreclosure as in the case of mortgages or mechanics of lien. A suit to foreclosure this lien shall be commenced within **three (3) years** after the date of filing Notice of Lien.

\_\_\_\_\_  
Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

## **CHAPTER 27 - OFFENSES**

<b><u>ARTICLE</u></b>	<b><u>TITLE</u></b>	<b><u>PAGE</u></b>
<b><i>I</i></b>	<b><i>DEFINITIONS</i></b>	
	<i>Section 27-1-1 - Meanings of Words and Phrases</i>	<i>27-1</i>
	<i>Section 27-1-2 - Criminal Code Adopted</i>	<i>27-1</i>
<b><i>II</i></b>	<b><i>GENERALLY</i></b>	
	<i>Section 27-2-1 - Disturbing Police Officer</i>	<i>27-1</i>
	<i>Section 27-2-2 - Impersonation of Officer</i>	<i>27-1</i>
	<i>Section 27-2-3 - Disturbing Lawful Assemblies</i>	<i>27-1</i>
	<i>Section 27-2-4 - Mob Action</i>	<i>27-1</i>
	<i>Section 27-2-5 - Looting by Individuals</i>	<i>27-2</i>
	<i>Section 27-2-6 - Disturbing the Peace</i>	<i>27-2</i>
	<i>Section 27-2-7 - Admission Fees: Fraudulently Avoiding Payment Of</i>	<i>27-2</i>
	<i>Section 27-2-8 - Sale of Cigarettes or Tobacco to Minors</i>	<i>27-2</i>
	<i>Section 27-2-9 - Smokeless Tobacco</i>	<i>27-3</i>
	<i>Section 27-2-10 - Unlawful Conduct on a Public Way</i>	<i>27-3</i>
	<i>Section 27-2-11 - Aid in Escape</i>	<i>27-3</i>
	<i>Section 27-2-12 - Escapes</i>	<i>27-3</i>
	<i>Section 27-2-13 - False Pretenses</i>	<i>27-3</i>
	<i>Section 27-2-14 - Renting Premises for Unlawful Purposes</i>	<i>27-3</i>
	<i>Section 27-2-15 - Aid to an Offense</i>	<i>27-4</i>
	<i>Section 27-2-16 - Posting Bills</i>	<i>27-4</i>
	<i>Section 27-2-17 - Intoxication in Public</i>	<i>27-4</i>
	<i>Section 27-2-18 - Begging</i>	<i>27-4</i>
	<i>Section 27-2-19 - Concealed Weapons</i>	<i>27-4</i>
	<i>Section 27-2-20 - Discharge of Firearms or Bow and Arrow</i>	<i>27-4</i>
	<i>Section 27-2-21 - Games in Street</i>	<i>27-4</i>
	<i>Section 27-2-22 - Storage of Explosives</i>	<i>27-4</i>
	<i>Section 27-2-23 - Throwing Rocks</i>	<i>27-5</i>
	<i>Section 27-2-24 - Destruction of Public Property</i>	<i>27-5</i>
	<i>Section 27-2-25 - Fortune Telling</i>	<i>27-5</i>
	<i>Section 27-2-26 - Abandoned Refrigerators or Iceboxes</i>	<i>27-5</i>
	<i>Section 27-2-27 - Halloween Curfew</i>	<i>27-5</i>
	<i>Section 27-2-28 - Theft of Recyclables Unlawful</i>	<i>27-5</i>
	<i>Section 27-2-29 - Throwing Objects from Motor Vehicles</i>	<i>27-5</i>
	<i>Section 27-2-30 - Depositing of Snow and Ice Restricted</i>	<i>27-5</i>
	<i>Section 27-2-31 - Protective Covering or Fencing</i>	<i>27-6</i>
	<i>Section 27-2-32 - Curfew Hours for Minors</i>	<i>27-6</i>
	<i>Section 27-2-33 - Sanctity of Funeral and Memorial Services</i>	<i>27-7</i>
	<i>Section 27-2-34 - Use of Upholstered Furniture in Outdoor Locations Prohibited</i>	<i>27-8</i>
	<i>Section 27-2-35 - Noise</i>	<i>27-8</i>
	<i>Section 27-2-36 - False Report of Theft and Other Losses</i>	<i>27-9</i>
	<i>Section 27-2-37 - Harassing and Obscene Communications</i>	<i>27-9</i>
	<i>Section 27-2-38 - Tobacco and Electronic Smoking Devices</i>	<i>27-10</i>
	<i>Section 27-2-39 - Public Urination and Defecation</i>	<i>27-10</i>

<b><u>ARTICLE</u></b>	<b><u>TITLE</u></b>	<b><u>PAGE</u></b>
<b>III</b>	<b>OFFENSES AGAINST PROPERTY</b>	
	Section 27-3-1 - Petty Theft	27-13
	Section 27-3-2 - Criminal Damage to Property	27-13
	Section 27-3-3 - Injury to Utility Wires and Poles	27-13
	Section 27-3-4 - Damage or Destruction of Street Signs Prohibited	27-14
	Section 27-3-5 - Tampering with Public Notice	27-14
	Section 27-3-6 - Electronic Devices to Kill Insects	27-14
<b>IV</b>	<b>PUBLIC HEALTH, SAFETY AND DECENCY</b>	
	Section 27-4-1 - Disorderly Conduct; Elements of the Offense	27-15
	Section 27-4-2 - Resisting or Obstructing a Peace Officer	27-15
	Section 27-4-3 - Refusing to Aid an Officer	27-16
	Section 27-4-4 - Assembling at Public Places and Businesses	27-16
<b>V</b>	<b>ANTI-LITTER</b>	
	Section 27-5-1 - Definitions	27-17
	Section 27-5-2 - Littering Prohibited	27-17
	Section 27-5-3 - Prevention of Scattering	27-18
	Section 27-5-4 - Receptacles - Upsetting or Tampering	27-18
	Section 27-5-5 - Sidewalks and Alleys Free From Litter	27-18
	Section 27-5-6 - Owner to Maintain Private Premises	27-18
	Section 27-5-7 - Littering from Vehicles	27-18
	Section 27-5-8 - Littering from Aircraft	27-18
	Section 27-5-9 - Litter in Parks	27-18
	Section 27-5-10 - Handbills	27-18
	Section 27-5-11 - Posting Notices Prohibited	27-19
	Section 27-5-12 - Construction Sites	27-19
	Section 27-5-13 - Loading and Unloading Docks	27-19
	Section 27-5-14 - Parking Lots	27-19
<b>VI</b>	<b>TRESPASS</b>	
	Section 27-6-1 - Trespasses Prohibited	27-20
	Section 27-6-2 - Specifically Enumerated Trespasses - Suppression	27-20
<b>VII</b>	<b>PARENTAL RESPONSIBILITY REGULATIONS</b>	
	Section 27-7-1 - Definitions	27-21
	Section 27-7-2 - Parents and Guardians Responsible for Acts	27-21
<b>VIII</b>	<b>TRUANCY AND CURFEW CODE</b>	
	Section 27-8-1 - Definitions	27-22
	Section 27-8-2 - Curfew Restrictions	27-23
	Section 27-8-3 - Truancy Restrictions	27-23
	Section 27-8-4 - Establishment Restrictions	27-24
	Section 27-8-5 - Enforcement Restrictions	27-24
	Section 27-8-6 - Penalty	27-25
	Section 27-8-7 - Civil Liability	27-25

<b><u>ARTICLE</u></b>	<b><u>TITLE</u></b>	<b><u>PAGE</u></b>
<b>IX</b>	<b>OPEN BURNING</b>	
	Section 27-9-1 - Definitions	27-26
	Section 27-9-2 - Burning Prohibited	27-26
	Section 27-9-3 - Restrictions on Burning of Landscape Waste	27-26
<b>X</b>	<b>SKATEBOARDS AND TOY VEHICLES</b>	
	Section 27-10-1 - Definitions	27-27
	Section 27-10-2 - Skateboarding on a Street	27-27
	Section 27-10-3 - Clinging to a Vehicle	27-27
	Section 27-10-4 - Yield Right-of-Way	27-27
	Section 27-10-5 - Skateboarding on Private Property	27-27
	Section 27-10-6 - Skateboarding on Public Property	27-27
	Section 27-10-7 - Skateboarding in the Business District	27-27
	Section 27-10-8 - Damaging Village Property	27-27
	Section 27-10-9 - Skateboard Ramps	27-28
	Section 27-10-10 - Agreement for Impoundment	27-28
<b>XI</b>	<b>ADULT USES REGULATED</b>	
	Section 27-11-1 - Purpose and Additional Findings	27-29
	Section 27-11-2 - Definitions	27-29
	Section 27-11-3 - Prohibition	27-30
	Section 27-11-4 - Limitation	27-30
	Section 27-11-5 - Adult Entertainment Facility	27-30
<b>XII</b>	<b>OBSCENITY</b>	
	Section 27-12-1 - Obscenity	27-31
	Section 27-12-2 - Harmful Material	27-32
	Section 27-12-3 - Tie-In Sales of Obscene Publications to Distributors	27-33
<b>XIII</b>	<b>SMOKE FREE AIR CODE</b>	
	Section 27-13-1 - Background	27-34
	Section 27-13-2 - Purpose	27-34
	Section 27-13-3 - Definitions	27-34
	Section 27-13-4 - Prohibition in Enclosed Public Places	27-35
	Section 27-13-5 - Prohibition in Unenclosed Public Places and Outdoor Venues	27-36
	Section 27-13-6 - Prohibition in Places of Employment	27-36
	Section 27-13-7 - Prohibition in Open Air Dining Areas	27-36
	Section 27-13-8 - Prohibition at Public Entrances	27-36
	Section 27-13-9 - Designation of Other No-Smoking Areas	27-36
	Section 27-13-10 - No Retaliation	27-36
	Section 27-13-11 - Signs	27-36
	Section 27-13-12 - Exemptions	27-37
	Section 27-13-13 - Penalties	27-37

<b><u>ARTICLE</u></b>	<b><u>TITLE</u></b>	<b><u>PAGE</u></b>
<b>XIV</b>	<b>SYNTHETIC DRUGS</b>	
	Section 27-14-1 - Sale, Possession or Delivery of Synthetic Cocaine Prohibited	27-38
	Section 27-14-2 - Sale, Possession or Delivery of Synthetic Cannabis Prohibited	27-39
<b>XV</b>	<b>REGULATION OF RESIDENCES OF REGISTERED SEX OFFENDERS</b>	
	Section 27-15-1 - Definitions	27-41
	Section 27-15-2 - Prohibited Acts	27-41
	Section 27-15-3 - Penalty	27-42
	Section 27-15-4 - Other Provisions	27-42

## 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 2-22**, as approved, adopted and amended are hereby adopted by the Village, as fully as if set out herein. **(See 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. **(See 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. **(See 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. **(See 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. **(See 65 ILCS 5/11-5-2)**

**27-2-4**        **MOB ACTION.** A person commits mob action when he or she engages in any of the following:

- (A)            the knowing or reckless use of force or violence disturbing the public peace by **two (2)** or more persons acting together and without authority of law;
- (B)            the knowing assembly of **two (2)** or more persons with the intent to commit or facilitate the commission of a felony or misdemeanor; or



(C) the knowing assembly of **two (2)** or more persons, without authority of law, for the purpose of doing violence to the person or property of anyone 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.

**(See 720 ILCS 5/25-1) (See 65 ILCS 5/11-5-2)**

**27-2-5 LOOTING BY INDIVIDUALS.** A person commits looting when he or she knowingly without authority of law or the owner enters any home or dwelling or upon any premises of another, or enters any commercial, mercantile, business, or industrial building, plant, or establishment, in which normal security of property is not present by virtue of a hurricane, fire, or vis major of any kind or by virtue of a riot, mob, or other human agency, and obtains or exerts control over property of the owner. **(See 720 ILCS 5/25-4)**

**27-2-6 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. **(See 65 ILCS 5/11-5-2)**

**27-2-7 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.

**27-2-8 SALE OF CIGARETTES OR TOBACCO TO MINORS.**  
(A) No person 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 person under **twenty-one (21) years of age.**

(B) No person under **twenty-one (21) years of age** may sell any tobacco product at a retail establishment selling tobacco products. This subsection does not apply to a sales clerk in a family-owned business which can prove that the sales clerk is in fact a son or daughter of the owner.

(C) No person under **twenty-one (21) years of age** in the furtherance or facilitation of obtaining any tobacco product shall display or use a false or forged identification card or transfer, alter, or deface an identification card.

(D) No person under **twenty-one (21) years of age** shall possess any cigar, cigarette, smokeless tobacco, or tobacco in any of its forms.

(E) A person shall not distribute without charge samples of any tobacco product to any other person, regardless of age:

- (1) within a retail establishment selling tobacco products, unless the retailer has verified the purchaser's age with a government issued identification;
- (2) from a lunch wagon; or
- (3) on a public way as a promotion or advertisement of a tobacco manufacturer or tobacco product.

This subsection (E) does not apply to the distribution of a tobacco product sample in any adult-only facility.

(F) Tobacco products listed in this Section may be sold through a vending machine only if such tobacco products are not placed together with any non-tobacco product, other than matches, in the vending machine and the vending machine is in any of the following locations:

- (1) places to which persons under **twenty-one (21) years of age** are not permitted access.

- (2) places where alcoholic beverages are sold and consumed on the premises and vending machine operation is under the direct supervision of the owner or manager.
- (3) 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.

(G) The sale or distribution by any person of a tobacco product in this Section, including but not limited to a single or loose cigarette, that is not contained within a sealed container, pack, or package as provided by the manufacturer, which container, pack, or package bears the health warning required by federal law, is prohibited.

**(See 720 ILCS 675/1)**

**27-2-9**            **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 **twenty-one (21)**.

(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. **(See 720 ILCS 680-1 et seq.)**

**27-2-10**           **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.

**27-2-11**           **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. **(See 720 ILCS 5/31-7)**

**27-2-12**           **ESCAPES.** It shall be unlawful for any person convicted of any offense or in lawful custody to escape or attempt to escape from custody. **(See 720 ILCS 5/31-6(C))**

**27-2-13**           **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.

**27-2-14**           **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.

**27-2-15**        **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.

**27-2-16**        **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.

**27-2-17**        **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. **(See 65 ILCS 5/11-5-3)**

**27-2-18**        **BEGGING.** No person shall beg or solicit alms within the Village without having obtained permission in writing from the Mayor. **(See 65 ILCS 5/11-5-4)**

**27-2-19**        **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. **(See 430 ILCS 66/1 et seq.)**

**27-2-20**        **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.

**27-2-21**        **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.

**27-2-22**        **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.** (See 65 ILCS 5/11-8-4)

**27-2-23 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.

**27-2-24 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.

**27-2-25 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.

**27-2-26 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. (See 720 ILCS 505/1)

**27-2-27 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.** (See 65 ILCS 5/11-1-5)

**27-2-28 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.

**27-2-29 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)

**27-2-30 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. (See 65 ILCS 5/11-80-13)

**27-2-31**      **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 this Section. 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. **(See 720 ILCS 605/1)**

**27-2-32**      **CURFEW HOURS FOR MINORS.**

(A)      **Definitions.** Whenever used in this Section.

- (1)      **"Curfew hours"** means:
  - (a)      11:00 P.M. on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 6:00 A.M. of the following day; and
  - (b)      12:01 A.M. until 6:00 A.M. on Saturday; and
  - (c)      12:01 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. **(See 65 ILCS 5/11-1-5 and 720 ILCS 555/1)**

**27-2-33 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 singing, 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. **(See 720 ILCS 5/26-6)**

**27-2-34      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**.

**27-2-35      NOISE.**

(A) **Prohibited; Enumeration.** The creating of any unreasonably loud, disturbing and unnecessary noise within the Village 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.

**27-2-36**      **FALSE REPORT OF THEFT AND OTHER LOSSES.** It is unlawful for a person to knowingly make a false report of a theft, destruction, damage or conversion of any property to a law enforcement agency or other governmental agency with the intent to defraud an insurer. **(See 720 ILCS 5/26-1.1)**

**27-2-37**      **HARASSING AND OBSCENE COMMUNICATIONS.**

(A)      **Definitions.** As used in this Section:

- (1)      **Electronic communication** means any transfer of signs, signals, writings, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectric or photo-optical system. "Electronic communication" includes transmissions through an electronic device including, but not limited to, a telephone, cellular phone, computer, or pager, which communication includes, but is not limited to, e-mail, instant message, text message, or voice mail.
- (2)      **Family or household member** includes spouses, former spouses, parents, children, stepchildren and other persons related by blood or by present or prior marriage, persons who share or formerly shared a common dwelling, persons who have or allegedly share a blood relationship through a child, persons who have or have had a dating or engagement relationship, and persons with disabilities and their personal assistants. For purposes of this Article, neither a casual acquaintanceship nor ordinary fraternization between **two (2)** individuals in business or social contexts shall be deemed to constitute a dating relationship.
- (3)      **Harass or harassing** means knowing conduct which is not necessary to accomplish a purpose that is reasonable under the circumstances, that would cause a reasonable person emotional distress and does cause emotional distress to another.

(B)      **Transmission of Obscene Messages.**

- (1)      A person commits transmission of obscene messages when he or she sends messages or uses language or terms which are obscene, lewd or immoral with the intent to offend by means of or while using a telephone or telegraph facilities, equipment or sires of any person, firm or corporation engaged in the transmission of news or messages between states or within the State of Illinois.
- (2)      The trier of fact may infer intent to offend from the use of language or terms which are obscene, lewd or immoral.

(C)      **Harassment by Telephone.**

- (1)      A person commits harassment by telephone when he or she uses telephone communication for any of the following purposes:
  - (a)      making any comment, request, suggestion or proposition which is obscene, lewd, lascivious, filthy or indecent with an intent to offend;
  - (b)      making a telephone call, whether or not conversation ensues, with intent to abuse, threaten or harass any person at the called number;
  - (c)      making or causing the telephone of another repeatedly to ring, with intent to harass any person at the called number;
  - (d)      making repeated telephone calls, during which conversation ensues, solely to harass any person at the called number;
  - (e)      making a telephone call or knowingly inducing a person to make a telephone call for the purpose of harassing another person who is under **thirteen (13) years of age**, regardless of



whether the person under **thirteen (13) years of age** consents to the harassment, if the defendant is at least **sixteen (16) years of age** at the time of the commission of the offense; or

- (f) knowingly permitting any telephone under one's control to be used for any of the purposes mentioned herein.
- (2) Every telephone directory published for distribution to members of the general public shall contain a notice setting forth a summary of the provisions of this Section. The notice shall be printed in type which is no smaller than any other type on the same page and shall be preceded by the word "WARNING". All telephone companies in this State shall cooperate with law enforcement agencies in using their facilities and personnel to detect and prevent violations of this Article.

(See 720 ILCS 5/26.5)

**27-2-38 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.

**27-2-39 PUBLIC URINATION AND DEFECATION.**

(A) No person shall defecate on any street, alley, sidewalk, parking lot, park, playground, school yard, cemetery, floor of any building, or any public place, except in such place that has been designated a restroom.

(B) No person shall urinate on any street, alley, sidewalk, parking lot, park, playground, school yard, cemetery, or floor of any building, except in such place that has been designated a restroom.

(C) No person shall urinate in any public place in such a manner as to expose his or her genitals at any public place.

(D) "Public place" for purposes of this Section means any place where the conduct may reasonably be expected to be viewed by others.

**(See 65 ILCS 5/11-1-1)**

***[This page was left blank intentionally.]***

### ARTICLE III - OFFENSES AGAINST PROPERTY

#### 27-3-1

**PETTY THEFT.** A person commits theft when he or she 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; or
- (E) obtains or exerts control over property in the custody of any law enforcement agency which any law enforcement officer or any individual acting in behalf of a law enforcement agency explicitly represents to the person as being stolen or represents to the person such circumstances as would reasonably induce the person to believe that the property was stolen; and
  - (1) intends to deprive the owner permanently of the use or benefit of the property; or
  - (2) knowingly uses, conceals or abandons the property in such a manner as to deprive the owner permanently of such use or benefit; or
  - (3) uses, conceals or abandons the property, knowing such use, concealment or abandonment probably will deprive the owner permanently of such use or benefit.
- (F) It shall be unlawful to commit a theft.

(See 720 ILCS 5/16-1)

#### 27-3-2

**CRIMINAL DAMAGE TO PROPERTY.** A person commits criminal damage to

property when he or she:

- (A) knowingly damages any property of another;
- (B) recklessly by means of fire or explosive damages property of another;
- (C) knowingly start a fire on the land of another;
- (D) knowingly injure a domestic animal of another without his or her consent;
- (E) knowingly deposits on the land or in the building of another any stink bomb or any offensive smelling compound and thereby intends to interfere with the use by another of the land or building;
- (F) knowingly damages any property, other than as described in paragraph (2) of subsection (a) of Section 20-1, with intent to defraud an insurer;
- (G) knowingly shoots a firearm at any portion of a railroad train;
- (H) knowingly, without proper authorization, cuts, injures, damages, defaces, destroys, or tampers with any fire hydrant or any public or private fire-fighting equipment or any apparatus appertaining to firefighting equipment; or
- (I) intentionally, without proper authorization, opens any fire hydrant.

When the charge of criminal damage to property exceeding a specified value is brought, the extent of the damage is an element of the offense to be resolved by the trier of fact as either exceeding nor not exceeding the specified value. (See 720 ILCS 5/21-1)

#### 27-3-3

**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.

**27-3-4**        **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.

**27-3-5**        **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. **(See 720 ILCS 5/32-9)**

**27-3-6**        **ELECTRONIC DEVICES TO KILL INSECTS.** No person shall operate, between the hours of **12:01 A.M.** and **6:00 A.M.** of any day, on any property zoned for residential use, any electrical device which emits an audible sound and is designed or used for the purpose of killing insects out-of-doors.

## ARTICLE IV - PUBLIC HEALTH, SAFETY AND DECENCY

**27-4-1**        **DISORDERLY CONDUCT; ELEMENTS OF THE OFFENSE.** A person commits disorderly conduct when he or she knowingly:

(A)            does any act in such an unreasonable manner as to alarm or disturb another and to provoke a breach of the peace;

(B)            transmits or causes to be transmitted in any manner to the Fire Department of any city, town, village or fire protection district, a false alarm of fire, knowing at the time of the transmission that there is no reasonable ground for believing that such fire exists;

(C)            transmits or causes to be transmitted in any manner to another a false alarm to the effect that a bomb or other explosive of any nature or a container holding poison gas, a deadly biological or chemical contaminant, or radioactive substance is concealed in a place where its explosion or release would endanger human life, knowing at the time of the transmission that there is no reasonable ground for believing that the bomb, explosive or a container holding poison gas, a deadly biological or chemical contaminant, or radioactive substance is concealed in the place;

(D)            transmits or causes to be transmitted a threat of destruction of a school building or school property, or a threat of violence, death, or bodily harm directed against persons at a school, school function, or school event, whether or not school is in session;

(E)            transmits or causes to be transmitted in any manner to any peace officer, public officer or public employee a report to the effect that an offense will be committed, is being committed, or has been committed, knowing at the time of the transmission that there is no reasonable ground for believing that the offense will be committed, is being committed, or has been committed;

(F)            transmits or causes to be transmitted a false report to any public safety agency without the reasonable grounds necessary to believe that transmitting the report is necessary for the safety and welfare of the public; or

(G)            calls the number "911" for the purpose of making or transmitting a false alarm or complaint and reporting information when, at the time the call or transmission is made, the person knows there is no reasonable ground for making the call or transmission and further knows that the call or transmission could result in the emergency response of any public safety agency;

(H)            transmits or causes to be transmitted a false report to the Department of Children and Family Services under Section 4 of the Abused and Neglected Child Reporting Act;

(I)            transmits or causes to be transmitted a false report to the Department of Public Health under the Nursing Home Care Act, the Specialized Mental Health Rehabilitation Act of 2013, and ID/DD Community Care Act, or the MC/DD Act;

(J)            transmits or causes to be transmitted in any manner to the police department or fire department of any municipality or fire protection district, or any privately owned and operated ambulance service, a false request for an ambulance, emergency medical technician-ambulance or emergency medical technician-paramedic knowing at the time there is no reasonable ground for believing that the assistance is required;

(K)            transmits or causes to be transmitted a false report under Article II of Public Act 83-1432;

(L)            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; or

(M)            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.

**(See 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. **(See 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.

**(See 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 inches (2") 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."**

**(See 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.

**(See 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.

**(See 65 ILCS 5/11-5-2)**

## 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 non-judicial sanctions from another official agency resulting from an admission of guilt of violation of any ordinance, law, or statute as described in (A) above.

**(See 740 ILCS 115/1 et seq. and 740 ILCS 115/4)**

## 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 6<sup>th</sup> Judicial Circuit; Champaign 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. **(See 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 as provided in **Section 1-1-20** of this Code. **(See also Section 1-1-20)**

(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, custodian, guardian or other adult 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, custodian, guardian 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.

**(See 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.

**(See 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:

(A)            **"Adult Oriented Business"** means an establishment as defined in the Village

Code.

(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 is prohibited 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. **(See 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. **(See 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. **(See 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. **(See 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.

#### **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 **Fifty Dollars (\$50.00)** for a first violation.
- (2) A fine of not less than **One Hundred Dollars (\$100.00)** 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  
PROHIBITED.**

**SALE, POSSESSION OR DELIVERY OF SYNTHETIC CANNABIS**

(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 (**See 720 ILCS 5/11-9.1**);
- (2)      Predatory criminal sexual assault of a child (**See 720 ILCS 5/12-14.1**);
- (3)      Indecent solicitation of a child (**See 720 ILCS 5/11-6**);
- (4)      Public indecency committed on school property (**See 720 ILCS 5/11-9**);
- (5)      Child luring (**See 720 ILCS 5/10-5(b)(10)**);
- (6)      Aiding and abetting child abduction (**See 720 ILCS 5/10-7 or 720 ILCS 5/10-(b)(10)**);
- (7)      Soliciting for a juvenile prostitute (**See 720 ILCS 5/11-15.1**);
- (8)      Patronizing a juvenile prostitute (**See 720 ILCS 5/11-18.1**);
- (9)      Exploitation of a child (**See 720 ILCS 5/11-19.2**);
- (10)     Child pornography (**See 720 ILCS 5/11-20.1**);
- (11)     Criminal sexual assault (**See 720 ILCS 5/12-13**);
- (12)     Aggravated criminal sexual assault (**See 720 ILCS 5/12-14**);
- (13)     Aggravated criminal sexual abuse (**See 720 ILCS 5/12-16**);
- (14)     Kidnapping or aggravated kidnapping (**See 720 ILCS 5/10-1 or 5/10-2**);
- (15)     Unlawful restraint or aggravated unlawful restraint (**See 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.

**CHAPTER 28 - PARKS**

<b><u>ARTICLE</u></b>	<b><u>TITLE</u></b>	<b><u>PAGE</u></b>
<b><i>I</i></b>	<b><i>REGULATIONS</i></b>	
	<i>Section 28-1-1 - Destruction of Park Property</i>	<i>28-1</i>
	<i>Section 28-1-2 - Littering – Water Pollution</i>	<i>28-1</i>
	<i>Section 28-1-3 - Fires in Parks</i>	<i>28-1</i>
	<i>Section 28-1-4 - Picnics</i>	<i>28-1</i>
	<i>Section 28-1-5 - Erection of Structures</i>	<i>28-1</i>
	<i>Section 28-1-6 - Signs</i>	<i>28-1</i>
	<i>Section 28-1-7 - Animals</i>	<i>28-1</i>
	<i>Section 28-1-8 - Motor Vehicles Prohibited</i>	<i>28-2</i>
	<i>Section 28-1-9 - Sales; Amusements for Gain</i>	<i>28-2</i>
	<i>Section 28-1-10 - Group Activities</i>	<i>28-2</i>
	<i>Section 28-1-11 - Application for Permit</i>	<i>28-2</i>
	<i>Section 28-1-12 - Decision on Permit Application</i>	<i>28-2</i>
	<i>Section 28-1-13 - Issuance or Denial of Permit</i>	<i>28-2</i>
	<i>Section 28-1-14 - Hours</i>	<i>28-3</i>

## CHAPTER 28

### PARKS

#### ARTICLE I – REGULATIONS

**28-1-1**        **DESTRUCTION OF PARK PROPERTY.** Within the municipal parks, no person except park personnel on official business shall:

(A)            cut, break, injure, destroy, take, or remove any tree, shrub, timber, plant, or natural object;

(B)            kill, cause to be killed, or pursue with intent to kill any bird or animal except in areas where the Village has authorized hunting;

(C)            willfully mutilate, injure or destroy any buildings bridge, table, bench, fireplace, guidepost, notice, tablet, fence, monument, or other park property or appurtenances.

**28-1-2**        **LITTERING - WATER POLLUTION.**

(A)            No person shall deposit any trash within the municipal parks except in proper receptacles where these are provided. Where receptacles are not provided, all trash shall be carried away from the parks by the person responsible for its presence and shall be properly disposed of elsewhere.

(B)            No person shall discharge or otherwise place or cause to be placed in the waters of any fountain, lake, stream, or other body of water in or adjacent to any park or in any tributary, stream, storm sewer or drain flowing into such waters any substance or thing, liquid or solid which will or may result in the pollution of the waters.

**28-1-3**        **FIRES IN PARKS.**

(A)            No person shall light or use any unenclosed picnic fire within the municipal parks. Fires may be built only in fireplaces or on grills constructed for that purpose in designated areas.

(B)            In camping areas, no person shall leave any campfire unattended by a competent person.

(C)            Every person who has lighted or used any fire in a municipal park shall extinguish such fire before leaving the park.

**28-1-4**        **PICNICS.** No person shall picnic in the municipal parks except in areas designated for that purpose. Park personnel are hereby authorized to regulate the activities in such areas when necessary to prevent congestion or to secure the maximum use, comfort, and convenience of all. Visitors shall comply with any directions given to achieve this end.

**28-1-5**        **ERECTION OF STRUCTURES.** No person shall build or place any tent, building, booth, stand, or other structure in or upon any municipal park or other recreational facility unless he has obtained a permit to do so from the Village.

**28-1-6**        **SIGNS.** No person shall place within any municipal park or affix to any object therein any sign or device designated to advertise any business, profession, exhibition, event or thing unless he has obtained a permit to do so from the Village.

**28-1-7**        **ANIMALS.** No person shall:

(A)            bring any dangerous animal into any municipal park; or

- (B) permit any dog to be in any park unless such dog is on a leash; or
- (C) ride or lead any horse in any municipal park or recreational area except upon paths or other ways expressly provided and posted for that purpose.

**28-1-8**            **MOTOR VEHICLES PROHIBITED.** No person other than municipal personnel on official business shall drive or park any motor vehicle, including snowmobiles, in any municipal park except on a roadway or parking lot.

**28-1-9**            **SALES; AMUSEMENTS FOR GAIN.** Within the parks of this Municipality, no person shall, without having first obtained a permit from the Village:

- (A) sell or offer for sale any goods or services; or
- (B) conduct any amusement for gain or for which a charge is made.

**28-1-10**          **GROUP ACTIVITIES.** Whenever any group or organization desires to use municipal park facilities for a particular purpose such as picnics, parties, exhibitions or performances, a representative of the group shall first apply for and obtain a permit for such activity from the Mayor.

**28-1-11**          **APPLICATION FOR PERMIT.** Applications for all permits required by this Chapter shall be made in writing to the Mayor not less than **seven (7) days** before the proposed date of the activity for which the permit is sought. Each application shall include the following information:

- (A) A statement briefly describing the nature of the proposed activity;
- (B) name, address and telephone number of the person or organization wishing to conduct such activity;
- (C) the date when such activity is to be conducted;
- (D) the hour when such activity will start and terminate;
- (E) the park or portion thereof for which such permit is desired; and
- (F) an estimate of the anticipated attendance.

**28-1-12**          **DECISION ON PERMIT APPLICATION.** After due consideration of the information contained in the permit application, but not later than **seven (7) days** after the application has been filed, the Mayor shall determine whether the application is satisfactory. An application shall be deemed satisfactory if:

- (A) the proposed activity or use of the park will not unreasonably interfere with or detract from the general public enjoyment of the park;
- (B) the facilities desired have not been reserved for other use at the day and hour requested in the application;
- (C) the conduct of such activity will not substantially interrupt the safe and orderly movement of traffic;
- (D) the proper policing of such activity will not require the diversion of so great a number of police officers as to prevent normal protection to the remainder of this Municipality;
- (E) the conduct of such activity is not reasonably likely to cause injury to persons or property or to incite violence, crime or disorderly conduct; and
- (F) such activity is not to be held for the sole purpose of advertising any product, goods, or event, and is not designed to be held purely for private profit.

**28-1-13**          **ISSUANCE OR DENIAL OF PERMIT.**

- (A) Notification by regular mail or by telephone shall be made promptly by the Mayor to every permit applicant of the decision on his application.

(B) If such decision is favorable, the Mayor shall issue the permit. As a condition of the issuance of any permit, the Mayor may require that an indemnity bond be obtained if, in their opinion, such bond is necessary to protect this Municipality from liability or to protect municipal property from damage.

(C) The Mayor shall inform each applicant who has been denied a permit regarding the reasons for the denial and the procedure for appeals.

**28-1-14 HOURS.** The Village Board does hereby establish the park hours as from dawn to dusk unless the Mayor allows extended hours for special events.

## **CHAPTER 29 - PROPERTY MAINTENANCE CODE**

<b><u>ARTICLE</u></b>	<b><u>TITLE</u></b>	<b><u>PAGE</u></b>
<b>I</b>	<b>SCOPE AND ADMINISTRATION</b>	
	<i>Division I - General</i>	
	Section 29-1-1 - Title	29-1
	Section 29-1-2 - Scope	29-1
	Section 29-1-3 - Intent	29-1
	Section 29-1-4 - Severability	29-1
	<i>Division II - Applicability</i>	
	Section 29-1-5 - General	29-1
	Section 29-1-6 - Maintenance	29-1
	Section 29-1-7 - Application of Other Codes	29-2
	Section 29-1-8 - Existing Remedies	29-2
	Section 29-1-9 - Workmanship	29-2
	Section 29-1-10 - Historic Buildings	29-2
	Section 29-1-11 - Referenced Codes and Standards	29-2
	Section 29-1-12 - Requirements Not Covered by Code	29-2
	Section 29-1-13 - Application of References	29-2
	Section 29-1-14 - Other Laws	29-2
	Section 29-1-15 - Reserved	
	<i>Division III – Code Official Appointment; Fees</i>	
	Section 29-1-16 - Appointment	29-3
	Section 29-1-17 - Deputies	29-3
	Section 29-1-18 - Liability	29-3
	Section 29-1-19 - Permit to Occupy	29-3
	Section 29-1-20 - Fees	29-3
	<i>Division IV – Duties and Powers of the Code Official</i>	
	Section 29-1-21 - General	29-4
	Section 29-1-22 - Inspections	29-4
	Section 29-1-23 - Right of Entry	29-4
	Section 29-1-24 - Identification	29-5
	Section 29-1-25 - Notices and Orders	29-5
	Section 29-1-26 - Department Records	29-5
	<i>Division V – Approval</i>	
	Section 29-1-27 - Modifications	29-5
	Section 29-1-28 - Alternative Materials, Methods and Equipment	29-5
	Section 29-1-29 - Required Testing	29-5
	Section 29-1-30 - Used Material and Equipment	29-5
	Section 29-1-31 - Approved Materials and Equipment	29-6
	Section 29-1-32 - Research Reports	29-6
	<i>Division VI – Violations</i>	
	Section 29-1-33 - Unlawful Acts	29-6
	Section 29-1-34 - Notice of Violation	29-6
	Section 29-1-35 - Prosecution of Violation	29-6
	Section 29-1-36 - Violation Penalties	29-6
	Section 29-1-37 - Abatement of Violation	29-6

<b><u>ARTICLE</u></b>	<b><u>TITLE</u></b>	<b><u>PAGE</u></b>
<b>I</b>	<b>SCOPE AND ADMINISTRATION (CONTINUED)</b>	
	<i>Division VII – Notices and Orders</i>	
	Section 29-1-38 - Notice to Person Responsible	29-6
	Section 29-1-39 - Form	29-7
	Section 29-1-40 - Method of Service	29-7
	Section 29-1-41 - Unauthorized Tampering	29-7
	Section 29-1-42 - Penalties	29-7
	Section 29-1-43 - Transfer of Ownership	29-7
	<i>Division VIII – Unsafe Structures and Equipment</i>	
	Section 29-1-44 - General	29-7
	Section 29-1-45 - Closing of Vacant Structures	29-9
	Section 29-1-46 - Notice	29-9
	Section 29-1-47 - Placarding	29-9
	Section 29-1-48 - Prohibited Occupancy	29-9
	Section 29-1-49 - Abatement Methods	29-10
	Section 29-1-50 - Record	29-10
	<i>Division IX – Emergency Measures</i>	
	Section 29-1-51 - Imminent Danger	29-10
	Section 29-1-52 - Temporary Safeguards	29-10
	Section 29-1-53 - Closing Streets	29-10
	Section 29-1-54 - Emergency Repairs	29-10
	Section 29-1-55 - Costs of Emergency Repairs	29-10
	Section 29-1-56 - Hearing	29-10
	<i>Division X – Demolition</i>	
	Section 29-1-57 - General	29-11
	Section 29-1-58 - Notices and Orders	29-11
	Section 29-1-59 - Failure to Comply	29-11
	Section 29-1-60 - Salvage Materials	29-11
	<i>Division XI – Means of Appeal</i>	
	Section 29-1-61 - Application for Appeal	29-11
	Section 29-1-62 - Membership of the Board	29-11
	Section 29-1-63 - Notice of Meeting	29-12
	Section 29-1-64 - Open Hearing	29-12
	Section 29-1-65 - Postponed Hearing	29-12
	Section 29-1-66 - Board Decision	29-12
	Section 29-1-67 - Court Review	29-12
	Section 29-1-68 - Stays of Enforcement	29-12
	<i>Division XII – Stop Work Order</i>	
	Section 29-1-69 - Authority	29-13
	Section 29-1-70 - Issuance	29-13
	Section 29-1-71 - Emergencies	29-13
	Section 29-1-72 - Failure to Comply	29-13

<b><u>ARTICLE</u></b>	<b><u>TITLE</u></b>	<b><u>PAGE</u></b>
<b>II</b>	<b>DEFINITIONS</b>	
	<i>Division I - General</i>	
	Section 29-2-1 - Scope	29-14
	Section 29-2-2 - Interchangeability	29-14
	Section 29-2-3 - Terms Defined in Other Codes	29-14
	Section 29-2-4 - Terms Not Defined	29-14
	Section 29-2-5 - Parts	29-14
	<i>Division II – General Definitions</i>	
	Section 29-2-6 - Definitions	29-14
<b>III</b>	<b>GENERAL REQUIREMENTS</b>	
	<i>Division I – General</i>	
	Section 29-3-1 - Scope	29-17
	Section 29-3-2 - Responsibility	29-17
	Section 29-3-3 - Vacant Structures and Land	29-17
	<i>Division II – Exterior Property Areas</i>	
	Section 29-3-4 - Sanitation	29-17
	Section 29-3-5 - Grading and Drainage	29-17
	Section 29-3-6 - Sidewalks and Driveways	29-17
	Section 29-3-7 - Weeds	29-17
	Section 29-3-8 - Rodent Harborage	29-18
	Section 29-3-9 - Exhaust Vents	29-18
	Section 29-3-10 - Accessory Structures	29-18
	Section 29-3-11 - Motor Vehicles	29-18
	Section 29-3-12 - Parking Motor Vehicles	29-18
	Section 29-3-13 - Graffiti	29-18
	<i>Division III – Swimming Pools, Spas and Hot Tubs</i>	
	Section 29-3-14 - Swimming Pools	29-18
	Section 29-3-15 - Enclosures	29-18
	Section 29-3-16 - Barrier	29-19
	<i>Division IV - Exterior Structure</i>	
	Section 29-3-17 - General	29-19
	Section 29-3-18 - Unsafe Conditions	29-19
	Section 29-3-19 - Protective Treatment	29-20
	Section 29-3-20 - Premises Identification	29-20
	Section 29-3-21 - Structural Members	29-20
	Section 29-3-22 - Foundation Walls	29-20
	Section 29-3-23 - Exterior Walls	29-20
	Section 29-3-24 - Roofs and Drainage	29-21
	Section 29-3-25 - Decorative Features	29-21
	Section 29-3-26 - Overhang Extensions	29-21
	Section 29-3-27 - Stairways, Decks, Porches and Balconies	29-21
	Section 29-3-28 - Handrails and Guards	29-21
	Section 29-3-29 - Opening Limitations	29-21
	Section 29-3-30 - Window, Skylight and Door Frames	29-21
	Section 29-3-31 - Insect Screens	29-21



<b><u>ARTICLE</u></b>	<b><u>TITLE</u></b>	<b><u>PAGE</u></b>
<b>III</b>	<b>GENERAL REQUIREMENTS (CONTINUED)</b>	
	<i>Division IV - Exterior Structure (Continued)</i>	
	Section 29-3-32 - Doors	29-22
	Section 29-3-33 - Basement Hatchways	29-22
	Section 29-3-34 - Guards for Basement Windows	29-22
	Section 29-3-35 - Building Security	29-22
	Section 29-3-36 - Gates	29-22
	<i>Division V – Interior Structure</i>	
	Section 29-3-37 - General	29-22
	Section 29-3-38 - Structure Members	29-23
	Section 29-3-39 - Interior Surfaces	29-23
	Section 29-3-40 - Stairs and Walking Surfaces	29-23
	Section 29-3-41 - Open Risers	29-23
	Section 29-3-42 - Under-Stair Protection	29-23
	Section 29-3-43 - Handrails and Guards	29-23
	Section 29-3-44 - Opening Limitations	29-23
	Section 29-3-45 - Interior Doors	29-23
	Section 29-3-46 - Dwelling/Garage Opening Penetration Protection	29-24
	Section 29-3-47 - Garage Ceiling	29-24
	Section 29-3-48 - Automatic Garage Door Openers	29-24
	<i>Division VI – Component Serviceability</i>	
	Section 29-3-49 - General	29-24
	<i>Division VII – Handrails and Guardrails</i>	
	Section 29-3-50 - General	29-25
	Section 29-3-51 - Opening Limitations	29-26
	<i>Division VIII – Rubbish and Garbage</i>	
	Section 29-3-52 - Accumulation of Rubbish or Garbage	29-26
	Section 29-3-53 - Disposal of Rubbish	29-26
	Section 29-3-54 - Disposal of Garbage	29-36
	<i>Division IX – Pest Elimination</i>	
	Section 29-3-55 - Infestation	29-26
	Section 29-3-56 - Owner	29-26
	Section 29-3-57 - Single Occupant	29-26
	Section 29-3-58 - Multiple Occupancy	29-26
	Section 29-3-59 - Occupant	29-27
<b>IV</b>	<b>LIGHT, VENTILATION, AND OCCUPANCY LIMITATIONS</b>	
	<i>Division I – General</i>	
	Section 29-4-1 - Scope	29-28
	Section 29-4-2 - Responsibility	29-28
	Section 29-4-3 - Alternative Devices	29-28
	<i>Division II - Light</i>	
	Section 29-4-4 - Habitable Spaces	29-28
	Section 29-4-5 - Common Halls and Stairways	29-28
	Section 29-4-6 - Other Spaces	29-28

<b><u>ARTICLE</u></b>	<b><u>TITLE</u></b>	<b><u>PAGE</u></b>
<b>IV</b>	<b>LIGHT, VENTILATION, AND OCCUPANCY LIMITATIONS (CONTINUED)</b>	
	<i>Division III - Ventilation</i>	
	Section 29-4-7 - Habitable Spaces	29-29
	Section 29-4-8 - Bathrooms and Toilet Rooms	29-29
	Section 29-4-9 - Cooking Facilities	29-29
	Section 29-4-10 - Process Ventilation	29-29
	Section 29-4-11 - Clothes Dryer Exhaust	29-29
	<i>Division IV – Occupancy Limitations</i>	
	Section 29-4-12 - Privacy	29-29
	Section 29-4-13 - Minimum Room Widths	29-29
	Section 29-4-14 - Minimum Ceiling Heights	29-30
	Section 29-4-15 - Bedroom and Living Room Requirements	29-30
	Section 29-4-16 - Overcrowding	29-30
	Section 29-4-17 - Efficiency Unit	29-31
	Section 29-4-18 - Food Preparation	29-31
<b>V</b>	<b>PLUMBING FACILITIES AND FIXTURE REQUIREMENTS</b>	
	<i>Division I - General</i>	
	Section 29-5-1 - Scope	29-32
	Section 29-5-2 - Responsibility	29-32
	<i>Division II - Required Facilities</i>	
	Section 29-5-3 - Dwelling Units	29-32
	Section 29-5-4 - Rooming Houses	29-32
	<i>Division III - Toilet Rooms</i>	
	Section 29-5-5 - Privacy	29-32
	Section 29-5-6 - Floor Surface	29-32
	<i>Division IV - Plumbing Systems and Fixtures</i>	
	Section 29-5-7 - General	29-32
	Section 29-5-8 - Fixture Clearances	29-32
	Section 29-5-9 - Pressure-Relief Valve	29-33
	Section 29-5-10 - Plumbing System Hazards	29-33
	<i>Division V - Water System</i>	
	Section 29-5-11 - General	29-33
	Section 29-5-12 - Contamination	29-33
	Section 29-5-13 - Supply	29-33
	Section 29-5-14 - Water Heating Facilities	29-33
	Section 29-5-15 - Water Heaters Installed in Garages	29-33
	<i>Division VI – Sanitary Drainage System</i>	
	Section 29-5-16 - General	29-34
	Section 29-5-17 - Maintenance	29-34
	Section 29-5-18 - Grease Interceptors	29-34
	<i>Division VII – Storm Drainage</i>	
	Section 29-5-19 - General	29-34

<b><u>ARTICLE</u></b>	<b><u>TITLE</u></b>	<b><u>PAGE</u></b>
<b>VI</b>	<b>MECHANICAL AND ELECTRICAL REQUIREMENTS</b>	
	<i>Division I - General</i>	
	Section 29-6-1 - Scope	29-35
	Section 29-6-2 - Responsibility	29-35
	<i>Division II – Heating Facilities</i>	
	Section 29-6-3 - Facilities Required	29-35
	Section 29-6-4 - Residential Occupancies	29-35
	Section 29-6-5 - Heat Supply	29-35
	Section 29-6-6 - Installation of Materials	29-35
	Section 29-6-7 - Room Temperature Measurement	29-35
	<i>Division III – Mechanical Equipment</i>	
	Section 29-6-8 - Mechanical Appliances	29-36
	Section 29-6-9 - Removal of Combustion Products	29-36
	Section 29-6-10 - Clearances	29-36
	Section 29-6-11 - Elevation of Ignition Source	29-36
	Section 29-6-12 - Safety Controls	29-36
	Section 29-6-13 - Combustion Air	29-36
	Section 29-6-14 - Energy Conservation Devices	29-36
	<i>Division IV – Electrical Facilities</i>	
	Section 29-6-15 - Facilities Required	29-36
	Section 29-6-16 - Service	29-37
	Section 29-6-17 - Electrical System Hazards	29-37
	<i>Division V – Electrical Equipment</i>	
	Section 29-6-18 - Installation	29-37
	Section 29-6-19 - Receptacles	29-37
	Section 29-6-20 - Luminaires	29-37
	Section 29-6-21 - Wiring	29-37
	<i>Division VI – Dust Systems</i>	
	Section 29-6-22 - General	29-37
<b>VII</b>	<b>FIRE SAFETY REQUIREMENTS</b>	
	<i>Division I - General</i>	
	Section 29-7-1 - Scope	29-38
	Section 29-7-2 - Responsibility	29-38
	<i>Division II – Means of Egress</i>	
	Section 29-7-3 - General	29-38
	Section 29-7-4 - Aisles	29-38
	Section 29-7-5 - Locked Doors	29-38
	Section 29-7-6 - Emergency Escape Openings	29-38
	Section 29-7-7 - Fire Partitions	29-38
	<i>Division III – Fire-Resistance Ratings</i>	
	Section 29-7-8 - Fire-Resistance-Rated Assemblies	29-39
	Section 29-7-9 - Opening Protective	29-39

<b><u>ARTICLE</u></b>	<b><u>TITLE</u></b>	<b><u>PAGE</u></b>
<b>VII</b>	<b>FIRE SAFETY REQUIREMENTS (CONTINUED)</b>	
	<i>Division IV – Fire Protection Systems</i>	
	<i>Section 29-7-10 - General</i>	<i>29-39</i>
	<i>Section 29-7-11 - Smoke Alarms</i>	<i>29-39</i>
	<i>Section 29-7-12 - Power Source</i>	<i>29-39</i>
	<i>Section 29-7-13 - Interconnection</i>	<i>29-40</i>
	<i>Section 29-7-14 - Carbon Monoxide Detectors</i>	<i>29-40</i>
<b>VIII</b>	<b>REFERENCED STANDARDS</b>	<b>29-41</b>
	<i>Appendix "A" - Filing Fees</i>	<i>29-42</i>

## CHAPTER 29

### PROPERTY MAINTENANCE CODE

#### ARTICLE I – SCOPE AND ADMINISTRATION

##### DIVISION I - GENERAL

**29-1-1** **TITLE.** These regulations shall be known as the Property Maintenance Code of this Village hereinafter referred to as "this Code". **(IPMC 101.1)**

**29-1-2** **SCOPE.** The provisions of this Code shall apply to all existing residential and nonresidential *structures* and all existing *premises* and constitute minimum requirements and standards for *premises, structures, equipment* and facilities for light, *ventilations*, 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. **(IPMC 101.2)**

**Exception:** This Code shall not apply to Commercial *structures* unless they contain residential uses.

**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. **(IPMC 101.3)**

**29-1-4** **SEVERABILITY.** If a section, subsection, sentence, clause or phase 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. **(IPMC 101.4)**

##### DIVISION II - APPLICABILITY

**29-1-5** **GENERAL.** Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where differences occur between provisions of this Code and the reference standards, the provisions of this Code shall apply. Where, in a specific case, different sections of this Code specify different requirements, the most restrictive shall govern. **(IPMC 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*. **(IPMC 102.2)**

**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 **Chapter 6 – Building Regulations**. Nothing in this Code shall be construed to cancel, modify or set aside any provisions of the Zoning Code (Chapter 40), if any. **(IPMC 102.3)**

**29-1-8**            **EXISTING REMEDIES.** The provisions of 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. **(IPMC 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 instructions. **(IPMC 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. **(IPMC 102.6)**

**29-1-11**           **REFERENCED CODES AND STANDARDS.** The codes and standards referenced in this Code shall be those that are listed in **Chapter 6** and considered part of the requirements of this Code to the prescribed extent of each such reference and as further regulated in **Sections 29-1-11(A)** and **29-1-11(B)**. **(IPMC 102.7)**

**Exception:** Where enforcement of a code provision would violate the conditions of the listing of the *equipment* or *appliance*, the conditions of the listing shall apply.

(A)            **Conflicts.** Where conflicts occur between provisions of this Code and the referenced standards, the provisions of this Code shall apply. **(IPMC 102.7.1)**

(B)            **Provisions in Reference Codes and Standards.** Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this Code, the provisions of this Code, as applicable, shall take precedence over the provisions in the referenced code or standard. **(IPMC 102.7.2)**

**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*. **(IPMC 102.8)**

**29-1-13**           **APPLICATION OF REFERENCES.** References to chapter, article or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, article, section or provision of this Code. **(IPMC 102.9)**

**29-1-14**           **OTHER LAWS.** The provisions of this Code shall not be deemed to nullify any provisions of local, state or federal law. **(IPMC 102.10)**

**29-1-15**           **RESERVED.**

### DIVISION III – CODE OFFICIAL APPOINTMENT; FEES

**29-1-16**      **APPOINTMENT.** The *code official* shall be appointed by the Mayor with the advice and consent of the corporate authorities.

**29-1-17**      **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(s). Such employees shall have powers as delegated by the *code official*. **(IPMC 103.3)**

**29-1-18**      **LIABILITY.** The *code official*, member of the board of appeals or employee charged with the enforcement of this Code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this Code or other pertinent law or ordinance, 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 or by reason of an act or omission 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 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. **(IPMC 103.4)**

**29-1-19**      **PERMIT TO OCCUPY.**

(A)      **Permit Required.** It shall be unlawful for any *person owner* or agent thereof to occupy or use, or to permit any *person* to occupy or use any *premises* for any purpose including the movement of furniture, *equipment* or other personal property into said *premises* until a permit to occupy has been issued by the *Code Official*. The permit so issued shall state that the condition of the *premises* and its proposed occupation complies with all of the provisions of this Code as far as can be determined by a visual inspections of the *premises* and a review of the records.

(B)      **Application For Occupancy.** It shall be unlawful for any *person* to knowingly make any false statement on an application for permit to occupy a *dwelling unit* as to the names, relationships, ages, or number of *occupants* who will occupy the *dwelling unit*. One of the following documents shall be submitted with application; copy of lease, rent receipt with photo identification, sales contract or closing papers.

(C)      **Action On An Application.** The *Code Official* shall examine or cause to be examined all applications for permits within a reasonable time after filing. No certificate of *occupancy* will issued until an inspection of the *premises* has been completed and *approved*. No inspection shall be required for a *dwelling unit* that is less than **five (5) years** of age.

(D)      **Suspension of Permit.** Any permit issued shall become invalid if the *occupancy* is not commenced within **six (6) months** after issuance of the permit.

(E)      **Revocation of Permit.** The *Code Official* may revoke a permit in case of any false statement or misrepresentation of facts in the application on which a permit was based, or in the event a structure or part thereof is *condemned* pursuant to this Code.

**29-1-20**      **FEES.** The fees for activities and services performed by the department in carrying out its responsibilities under this Code shall be indicated in the following schedule. **(IPMC 103.5)**

(A)      Inspection Permit Fee of **Fifty Dollars (\$50.00)** shall be paid prior to the Village conducting an inspection of a multi-family rental structure (apartments). It shall be the responsibility of the property *owner/agent* to make advance payment of the fee and schedule the required inspection with the Village. An inspection shall be valid for a period of **one (1) year**. The *dwelling unit* does not have to be reinspected during that period, even if the *occupancy* changes.

(B) Inspection Permit Fee of **One Hundred Dollars (\$100.00)** shall be paid prior to the Village conducting an inspection of a single family residence. It shall be the responsibility of the property *owner/agent* to make advance payment of the fee and schedule the required inspection with the Village. An inspection shall be valid for a period of **one (1) year**. The *dwelling unit* does not have to be reinspected during that period, even if the *occupancy* changes.

(C) Inspection Permit Fee of **Seventy-Five Dollars (\$75.00)** shall be paid prior to the Village conducting an inspection of a manufactured/mobile home. It shall be the responsibility of the property *owner/agent* to make advance payment of the fee and schedule the required inspection with the Village. An inspection shall be valid for a period of **one (1) year**. The *dwelling unit* does not have to be reinspected during that period, even if the *occupancy* changes.

(D) Inspection Permit Fee of **One Hundred Dollars (\$100.00)** shall be paid prior to the Village conducting an inspection of a duplex/condominium. It shall be the responsibility of the property *owner/agent* to make advance payment of the fee and schedule the required inspection with the Village. An inspection shall be valid for a period of **one (1) year**. The *dwelling unit* does not have to be reinspected during that period, even if the *occupancy* changes.

(E) A copy of an existing Certificate of *Occupancy* shall be a fee of **Twenty Dollars (\$20.00)**.

(F) The Certificate of *Occupancy* fee of **Thirty Dollars (\$30.00)** shall be paid at the time certificate is issued. It shall be the responsibility of the *tenant/occupant* to apply for certificates of *occupancy* after application for *occupancy* has been *approved*.

(G) A re-inspection fee of **Fifty Dollars (\$50.00)** shall be paid when initial inspections fail or no access to structure. It shall be the responsibility of the property *owner/agent* to make the advance payment prior to scheduling a re-inspection.

(H) All fees shall be non-refundable.

#### **DIVISION IV – DUTIES AND POWERS OF THE CODE OFFICIAL**

**29-1-21** **GENERAL.** The *Code Official* is hereby authorized and directed to enforce the provisions of this Code. The *code official* shall have the authority to render interpretations of this Code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this Code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this Code. **(IPMC 104.1)**

**29-1-22** **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. **(IPMC 104.2)**

**29-1-23** **RIGHT OF ENTRY.** Where it is necessary to make an inspection to enforce the provisions of this Code, or whenever the *Code Official* has reasonable cause to believe that there exists in a structure or upon a *premises* a condition in violation of this Code, the *code official* is authorized to enter the structure or *premises* at reasonable times to inspect or perform duties imposed by this Code, provided that if such structure or *premises* is occupied the *code official* shall present credentials to the *occupant* and request entry. If such structure or *premises* is unoccupied, the *code official* shall first make a reasonable effort to locate the *owner* or other *person* having charge or control of the structure or *premises* and request entry. If entry is refused, the *Code Official* shall have recourse to the remedies provided by law to secure entry. **(IPMC 104.3)**



**29-1-24**      **IDENTIFICATION.** The *Code Official* shall carry proper identification when inspecting *structures* or *premises* in the performance of duties under this Code. **(IPMC 104.4)**

**29-1-25**      **NOTICES AND ORDERS.** The *Code Official* shall issue all necessary notices or orders to ensure compliance with this Code. **(IPMC 104.5)**

**29-1-26**      **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 for the period required for retention of public record. **(IPMC 104.6)**

## **DIVISION V - APPROVAL**

**29-1-27**      **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 upon application of the *owner* or *owner's* representative, provide 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. **(IPMC 105.1)**

**29-1-28**      **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. **(IPMC 105.2)**

**29-1-29**      **REQUESTING 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. **(IPMC 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. **(IPMC 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. **(IPMC 105.3.2)**

**29-1-30**      **USED MATERIAL AND EQUIPMENT.** The use of used materials which meet the requirements of this Code for new materials is permitted. 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* by the *Code Official*. **(IPMC 105.4)**

**29-1-31**        **APPROVED MATERIALS AND EQUIPMENT.** Materials, *equipment* and devices *approved* by the *Code Official* shall be constructed and installed in accordance with such approval. **(IPMC 105.5)**

**29-1-32**        **RESEARCH REPORTS.** Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this Code, shall consist of valid research reports from *approved* sources. **(IPMC 105.6)**

## **DIVISION VI - VIOLATIONS**

**29-1-33**        **UNLAWFUL ACTS.** It shall be unlawful for any *person*, firm or corporation to be in conflict with or in violation of any of the provisions of this Code. **(IPMC 106.1)**

**29-1-34**        **NOTICE OF VIOLATION.** The *Code Official* shall serve a notice of violation or order in accordance with **Division VII.** **(IPMC 106.2)**

**29-1-35**        **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 or civil infraction as determined by the local municipality, 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 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. **(IPMC 106.3)**

**29-1-36**        **VIOLATION PENALTIES.** Any person who violates a provision of this Code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this Code, shall be subject to all fines and penalties as provided in **Section 1-1-20.** **(IPMC 106.4)**

**29-1-37**        **ABATEMENT OF VIOLATION.** The imposition of the penalties herein prescribed shall not preclude the Municipal Attorney 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.* **(IPMC 106.5)**

## **DIVISION VII – NOTICES AND ORDERS**

**29-1-38**        **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 29-1-39** and **29-1-40** to the *person* responsible for the violation as specified in this Code. Notices for condemnation procedures shall also comply with **Section 29-1-45.** **(IPMC 107.1)**

**29-1-39**      **FORM.** Such notice prescribed in **Section 29-1-38** shall be in accordance with all of the following: **(IPMC 107.2)**

- (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 for 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 29-1-35**.

**29-1-40**      **METHOD OF SERVICE.** Such notice shall be deemed to be properly served if copy thereof is: **(IPMC 107.3)**

- (A)            Delivered personally;
- (B)            Sent by certified or first-class mail addressed to the land 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.

**29-1-41**      **UNAUTHORIZED TAMPERING.** Signs, tags or seals posted or affixed by the *Code Official* shall not be mutilated, destroyed or tampered with, or removed without authorization from the *Code Official*. **(IPMC 107.4)**

**29-1-42**      **PENALTIES.** Penalties for noncompliance with orders and notices shall be set forth in **Section 29-1-36**. **(IPMC 107.5)**

**29-1-43**      **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. **(IPMC 107.6)**

## **DIVISION VIII - UNSAFE STRUCTURES AND EQUIPMENT**

**29-1-44**      **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. **(IPMC 108.1)**

(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. **(IPMC 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. **(IPMC 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. **(IPMC 108.1.2)**

(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.

(E) **Dangerous Structure or Premises.** For the purpose of this Code, any structure or *premises* that has any or all of the conditions or defects described below shall be considered dangerous: **(IPMC 108.1.5)**

- (1) Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the *approved* building or fire code of the jurisdiction as related to the requirements for existing buildings.
- (2) The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
- (3) Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, *deterioration*, *neglect*, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become *detached* or dislodged.
- (4) Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so *anchored*, attached or fastened in place so as to be capable of resisting natural or artificial loads of **one and one-half (1 ½)** of the original designed value.
- (5) The building or structure, or part of the building or structure, because of dilapidation, *deterioration*, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give away.
- (6) The building or structure, or any portion thereof, is clearly unsafe for its use and *occupancy*.
- (7) The building or structure is *neglected*, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral *persons*, or enables *persons* to resort to the building or structure for committing a nuisance or an unlawful act.
- (8) Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the *approved* building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.
- (9) A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, *ventilation*, mechanical or plumbing system, or otherwise, is determined by the *Code Official* to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

- (10) Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the *Code Official* to be a threat to life or health.
- (11) Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

**29-1-45 CLOSING OF VACANT STRUCTURES.** If the structure is vacant and unfit for human habitation and *occupancy*, and is not in danger of structure 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. **(IPMC 108.2)**

(A) **Authority to Disconnect Service Utilities.** The *Code Official* shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this Code and the referenced codes and standards set forth in **Section 29-1-11** in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without approval. The *Code Official* shall notify the serving utility and, whenever possible, the *owner* and *occupant* of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection the *owner* or *occupant* of the building structure or service system shall be notified in writing as soon as practical thereafter. **(IPMC 108.2.1)**

**29-1-46 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 29-1-40**. 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 29-1-39**. **(IPMC 108.3)**

**29-1-47 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. **(IPMC 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. **(IPMC 108.4.1)**

**29-1-48 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. **(IPMC 108.5)**

**29-1-49**      **ABATEMENT METHODS.** The *owner, operator* or *occupant* of a building, *premises* or *equipment* deemed unsafe by the *Code Official* shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other *approved* corrective action. **(IPMC 108.6)**

**29-1-50**      **RECORD.** The *Code Official* shall cause a report to be filed on an unsafe condition. The report shall state the *occupancy* of the structure and the nature of the unsafe condition. **(IPMC 108.7)**

## **DIVISION IX - EMERGENCY MEASURES**

**29-1-51**      **IMMINENT DANGER.** When, in the opinion of the *Code Official*, there is *imminent danger* 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 Office.**" 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 demolishing the same. **(IPMC 109.1)**

**29-1-52**      **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. **(IPMC 109.2)**

**29-1-53**      **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. **(IPMC 109.3)**

**29-1-54**      **EMERGENCY REPAIRS.** For the purposes of this Division, the *Code Official* shall employ the necessary labor and materials to perform the required work as expeditiously as possible. **(IPMC 109.4)**

**29-1-55**      **COSTS OF EMERGENCY REPAIRS.** Costs incurred in the performance of emergency work shall be paid by the Village. The legal counsel of the Village shall institute appropriate action against the *owner* of the *premises* where the unsafe structure is or was located for the recovery of such costs. **(IPMC 109.5)**

**29-1-56**      **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. **(IPMC 109.6)**

## DIVISION X - DEMOLITION

**29-1-57**      **GENERAL.** The *Code Official* shall order the *owner* of any *premises* upon which is located any structure, which in the *Code Official* judgment after review is so deteriorated or 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 board up and hold for future repair 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**, the *Code Official* shall order the *owner* to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond **one (1) year**, unless *approved* by the Building Official. **(IPMC 110.1)**

**29-1-58**      **NOTICES AND ORDERS.** All notices and orders shall comply with **Article I, Division VII.** **(IPMC 110.2)**

**29-1-59**      **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. **(IPMC 110.3)**

**29-1-60**      **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 or 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, with the approval of the corporate authorities. **(IPMC 110.4)**

## DIVISION XI - MEANS OF APPEAL

**29-1-61**      **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. The fee for an application of appeal of **Fifty Dollars (\$50.00)** is to be paid at the time application is filed and shall be non-refundable.

**29-1-62**      **MEMBERSHIP OF THE BOARD.** The Board of Appeals shall consist of a minimum of **five (5) 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 Mayor, with the advice and consent of the corporate authorities, and shall service staggered and overlapping terms as follows: **one (1) for five (5) years, one (1) for four (4) years, one (1) for three (3) years,**

**one (1) for two (2) years**, and **one (1) for one (1) year**. Thereafter, each new member shall serve for **five (5) years** or until a successor has been appointed.

(A) **Alternate Members.** The Mayor shall appoint a minimum of **two (2) alternate members** with the advice and consent of the corporate authorities 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. Alternate members shall be appointed for **five (5) years** or until a successor has been appointed.

(B) **Chairman.** The Board shall annually select one of its members to serve as Chairman.

(C) **Disqualification of Member.** A member shall not hear an appeal in which that member has any personal, professional or financial interest.

(D) **Secretary.** The Mayor 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 Mayor, and in the office of the *Code Official*.

**29-1-63** **NOTICE OF MEETING.** The Board shall meet upon notice from the Chairman, within **ten (10) days** of the filing of an appeal, or at stated periodic meetings.

**29-1-64** **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 a minimum of **two-thirds (2/3)** of the board membership.

(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 is received.

**29-1-65** **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.

**29-1-66** **BOARD DECISION.** The Board shall modify or reverse the decision of the *Code Official* by a concurring vote of **three (3) members**.

(A) **Resolution.** The decision of the Board shall be by resolution. Certified copies shall be furnished to the appellant and the *Code Official*.

(B) **Administration.** The *Code Official* shall take action within **five (5) working days** in accordance with the decision of the Board.

**29-1-67** **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.

**29-1-68** **STAYS OF ENFORCEMENT.** Appeals of notice and orders (other than Imminent Damager notices) shall stay the enforcement of the notice and order until appeal is heard by the appeals board.



## DIVISION XII – STOP WORK ORDER

**29-1-69**      **AUTHORITY.** Whenever the *Code Official* finds any work regulated by this Code being performed in a manner contrary to the provisions of this Code or in a dangerous or unsafe manner, the *Code Official* is authorized to issue a stop work order. **(IPMC 112.1)**

**29-1-70**      **ISSUANCE.** A stop work order shall be in writing and shall be given to the *owner* of the property, to the *owner's* agent, or to *person* doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume. **(IPMC 112.2)**

**29-1-71**      **EMERGENCIES.** Where an emergency exists, the *Code Official* shall not be required to give a written notice prior to stopping the work. **(IPMC 112.3)**

**29-1-72**      **FAILURE TO COMPLY.** Any *person* who shall continue any work after having been served with a stop work order, except such work as that *person* is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than **Seventy-Five Dollars (\$75.00)** or more than **Seven Hundred Fifty Dollars (\$750.00)**. Each day that a violation continues shall be considered a separate offense.

## 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 Article. **(IPMC 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. **(IPMC 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 Existing Building Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, Residential Code, State of Illinois Plumbing Code, International Residential Code, Village Zoning Code or NFPA 70, such terms shall have the meanings ascribed to them as in those codes. **(IPMC 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 context implies. **(IPMC 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".

### DIVISION II - DEFINITIONS

**29-2-6**        **DEFINITIONS.** The following words and terms shall, for the purposes of this Chapter and as stated elsewhere in this Code, have the meanings shown herein.

**"ANCHORED":** Secured in a manner that provides positive connection.

**"APPLIANCE":** A device or apparatus that is manufactured and designed to utilize energy and for which this Code provides specific requirements.

**"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 in either a dwelling or *sleeping unit*.

**"CODE OFFICIAL":** The official who is charged with the administration and enforcement of this Code, or any duly authorized representative.

**"COMBUSTION AIR":** The air provided to fuel-burning *equipment* including air for fuel combustion, draft hood dilution and *ventilation* of the *equipment* enclosure.

**"CONDEMN":** To adjudge unfit for *occupancy*.

**"DETACHED":** When a structural element is physically disconnected from another and that connection is necessary to provide a positive connection.

**"DETERIORATION":** To weaken, disintegrate, corrode, rust or decay and lose effectiveness.

**"DWELLING UNIT":** A single unit providing complete, independent living facilities for one 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.

**"EQUIPMENT":** All piping, ducts, vents, control devices and other components of systems other than appliances that are permanently installed and integrated to provide control of environmental conditions for buildings. This definition shall also include other systems specifically regulated in this Code.

**"EQUIPMENT SUPPORT":** Those structural members or assemblies of members or manufactured elements, including braces, frame, lugs, snigger, hangers or saddles, that transmit gravity load, lateral load and operating load between the *equipment* and the structure.

**"EXTERIOR PROPERTY":** The open space on the *premises* and on adjoining property under the control of *owners* or *operators* of such *premises*.

**"GARBAGE":** The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

**"GRAFFITI":** *Graffiti* means and includes any unauthorized inscription, word, figure, or design or collections thereof, which marked, etched, scratched, painted, drawn or printed on any structural component of any building, structure, or other facility, regardless of the nature of the material of that structural component.

**"GROUP R":** Residential occupancies containing *sleeping units* or more than **two (2) dwelling units** where the *occupants* are primarily permanent in nature.

**"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*.

**"HAZARDOUS LOCATION":** Any location considered to be a fire hazard for flammable vapors, dust, combustible fibers or other highly combustible substances.

**"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.

**"IGNITION SOURCE":** A flame, spark or hot surface capable of igniting flammable vapors or fumes. Such sources include *appliance* burners, burner ignitions and electrical switching devices.

**"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 reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

**"LABELED":** *Equipment, materials or products* to which have 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 whose labeling indicates either that the *equipment, material or product* meets identified standards or has been tested and found suitable for a specified purpose.

**"LET FOR OCCUPANCY OR LET":** To permit, provide or offer possession or *occupancy* of a dwelling, *dwelling unit, rooming unit, building, premise or structure* by a *person* who is or is not the legal *owner* of record thereof, pursuant to a recorded or unrecorded agreement of contract for the sale of land.

**"LIVING SPACE":** Space within a *dwelling unit* utilized for living, sleeping, eating, cooking, bathing, washing and sanitation purposes.

**"NEGLECT":** The lack of proper maintenance for a building or structure.

**"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":** Means any agent of the *owner*, manager, contract purchaser, executor, administrator, trustee or guardian of the estate of the *owner*, *person* who is in charge, care or control of such *premises* in which buildings or *dwelling units* are rented shall be bound to comply with this Code and the rules and regulations adopted pursuant thereto to the same extent as if he/she were the *owner*.

**"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":** Means any natural *person*, agent, association, firm, partnership, corporation or other entity capable of owning, occupying, or using property in the Village.

**"PEST ELIMINATION":** The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that serves as their food or water; by the *approved pest elimination* methods.

**"PREMISES":** Means the lot, plot or parcel of land, and includes the buildings, *structures*, and *dwelling units* 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.

**"SLEEPING UNIT":** A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are part of a *dwelling unit* are not *sleeping units*.

**"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*, *occupant* of leased or rented *premises*, 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.

**"ULTIMATE DEFORMATION":** The deformation at which failure occurs and which be deemed to occur if the sustainable load reduces to 80 percent or less of the maximum strength.

**"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 located on the same lot with a building, *structure* or use, unoccupied and unobstructed from the ground up, except for accessory buildings, or such projections as are expressly permitted in these regulations.

(A) **"Yard, Side":** A *yard* extending from the front *yard* to the rear *yard* between the side lot line and the nearest line or point of the building.

(B) **"Yard, Front":** A *yard* extending across the full width of the lot between the front lot line and the nearest line or point of the principal building.

(C) **"Yard, Rear":** A *yard* extending across the full width of the lot between the rear lot line and the nearest line or point of the principal building.

## ARTICLE III - GENERAL REQUIREMENTS

### DIVISION I - GENERAL

**29-3-1** **SCOPE.** The provisions of this Article shall govern the minimum conditions and the responsibilities of *persons* for maintenance of *structures, equipment* and *exterior property*. **(IPMC 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 Article. *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. **(IPMC 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 and safety. **(IPMC 301.3)**

### DIVISION II - EXTERIOR PROPERTY AREAS

**29-3-4** **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. **(IPMC 302.1)**

**29-3-5** **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. **(IPMC 302.2)**

**Exception:** *Approved* retention areas and reservoirs.

**29-3-6** **SIDEWALKS AND DRIVEWAYS.** All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state or repair, and maintained free from hazardous conditions. **(IPMC 302.3)**

**29-3-7** **WEEDS.** This Section shall be utilized in conjunction with the Village Code, **Chapter 25, Article II**, and its subsections. All *premises* and *exterior property* shall be maintained free from weeds or plant growth in excess of **eight (8) 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 of violation, they shall be subject to prosecution in accordance with **Section 29-1-35** 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 cost of such removal shall be paid by the *owner* or agent responsible for the property. **(IPMC 302.4)**

**29-3-8**            **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 *pest elimination*, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation. **(IPMC 302.5)**

**29-3-9**            **EXHAUST VENTS.** Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another *tenant*. **(IPMC 302.6)**

**29-3-10**          **ACCESSORY STRUCTURES.** All accessory *structures*, including detached garages, fences and walls, shall be maintained structurally sound and in good repair. **(IPMC 302.7)**

**29-3-11**          **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. **(IPMC 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.

**29-3-12**          **PARKING MOTOR VEHICLES.** The parking of vehicles on any surface that is not an improved surface in the front, side or back *yard* areas of a residential zone district is prohibited. Boats, travel trailers and utility trailers are subject to the Zoning Code.

(A)                **Improved Surface.** Means an area, excluding a driveway, the surface of which is comprised of a selected materials constructed to a depth sufficient to distribute the weight of a vehicle over such area to preclude *deterioration* and deflection of the area due to vehicle load, adverse weather, or other conditions.

**29-3-13**          **GRAFFITI.** All *structures* and *exterior property* shall be kept free from *graffiti*. The existence of *graffiti* on building, or on *structures*, including but not limited to fences or walls located upon any property is declared a nuisance. Where *graffiti* is found, a notice shall be issued describing the nuisance and shall establish a reasonable time limit for the abatement thereof by such *owner*, which time shall be not less than **five (5) days** nor more than **fourteen (14) days** after service of such notice. The notice shall also specify clearly that *graffiti* established on a painted surface shall be painted over with a color consistent with the predominant tone of the building or *structure*, and that *graffiti* established on any unpainted masonry or wood surface shall be removed by cleaning so that such unpainted surface is returned.

### **DIVISION III – SWIMMING POOLS, SPAS AND HOT TUBS**

**29-3-14**          **SWIMMING POOLS.** Swimming pools shall be maintained in a clean and sanitary condition, and good repair.

**29-3-15**          **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. Openings in the fence or barrier shall not allow the passage of a **four (4) inch diameter (102 mm)** sphere. The vertical clearance between grade and the bottom of the fence or

barrier shall not exceed **two (2) inches (51 mm)** for grade surfaces that are not solid, such as grass or gravel, where measured on the side of the fence or barrier that faces away from the vessel. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is a minimum of **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. **(IPMC 303.2)**

**Exception:** Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this Section.

**29-3-16** **BARRIER.** Where a wall of a dwelling serve as part of barrier, one of the following conditions shall be met: **(IRC AG105.2(9))**

(A) The pool shall be equipped with a powered safety cover in compliance with ASTM F 1346;

(B) Doors with direct access to the pool through that wall shall be equipped with an alarm which produces an audible warning when the door and/or its screen, if present, are opened. The alarm shall be listed and *labeled* in accordance with UL 2017. The deactivation switch(es) shall be located at least **fifty-four (54) inches (1372 mm)** above the threshold of the door; or

(C) Other means of protection, such as self-closing doors with self-latching devices, which are *approved* by the governing body, shall be accepted as long as the degree of protection afforded is not less than the protection afforded by item (A) and (B) described herein.

#### **DIVISION IV - EXTERIOR STRUCTURE**

**29-3-17** **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. **(IPMC 304.1)**

**29-3-18** **UNSAFE CONDITIONS.** The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the Code of Ordinances **Chapter 6 Building Regulations** as required for existing buildings: **(IPMC 304.1.1)**

(A) The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;

(B) The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;

(C) *Structures* or components thereof that have reached their limit state;

(D) Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight;

(E) Structural members that have evidence of *deterioration* or that are not capable of safely supporting all nominal loads and load effects;

(F) Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects;

(G) Exterior walls that are not *anchored* to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects;

(H) Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of *deterioration*, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;

(I) Flooring and flooring components with defects that affect serviceability or flooring components that show signs of *deterioration* or fatigue, are not properly *anchored* or are incapable of supporting all nominal loads and resisting all load effects.

(J) Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects;

(K) Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects.

(L) Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including *guards* and handrails, are not structurally sound, not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects; or

(M) Chimneys, cooling towers, smokestacks and similar appurtenance not structurally sound or not properly *anchored*, or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects.

**Exceptions:**

(1) When substantiated otherwise by an *approved* method.

(2) Demolition of unsafe conditions shall be permitted when *approved* by the *Code Official*.

**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. **(IPMC 304.2)**

**29-3-20 PREMISES IDENTIFICATION.** Building 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. Number shall be a minimum of **four (4) inches (102 mm)** in height with a minimum stroke width of **one-half (0.5) inch (12.7 mm)**. **(IPMC 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. **(IPMC 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. **(IPMC 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*. **(IPMC 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 downspouts shall be maintained in good repair and free from obstructions. Roof water shall not discharge in a manner that creates a public nuisance. **(IPMC 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. **(IPMC 304.8)**

**29-3-26**      **OVERHANG EXTENSIONS.** All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and 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. **(IPMC 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. **(IPMC 304.10)**

**29-3-28**      **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. **(IPMC 304.12)** Handrails shall be provided on at least one side of each continuous run of treads or flight with four or more risers. **(IRC R311.7.8)**

**29-3-29**      **OPENING LIMITATIONS.** Required *guards* shall not have openings from the walking surface to the required *guard* height which allow passage of a sphere **four (4) inches (102 mm)** in diameter. **(IRC R312.1.3)**

**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. **(IPMC 304.13)**

(A)      **Glazing.** All glazing materials shall be maintained free from cracks and holes. **(IPMC 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. **(IPMC 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 minimum **sixteen (16)** mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition. **(IPMC 304.14)**

**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, *operator* systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to *dwelling units* and *sleeping units* shall tightly secure the door. Locks on means of egress doors shall be in accordance with **Section 29-7-5. (IPMC 304.15)**

**29-3-33**      **BASEMENT HATCHWAYS.** Every *basement* hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water. **(IPMC 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. **(IPMC 304.17)**

**29-3-35**      **BUILDING SECURITY.** Doors, windows or hatchways for *dwelling units*, room units or *housekeeping units* shall be provided with devised designed to provide security for the *occupants* and property within. **(IPMC 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 designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a minimum lock throw of **one (1) inch (25 mm)**. Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this Section, a sliding bolt shall not be considered an acceptable deadbolt lock. **(IPMC 301.18.1)**

(B)      **Windows.** Openable windows located in whole or in part with **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 device. **(IPMC 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. **(IPMC 304.18.3)**

**29-3-36**      **GATES.** All exterior gates, gate assemblies, *operator* systems if provided, and hardware shall be maintained in good condition. Latches at all entrances shall tightly secure the gates. **(IPMC 304.19)**

## **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 they occupy or 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*. **(IPMC 305.1)**

(A)      **Unsafe Conditions.** The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with **Chapter 6 Building Regulations** as required for existing buildings: **(IPMC 305.1.1)**

- (1) The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
- (2) The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads and load effects;

- (3) *Structures* or components thereof that have reached their limit state;
- (4) Structural members are incapable of supporting nominal loads and load effects.
- (5) Stairs, landings, balconies and all similar walking surfaces, including *guards* and handrails, are not structurally sound, not properly *anchored* or are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects;
- (6) Foundation systems that are not firmly supported by footings are not plumb and free from open cracks and breaks, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects.

(B) **Exceptions.**

- (1) When substantiated otherwise by an *approved* method.
- (2) Demolition of unsafe conditions shall be permitted when *approved* by the *Code Official*.

**29-3-38**      **STRUCTURAL MEMBERS.** All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads. **(IPMC 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. **(IPMC 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. **(IPMC 305.4)**

**29-3-41**      **OPEN RISERS.** Open risers are permitted provided that the opening between treads does not permit the passage of a **four (4) inch diameter (102 mm)** sphere. **(IRC R311.7.5.1)**

**29-3-42**      **UNDER-STAIR PROTECTION.** Enclosed accessible space under-stairs shall have walls, under-stair surface and any soffits protected on the enclosed side with **one-half (1/2) inch (12.7 mm)** gypsum board. **(IRC R302.7)**

**29-3-43**      **HANDRAILS AND GUARDS.** Every handrail and *guard* shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in sound condition and good repair. **(IPMC 305.5)** Handrails shall be provided on at least one side of each continuous run of treads or flight with four or more risers. **(IRC R311.7.8)**

**29-3-44**      **OPENING LIMITATIONS.** Required *guards* shall not have openings from the walking surface to the required *guard* height which allow passage of a sphere **four (4) inches (102 mm)** in diameter. **(IRC R312.1.3)**

**29-3-45**      **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. **(IPMC 305.6)**

**29-3-46 DWELLING/GARAGE OPENING PENETRATION PROTECTION.** Openings and penetrations through the walls or ceilings separating the dwelling from the garage shall be in accordance with **Section 29-3-46(A)** through **29-3-46(C)**. **(IRC R302.5)**

(A) **Opening Protection.** Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Other openings between the garage and residence shall be *equipment* with solid wood doors not less than **one and three-eighths (1 3/8) inch (35 mm)** thick, or 20-minute fire-rated doors, equipped with a self-closing device. **(IRC R302.5.1)**

(B) **Duct Penetration.** Ducts in the garage and ducts penetrating the walls or ceiling separating the dwelling from the garage shall be constructed of a minimum No. 26 gauge (0.48 mm) sheet steel or other *approved* material and shall have no openings into the garage. **(IRC R302.5.2)**

(C) **Other Penetrations.** Penetrations through the separation required in Section R302.6 shall be protected as required by **Section 29-3-46(C)(1)**. **(IRC R302.5.3)**

- (1) At opening around vents, pipes, ducts, cables and wires at ceiling and floor level, with an *approved* material to resist the free passage of flame and products of combustion. The material filling this annular space shall not be required to meet the ASTM E 136 requirements. **(IRC R302.11 item 4)**

**29-3-47 GARAGE CEILING.** Type X gypsum board (5/8) for garage ceiling beneath habitable rooms shall be installed perpendicular to the ceiling framing and shall be fastened at maximum **six (6) inches** o.c. by minimum **one and seven-eighths (1 7/8) inches** 6d coated nails or equivalent drywall screws.

**Exception:** Not required where an *approved* certified sprinkler systems is installed.

**29-3-48 AUTOMATIC GARAGE DOOR OPENERS.** Automatic garage door openers, if provided, shall be listed and *labeled* in accordance with UL 325. **(IRC 309.4)**

**Note:** Automatic garage door openers must have receptacle, the use of an extension cord is prohibited.

## DIVISION VI – COMPONENT SERVICEABILITY

**29-3-49 GENERAL.** The components of a *structure* and *equipment* therein shall be maintained in good repair, structurally sound and in a sanitary condition. **(IPMC 306.1)**

(A) **Unsafe Conditions.** Where any of the following conditions cause the component or system to be beyond its limit state, the component or system shall be determined as unsafe and shall be repaired or replaced to comply with **Chapter 6 Building Regulations** as required for existing buildings. **(IPMC 306.1.1)**

- (1) Soils that have been subjected to any of the following conditions:
  - (a) Collapse of footing or foundation systems;
  - (b) Damage to footing, foundation, concrete or other structural element due to soil expansion;
  - (c) Adverse effects to the design strength of footing, foundation, concrete or other structural element due to a chemical reaction from the soil;
  - (d) Inadequate soil as determined by a geotechnical investigation;
  - (e) Where the allowable bearing capacity of the soil is in doubt; or
  - (f) Adverse effects to the footing, foundation, concrete or other structural element due to the ground water table.
- (2) Concrete that has been subject to any of the following conditions:
  - (a) *Deterioration;*
  - (b) *Ultimate deformation;*
  - (c) Fractures;

- (d) Fissures;
  - (e) Spalling;
  - (f) Exposed reinforcement; or
  - (g) Detached, dislodged or failing connections.
- (3) Aluminum that has been subject to any of the following conditions:
- (a) *Deterioration*;
  - (b) Corrosion;
  - (c) Elastic deformation;
  - (d) *Ultimate deformation*;
  - (e) Stress or stain cracks;
  - (f) Joint fatigue; or
  - (g) Detached, dislodged or failing connections.
- (4) Masonry that has been subjected to any of the following conditions:
- (a) *Deterioration*;
  - (b) *Ultimate deformation*;
  - (c) Fractures in masonry or mortar joints;
  - (d) Fissures in masonry or mortar joints;
  - (e) Spalling;
  - (f) Exposed reinforcement; or
  - (g) Detached, dislodged or failing connections.
- (5) Steel that has been subjected to any of the following conditions:
- (a) *Deterioration*;
  - (b) Elastic deformation;
  - (c) *Ultimate deformation*;
  - (d) Metal fatigue; or
  - (e) Detached, dislodged or failing connections.
- (6) Wood that has been subjected to any of the following conditions:
- (a) *Ultimate deformation*;
  - (b) *Deterioration*;
  - (c) Damage from insects, rodents and other vermin;
  - (d) Fire damage beyond charring;
  - (e) Significant splits and cracks;
  - (f) Horizontal shear cracks;
  - (g) Vertical shear cracks;
  - (h) Inadequate support;
  - (i) Detached, dislodged or failing connections; or
  - (j) Excessive cutting and notching.

**Exception:**

- (A) When substantiated otherwise by an *approved* method.
- (B) Demolition of unsafe conditions shall be permitted when *approved* by the *Code Official*.

**DIVISION VII – HANDRAILS AND GUARDRAILS**

**29-3-50 GENERAL.** Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stairs 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)** in height or more than **forty-two (42) inches (1067 mm)** in height 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)** in height above the floor of the landing, balcony, porch, deck, or ramp or other walking surface. **(IPMC 307.1)** Handrails shall be provided on at least one side of each continuous run of treads or flight with four or more risers. **(IRC R311.7.8)**

**29-3-51**      **OPENING LIMITATIONS.** Required *guards* shall not have openings from the walking surface to the required *guard* height which allow passage of a sphere **four (4) inches (102 mm)** in diameter. **(IRC R312.1.3)**

**Exception:** *Guards* shall not be required where exempted by the adopted building code.

## **DIVISION VIII - RUBBISH AND GARBAGE**

**29-3-52**      **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*. **(IPMC 308.1)**

**29-3-53**      **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. **(IPMC 308.2)**

(A)      **Rubbish Storage Facilities.** The *owner* of every occupied premise shall supply *approved* covered containers for *rubbish*, and the *owner* of the *premises* shall be responsible for the removal of *rubbish*. **(IPMC 308.2.1)**

(B)      **Refrigerators.** Refrigerators and similar *equipment* not in operation shall not be discarded, abandoned or stored on *premises* without first removing the doors. **(IPMC 308.2.2)**

**29-3-54**      **DISPOSAL OF GARBAGE.** Every *occupant* of a *structure* shall dispose of all *rubbish garbage* in a clean and sanitary manner by placing such *garbage* in an *approved garbage* disposal facility or *approved garbage* containers. **(IPMC 308.3)**

(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. **(IPMC 308.3.1)**

(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. **(IPMC 308.3.2)**

## **DIVISION IX – PEST ELIMINATION**

**29-3-55**      **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 *pest elimination*, proper precautions shall be taken to prevent reinfestation. **(IPMC 309.1)**

**29-3-56**      **OWNER.** The *owner* of any *structure* shall be responsible for *pest elimination* within the *structure* prior to renting or leasing the *structure*. **(IPMC 309.2)**

**29-3-57**      **SINGLE OCCUPANT.** The *occupant* of a one-family dwelling or of a single-*tenant* nonresidential *structure* shall be responsible for *pest elimination* on the *premises*. **(IPMC 309.2)**

**29-3-58**      **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 *pest elimination* 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* and *owner* shall be responsible for *pest elimination*. **(IPMC 309.4)**

**29-3-59**      **OCCUPANT.** The *occupant* of any *structure* shall be responsible for the continued rodent and pest-free condition of the *structure*. **(IPMC 309.5)**

**Exception:** Where the *infestations* are caused by defects in the *structure*, the *owner* shall be responsible for *pest elimination*.

## ARTICLE IV - LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

### DIVISION I - GENERAL

**29-4-1**        **SCOPE.** The provisions of this Article shall govern the minimum conditions and standards for light, *ventilation* and space for occupying a *structure*. **(IPMC 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 Article. **(IPMC 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 *Building Regulations* shall be permitted. **(IPMC 401.3)**

### DIVISION II - LIGHT

**29-4-4**        **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. Whenever 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 not to a court and shall not be included as contributing to the required minimum total window area for the room. **(IPMC 402.1)**

**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 a minimum of **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.

**29-4-5**        **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 the minimum of **one (1) footcandle (11 lux)** at floors, landings and treads. **(IPMC 402.2)**

**29-4-6**        **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 *appliances, equipment* and fixtures. **(IPMC 402.3)**



## DIVISION III - VENTILATION

**29-4-7**        **HABITABLE SPACES.** Every *habitable space* shall have at least **one (1)** operable window. The total *operable 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 29-4-4. (IPMC 403.1)**

**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 a minimum of **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.

**29-4-8**        **BATHROOMS AND TOILET ROOMS.** Every *bathroom* and *toilet room* shall comply with the *ventilation* requirements for *habitable spaces* as required by **Section 29-4-7**, except that a window shall not be required in 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. **(IPMC 403.2)**

**Exception:** This Section shall not apply to existing nonconforming buildings or *structures*.

**29-4-9**        **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*. **(IPMC 403.3)**

**Exception:**

(A)            Where specifically *approved* in writing by the *Code Official*.

(B)            Devices such as coffee pots and microwave ovens shall not be considered cooking *appliances*.

**29-4-10**       **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. **(IPMC 403.4)**

**29-4-11**       **CLOTHES DRYER EXHAUST.** Clothes dryer venting systems shall be independent of all other systems and shall be exhausted outside the *structure* in accordance with the manufacturer's instructions. **(IPMC 403.5)**

**Exception:** Listed and *labeled* condensing (ductless) clothes dryers.

## DIVISION IV - OCCUPANCY LIMITATIONS

**29-4-12**       **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. **(IPMC 404.1)**

**29-4-13**       **MINIMUM ROOM WIDTHS.** A habitable room, other than a kitchen, shall be a minimum of **seven (7) feet (2134 mm)** in any plan dimension. Kitchen shall have a minimum clear passageway of **three (3) feet (914 mm)** between counterfronts and appliances or counterfronts and walls. **(IPMC 404.2)**

**Exception:** This Section shall not apply to existing nonconforming buildings or *structures*.

**29-4-14**      **MINIMUM CEILING HEIGHTS.** *Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a clear ceiling height of seven (7) feet (2134 mm). (IPMC 404.3)*

**Exceptions:**

(A)            In one- and two family dwellings, beams or girders spaced a minimum of **four (4) feet (1219 mm)** on center and projecting a maximum of **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 minimum ceiling height of **six (6) feet eight (8) inches (2033 mm)** with a minimum clear height of **six (6) feet four (4) inches (1932 mm)** 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 **seven (7) feet (2134 mm)** over a minimum of **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)** shall be included.

(D)            This Section shall not apply to existing nonconforming buildings or *structures*.

**29-4-15**      **BEDROOM AND LIVING ROOM REQUIREMENTS.** *Every bedroom and living room shall comply with the requirements of Sections 29-4-15(A) through 29-4-15(F). (IPMC 404.4)*

(A)            **Room Area.** Every living room shall contain at least **one hundred twenty (120) square feet (11.2 mm)** and every *bedroom* shall contain a minimum of **seventy (70) square feet (6.5 m<sup>2</sup>)** and every *bedroom* occupied by more than **one (1) person** shall contain a minimum of **fifty (50) square feet (4.6 mm<sup>2</sup>)** of floor area for each *occupant* thereof. **(IPMC 404.4.1)**

(B)            **Closet.** *Bedrooms* shall contain at least **one (1) closet** at least **nine (9) square feet** or an *approved* wardrobe cabinet.

(C)            **Access from Bedroom.** *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*. **(IPMC 404.4.2)**

**Exceptions:**

(1)            Units that contain fewer than **two (2) bedrooms**.

(2)            Nonconforming use.

(D)            **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. **(IPMC 404.4.3)**

**Exception:** Non-conforming use.

(E)            **Prohibited Occupancy.** Kitchens and nonhabitable spaces shall not be used for sleeping purposes. **(IPMC 404.4.4)**

(F)            **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 Article; 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**. **(IPMC 404.4.5)**

**29-4-16**      **OVERCROWDING.** *Dwelling units* shall not be occupied by more *occupants* than permitted by the minimum area requirements of **Table 29-4-16**. **(IPMC 404.5)**

**Table 29-4-16  
MINIMUM AREA REQUIREMENTS**

Space	Minimum area in square feet		
	1-2 occupants	3-5 occupants	6 or more
Living room(a)(b)	120	120	150
Dining room (a)(b)	No requirements	80	100
<i>Bedrooms</i>	Shall comply with Section 29-4-15(A)		

For SI: 1 square foot = 0.093 m<sup>2</sup>

**a.** See **Section 29-4-16(B)** for combined living room/dining room spaces.

**b.** See **Section 29-4-16(A)** for limitations on determining the minimum *occupancy* area for sleeping purposes.

(B) **Combined Spaces.** Combined living room and dining room spaces shall comply with the requirements of **Table 29-4-16** 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. **(IPMC 404.5.2)**

**29-4-17** **EFFICIENTY UNIT.** Nothing in this Section shall prohibit an efficiency living unit from meeting the following requirements:

(A) A unit occupied by not more than **one (1) occupant** shall have a minimum clear floor area of **one hundred twenty (120) square feet (11.2 m<sup>2</sup>)**. A unit occupied by not more than **two (2) occupants** shall have a minimum clear floor area of **two hundred twenty (220) square feet (20.4 m<sup>2</sup>)**. A unit occupied by **three (3) occupants** shall have a minimum clear floor area of **three hundred twenty (320) square feet (29.7 m<sup>2</sup>)**. These required areas shall be exclusive of the areas required by Items (B) and (C).

(B) The unit shall be provided with a kitchen sink, cooking *appliance* and refrigeration facilities, each having a minimum clear working space of **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)**.

**29-4-18** **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. **(IPMC 404.7)**

## ARTICLE V - PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

### DIVISION I - GENERAL

**29-5-1**        **SCOPE.** The provisions of this Article shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided. **(IPMC 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 Article. **(IPMC 501.2)**

### DIVISION II - REQUIRED FACILITIES

**29-5-3**        **DWELLING UNITS.** Every *dwelling unit* shall contain its own bathtub 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. **(IPMC 502.1)**

**29-5-4**        **ROOMING HOUSES.** At least **one (1)** water closet, lavatory and bathtub or shower shall be supplied for each **four (4)** *rooming units*. **(IPMCV 502.2)**

### DIVISION III - TOILET ROOMS

**29-5-5**        **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. **(IPMC 503.1)**

**29-5-6**        **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. **(IPMC 503.4)**

### DIVISION IV - PLUMBING SYSTEMS AND FIXTURES

**29-5-7**        **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. **(IPMC 504.1)**

**29-5-8**        **FIXTURE CLEARANCES.** Plumbing fixtures shall have adequate clearances for usage and cleaning. **(IPMC 504.2)**

**29-5-9**            **PRESSURE-RELIEF VALVE.** Boilers shall be equipped with pressure-relief valves with minimum rated capacities for *equipment* served. Pressure relief valves shall be set at the maximum rating of the boiler. Discharge shall be piped to drains by gravity to within **eighteen (18) inches (457 mm)** of the floor or to an open receptor. **(IRC M2002.4)**

**29-5-10**           **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, back-siphonage, improper installation, *deterioration* or damage or for similar reasons, the *Code Official* shall require the defects to be corrected to eliminate the hazard. **(IPMC 504.3)**

## **DIVISION V - WATER SYSTEM**

**29-5-11**           **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 State of Illinois Plumbing Code. **(IPMC 505.1)**

**29-5-12**           **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. **(IPMC 505.2)**

**29-5-13**           **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 fixtures to function properly, safely, and free from defects and leaks. **(IPMC 505.3)**

**29-5-14**           **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 minimum temperature of **one hundred ten degrees Fahrenheit (110°F) (43°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, discharge pipe within **six (6) inches** of the floor. **(IPMC 505.4) (IRC P2803.6)**

**29-5-15**           **WATER HEATERS INSTALLED IN GARAGES.** Water heaters having an *ignition source* shall be elevated such that the source of ignition is not less than **eighteen (18) inches (457 mm)** above the garage floor. **(IRC P2801.6)**

**Exception:** Elevation of the *ignition source* is not required for *appliances* that are listed as flammable vapor ignition resistant.

## **DIVISION VI – SANITARY DRAINAGE SYSTEM**

**29-5-16**      **GENERAL.** All plumbing fixtures shall be properly connected to either a public sewer system or to an *approved* private sewage disposal system. **(IPMC 506.1)**

**29-5-17**      **MAINTENANCE.** Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects. **(IPMC 506.2)**

**29-5-18**      **GREASE INTERCEPTORS.** Grease interceptors and automatic grease removal devices shall be maintained in accordance with this Code and manufacturer's installation instructions. Grease interceptors and automatic grease removal devices shall be regularly serviced and cleaned to prevent the discharge of oil, grease, and other substances harmful or hazardous to the building drainage system, the public sewer, the private sewage disposal system or the sewer treatment plant or processes. All records of maintenance, cleaning and repairs shall be available for inspection by the *Code Official*. **(IPMC 506.3)**

## **DIVISION VII - STORM DRAINAGE**

**29-5-19**      **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. **(IPMC 507.1)**

## ARTICLE VI - MECHANICAL AND ELECTRICAL REQUIREMENTS

### DIVISION I - GENERAL

**29-6-1**        **SCOPE.** The provisions of this Article shall govern the minimum mechanical and electrical facilities and *equipment* to be provided. **(IPMC 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 Article. **(IPMC 601.2)**

### DIVISION II - HEATING FACILITIES

**29-6-3**        **FACILITIES REQUIRED.** Heating facilities shall be provided in *structures* as required by this Division. **(IPMC 602.1)**

**29-6-4**        **RESIDENTIAL OCCUPANCIES.** Dwellings shall be provided with heating facilities capable of maintaining a room temperature of **sixty-eight degrees Fahrenheit (68°F) (20°C)** in all habitable rooms, *bathrooms* and *toilet rooms* based on the winter outside design temperature for the locality indicated in Section R303.9 of the International Residential Code. Cooking *appliances* shall not be used, nor shall portable unvented fuel-burning space heaters be used, as a means to provide required heating. **(IPMC 602.2)**

**29-6-5**        **HEAT SUPPLY.** Every *owner* and *operator* of any building who rents, lease or lets one or more *dwelling units*, or *sleeping units* on terms, either express or implied, to furnish heat to the *occupants* thereof shall supply heat during the period from October to April to maintain a minimum temperature of **sixty-eight degrees Fahrenheit (68°F) (20°C)** in all habitable rooms, *bathrooms* and *toilet rooms*. **(IPMC 602.3)**

**29-6-6**        **INSTALLATION OF MATERIALS.** All materials used shall be installed in strict accordance with the standards under which the materials are accepted and *approved*. In the absence of such installation procedures, the manufacturer's instructions shall be followed. Where the requirements of referenced standards or manufacturer's instructions do not conform to minimum provisions of this Code, the provisions of this Code shall apply. **(IRC G2415.1)**

**29-6-7**        **ROOM TEMPERATURE MEASUREMENT.** The required room temperatures shall be measured **three (3) feet (914 mm)** above the floor near the center of the room and **two (2) feet (610 mm)** inward from the center of each exterior wall. **(IPMC 602.5)**

### DIVISION III - MECHANICAL EQUIPMENT

**29-6-8**        **MECHANICAL EQUIPMENT.** 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. **(IPMC 603.1)**

**29-6-9**        **REMOVAL OF COMBUSTION PRODUCTS.** All fuel-burning *equipment* and *appliances* shall be connected to an *approved* chimney or vent. **(IPMC 603.2)**

**Exception:** Fuel-burning *equipment* and *appliances* which are *labeled* for unvented operation.

**29-6-10**       **CLEARANCES.** All required clearances to combustible materials shall be maintained. **(IPMC 603.3)**

**29-6-11**       **ELEVATION OF IGNITION SOURCE.** *Equipment* and *appliances* having *ignition source* shall be elevated such that the source of ignition is not less than **eighteen (18) inches (457 mm)** above the floor in *hazardous locations*. For the purpose of this Section, rooms or spaces that are not part of the *living space* of a *dwelling unit* and that communicate directly with a private garage through openings shall be considered to be part of the private garage. **(IRC G2408.2)**

**Exception:** Elevation of the *ignition source* is not required for *appliances* that are listed as flammable vapor ignition resistant.

(A)            **Installation in Residential Garages.** In residential garages where *appliances* are installed in a separate, enclosed space having access only from outside of the garage, such *appliances* shall be permitted to be installed at floor level, provided that the required *combustion air* is taken from the exterior of the garage. **(IRC G2408.1)**

**29-6-12**       **SAFETY CONTROLS.** All safety controls for fuel-burning *equipment* shall be maintained in effective operation. **(IPMC 603.4)**

**29-6-13**       **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*. **(IPMC 603.5)**

**29-6-14**       **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*. **(IPMC 603.6)**

### DIVISION IV - ELECTRICAL FACILITIES

**29-6-15**       **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**. **(IPMC 604.1)**



**29-6-16**        **SERVICE.** The size and usage of *appliances* and *equipment* shall as a basis for determining the need for additional facilities in accordance with NFPA 70 listed in **Article VIII**. *Dwelling units* shall be served by a three-wire, 120/240 volt, single phase electrical service having a minimum rating of **one hundred (100) amperes. (IPMC 604.2)**

**29-6-17**        **ELECTRICAL SYSTEM HAZARDS.** Where it is found that the electrical system is 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. **(IPMC 604.3)**

## **DIVISION V - ELECTRICAL EQUIPMENT**

**29-6-18**        **INSTALLATION.** All electrical *equipment*, wiring and *appliances* shall be properly installed and maintained in a safe and *approved* manner. **(IPMC 605.1)**

**29-6-19**        **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 receptacle. Any new *bathroom* receptacle outlet shall have ground fault circuit interrupter protection. All receptacle outlets shall have the appropriate faceplate cover for the location. **(IPMC 605.2)**

- (A)                *Bathrooms* within **six (6) feet** of water source.
- (B)                *Kitchens* within **six (6) feet** of water source.
- (C)                All outside receptacle shall be weather proof and GFCI.

**29-6-20**        **LUMINAIRES.** Every public hall, interior stairway, *toilet room*, kitchen, *bathroom*, laundry room, boiler room and furnace room shall contain at least **one (1)** electric luminaire. Pool and spa luminaires over 15 V shall have ground fault circuit interrupter protection. **(IPMC 605.4)**

**29-6-21**        **WIRING.** Flexible cords shall not be used for permanent wiring, or for running through doors, windows, or cabinets, or concealed within walls, floors, or ceilings. **(IPMC 605.4)**

## **DIVISION VI – DUST SYSTEMS**

**29-6-22**        **GENERAL.** Dust systems shall be maintained free of obstructions and shall be capable of performing the required function. **(IPMC 607.1)**

## ARTICLE VII - FIRE SAFETY REQUIREMENTS

### DIVISION I - GENERAL

**29-7-1**        **SCOPE.** The provisions of this Article 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. **(IPMC 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 Article. **(IPMC 701.2)**

### DIVISION II - MEANS OF EGRESS

**29-7-3**        **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. **(IPMC 702.1)**

**29-7-4**        **AISLES.** The required width of aisles in accordance with the International Fire Code shall be unobstructed. **(IPMC 702.2)**

**29-7-5**        **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. **(IPMC 702.3)**

**29-7-6**        **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 key, tool or force greater than that which is required for normal operation of the escape and rescue opening. **(IPMC 702.4)**

**29-7-7**        **FIRE PARTITIONS.**

(A)        **Opening Protection.** Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Other openings between the garage and residence shall be equipped with either solid wood doors not less than **one and three-eighths (1 3/8) inch (35 mm)** in thickness, solid or honeycomb core steel doors not less than **one and three-eighths (1 3/8) inch (35 mm)** thick, or **twenty (20) minute** fire-rated doors. **(IRC 309.1 2003)**

(B)        **Floor Surfaces.** Garage floor surfaces shall be of *approved* noncombustible material. **(IRC 309.3 2003)**

(C)        **Separation Required.** The garage shall be separated from the residence and its attic area by not less than **one-half (1/2) inch (12.7 mm)** gypsum board applied to the garage side. Garages beneath habitable rooms shall be separated from all habitable rooms above by not less than **five-eighths (5/8) inch (15.9 mm)** Type X gypsum board or equivalent. Where the separation is a floor-

ceiling assembly, the *structure* supporting the separation shall also be protected by not less than **one-half (1/2) inch (12.7 mm)** gypsum board or equivalent. **(IRC 309.2 2003)**

(D) **Duplex.** *Dwelling units* in two-family dwellings shall be separated from each other by wall and/or floor assemblies having not less than **one (1) hour** fire-resistance rating when tested in accordance with ASTM E 199. Fire resistance-rated floor-ceiling and wall assemblies shall extend to and be tight against the exterior wall, and wall assemblies shall extend to the underside of the roof sheathing. **(IRC 317.1 2003)**

### **DIVISION III - FIRE-RESISTANCE RATINGS**

**29-7-8** **FIRE-RESISTANCE-RATED ASSEMBLIES.** The required fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained. **(IPMC 703.1)**

**29-7-9** **OPENING PROTECTIVE.** Required opening protective shall be maintained in an operative condition. All fire and smoke stop doors shall be maintained in operable condition. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable. **(IPMC 703.2)**

### **DIVISION IV - FIRE PROTECTION SYSTEMS**

**29-7-10** **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 properly maintained in an operable condition at all times in accordance with the International Fire Code. **(IPMC 704.1)**

(A) **Automatic Sprinkler Systems.** Inspection, testing and maintenance of automatic sprinkler systems shall be in accordance with NFPA 25. **(IPMC 704.1.1)**

**29-7-11** **SMOKE ALARMS.** Single- or multiple-station smoke alarms shall be installed and maintained in *Group R* or I-1 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 and *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 full story below the upper level.

**29-7-12** **POWER SOURCE.** In *Group R* or I-1 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. **(IPMC 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.

**29-7-13**      **INTERCONNECTION.** Where more than one smoke alarm is required to be installed within an individual *dwelling unit* in *Group R* or I-1 occupancies, the smoke alarms shall be interconnected in such manner that the activation of one alarm will activate all the alarms in the individual unit. Physical interconnection of smoke alarms shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm. The alarm shall be clearly audible in all *bedrooms* over background noise levels with all intervening doors closed. **(IPMC 704.4)**

**Exceptions:**

(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.

**29-7-14**      **CARBON MONOXIDE DETECTORS.** Effective **January 1, 2007**, every Illinois home was required to have at least one carbon monoxide alarm in an operating condition within **fifteen (15) feet** of every room used for sleeping purposes. Homes that do not rely on the burning of fuel for heat, *ventilation* or hot water; are not connected to a garage; and are not near a source of carbon monoxide (as determined by the *Code Official*) are not required to install carbon monoxide detectors. **(Public Act 94-741)**

**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**.

**ASME**            **American Society of Mechanical Engineers**  
**Three Park Ave**  
**New York, NY 10016-5990**

---

Standard reference number	Title	Referenced in code Section Number
A17.1/CSA B44-2007	Safety Code for Elevations or Escalators .....	606.1

---

**ASTM**            **ASTM International**  
100 Barr Harbor Drive  
West Conshohocken, PA 19428-2959

---

Standard reference number	Title	Referenced in code Section Number
F 1346-91	Performance Specifications for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs.....	303.2

---

**ICC**              International Code Council  
500 New Jersey Avenue, NW  
6<sup>th</sup> Floor  
Washington, DC 20001

---

Standard reference number	Title	Referenced in code Section Number
IBC-12	International Building Code ® .....	102.3, 201.3, 401.3, 702.3
IEBC-12	International Existing Building Code® .....	305.1.1, 306.1.1
IFC-12	International Fire Code®.....	201.3, 604.3.1.1, 604.3.2.1, 702.1, 702.2, 704.1, 704.2
IFGC-12	International Fuel Code®.....	102.3
IMC-12	International Mechanical Code.....	102.3, 201.3

---

**NFPA**            National Fire Protection Association  
1 Batterymarch Park  
Quincy, MA 02269

---

Standard reference number	Title	Referenced in code Section Number
25-11	Inspection, Testing and Maintenance of Water-Based Fire Protection Systems.....	704.1.1
70-11	National Electrical Code.....	102.4, 201.3, 604.2

---

## APPENDIX "A"

### FILING FEES

The property maintenance fees for this Chapter shall be as follows:

(A) Inspection Permit Fee of **One Hundred Dollars (\$100.00)** shall be paid prior to the Village conducting an inspection of a multi-family rental structure. It shall be the responsibility of the property owner/agent to make advance payment of the fee and schedule the required inspection with the Village. An inspection shall be valid for a period of **one (1) year**. The dwelling unit does not have to be reinspected during that period, even if the occupancy changes.

(B) Inspection Permit Fee of **Fifty Dollars (\$50.00)** shall be paid prior to the Village conducting an inspection of a single-family residence. It shall be the responsibility of the property owner/agent to make advance payment of the fee and schedule the required inspection with the Village. An inspection shall be valid for a period of **one (1) year**.

(C) Inspection Permit Fee of **Fifty Dollars (\$50.00)** shall be paid prior to the Village conducting an inspection of a manufactured/home. It shall be the responsibility of the property owner/agent to make advance payment of the fee and schedule the required inspection with the Village. An inspection shall be valid for a period of **one (1) year**. If the manufactured home is located in another city or site, the applicant may be assessed a mileage charge plus **Thirty Dollars (\$30.00)** per hour from portal to portal by the Village.

(D) A copy of an existing Certificate of Occupancy shall be a fee of **Twenty Dollars (\$20.00)**.

(E) The Certificate of Occupancy fee of **Thirty Dollars (\$30.00)** shall be paid at the time certificate is issued. It shall be the responsibility of the tenant/occupant to apply for certificate of occupancy after application for occupancy has been approved.

(F) A re-inspection fee of **Fifty Dollars (\$50.00)** shall be paid when initial inspection fails to no access to structure. It shall be the responsibility of the property owner/agent to make the advance payment prior to scheduling a re-inspection.

(G) All fees shall be non-refundable.

## **CHAPTER 30 – PUBLIC SAFETY**

<b><u>ARTICLE</u></b>	<b><u>TITLE</u></b>	<b><u>PAGE</u></b>
<b>I</b>	<b>CIVIL EMERGENCY</b>	
	Section 30-1-1 - Definitions	30-1
	Section 30-1-2 - Declaration of Emergency	30-1
	Section 30-1-3 - Curfew	30-1
	Section 30-1-4 - Authority of Mayor to Issue Orders	30-1
	Section 30-1-5 - Effectiveness	30-1
	Section 30-1-6 - Notification	30-2
<b>II</b>	<b>POLICE DEPARTMENT</b>	
	Division I – Department Established	
	Section 30-2-1 - Department Established	30-3
	Section 30-2-2 - Office of Chief Created	30-3
	Section 30-2-3 - Duties of Chief	30-3
	Section 30-2-4 - Appointment of Patrolmen	30-3
	Section 30-2-5 - Salary	30-3
	Section 30-2-6 - Duties	30-3
	Section 30-2-7 - Mutual Aid Contract	30-3
	Section 30-2-8 - Special Policemen	30-3
	Section 30-2-9 - Legal Processes	30-4
	Section 30-2-10 - Assisting Police Officer	30-4
	Section 30-2-11 - Aiding Fire Department	30-4
	Section 30-2-12 - Failure to Perform	30-4
	Section 30-2-13 - Aiding in Escape	30-4
	Section 30-2-14 - Use of Intoxicating Liquor	30-4
	Section 30-2-15 - Witness Fees	30-4
	Section 30-2-16 - Rules and Regulations	30-4
	Section 30-2-17 - Training	30-4
	Section 30-2-18 - Stolen Property	30-5
	Section 30-2-19 - Part-Time Police	30-5
	Section 30-2-20 - 30-2-24 Reserved	
<b>III</b>	<b>EMERGENCY MANAGEMENT AGENCY (EMA)</b>	
	Section 30-3-1 - Policy and Procedures	30-6
	Section 30-3-2 - Limitations	30-6
	Section 30-3-3 - Definitions	30-6
	Section 30-3-4 - Emergency Management Agency	30-7
	Section 30-3-5 - Emergency Management Powers of the Mayor	30-8
	Section 30-3-6 - Financing	30-9
	Section 30-3-7 - Local Disaster Emergencies	30-9
	Section 30-3-8 - Testing of Disaster Warning Devices	30-9
	Section 30-3-9 - Mutual Aid Arrangements Between Political Subdivisions	30-10
	Section 30-3-10 - Communications	30-10
	Section 30-3-11 - Immunity	30-10
	Section 30-3-12 - Professions, Trades and Occupations	30-10
	Section 30-3-13 - Appropriations and Levy of Tax	30-10

<b><u>ARTICLE</u></b>	<b><u>TITLE</u></b>	<b><u>PAGE</u></b>
<b>III</b>	<b>EMERGENCY MANAGEMENT AGENCY (EMA) (CONTINUED)</b>	
	Section 30-3-14 - Authority to Accept Services, Gifts, Grants or Loans	30-11
	Section 30-3-15 - Orders, Rules and Regulations	30-11
	Section 30-3-16 - Utilization of Existing Agency, Facilities and Personnel	30-11
	Section 30-3-17 - No Private Liability	30-11
	Section 30-3-18 - Succession	30-12
	Section 30-3-19 - Compensation	30-12
	Section 30-3-20 - Deputy Director	30-12
	Section 30-3-21 - Personnel Oath	30-12
	Section 30-3-22 - Emergency Termination or Reduction of Electrical Service	30-12
	Section 30-3-23 - Mobile Support Team	30-12
	Section 30-3-24 - Penalty	30-13



## CHAPTER 30

### PUBLIC SAFETY

#### ARTICLE I - CIVIL EMERGENCY

##### **30-1-1**        **DEFINITIONS.**

**"CIVIL EMERGENCY"** is hereby defined to be:

- (A)        A "riot or unlawful assembly" characterized by the use of actual force or violence or any power to execute by **three (3)** or more persons acting together without authority of law; or
- (B)        Any "natural disaster" or "man-made calamity", including flood, conflagration, cyclone, tornado, earthquake, or explosion within the corporate limits of the Village resulting in 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.

**"CURFEW"** is hereby defined as a prohibition against any person or persons walking, running, loitering, standing or motoring upon any alley, street, highway, public property or vacant premises within the corporate limits of the Village excepting officials of any governmental unit and persons officially designated to duty with reference to the civil emergency.

**30-1-2**        **DECLARATION OF EMERGENCY.** Whenever an emergency as defined in **Section 30-1-1** exists, the Mayor shall declare the existence by means of a written declaration, setting forth the facts which constitute the emergency.

**30-1-3**        **CURFEW.** After proclamation of a civil emergency by the Mayor, he may order a general curfew applicable to such geographical areas of the Village or to the Village as a whole as he deems advisable and applicable during such hours of the day or night as he deems necessary in the interest of the public safety and welfare.

**30-1-4**        **AUTHORITY OF MAYOR TO ISSUE ORDERS.** After the proclamation of a civil emergency, the Mayor may also, in the interest of public safety and welfare, make any or all of the following orders.

- (A)        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.
- (B)        Order the discontinuance of the sale of alcoholic liquor by any wholesaler or retailer.
- (C)        Order the discontinuance of selling, distributing or giving away of gasoline or other flammable liquid or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle.
- (D)        Order the discontinuance of selling, distributing, dispensing or giving away of any firearms or ammunition of any character whatsoever.
- (E)        Issue such other orders as are imminently necessary for the protection of life and property.

**30-1-5**        **EFFECTIVENESS.** The proclamation herein authorized shall be effective for a period of **forty-eight (48) hours** unless sooner terminated by a proclamation of the Mayor indicating that the civil emergency no longer exists. The Mayor shall have the power to reproclaim the existence of a civil emergency at the end of each **forty-eight (48) hour** period during the time the civil emergency exists.

**30-1-6**      **NOTIFICATION.** Upon issuing the proclamation herein authorized, the Mayor shall notify the news media situated within the Village and shall cause **three (3) copies** of the proclamation declaring the existence of the emergency to be posted at the following places within the Village:

- (A)            Village Hall.
- (B)            Post Office.
- (C)            Community Center.
- (D)            Grade School.

**(See 65 ILCS 5/11-1-6)**

## **ARTICLE II - POLICE DEPARTMENT**

### **DIVISION I - DEPARTMENT ESTABLISHED**

**30-2-1**        **DEPARTMENT ESTABLISHED.** There is hereby established a department of the municipal government of the Village which shall be known as the 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 is hereby 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 for a term of **one (1) year**.

**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.** Unless otherwise provided, all patrolmen shall be appointed by the Mayor, by and with the advice and consent of the Village Board. 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 ordinance or 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**        **SPECIAL POLICEMEN.** The Mayor may, on special occasions when, in his judgment for public peace and order of the Village shall require, appoint and commission any number of special policemen as may be necessary and shall fix in order of their appointment, the time during which each shall serve all such special policemen, during such time, shall possess the powers and exercise the duties of regular police patrolmen; provided that their appointment, if for more than **ten (10) days** shall

be subject to the consent of the Village Board in the manner that other appointments to office by the Mayor are subject. Auxiliary policemen shall not carry firearms, except with the permission of the Chief of Police and then only when in uniform and in the performance of their duties.

**30-2-9**            **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.

**30-2-10**          **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.

**30-2-11**          **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.

**30-2-12**          **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.

**30-2-13**          **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.

**30-2-14**          **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.

**30-2-15**          **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.

**30-2-16**          **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.

**30-2-17**          **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.

**30-2-18**      **STOLEN PROPERTY.** The Chief of Police shall be the custodian of all lost and abandoned or stolen property in the Village.

**30-2-19**      **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 (1,000) 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 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 employment, 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.

**30-2-20 - 30-2-24**      **RESERVED.**

**(See 65 ILCS 5/11-1-2)**

## **ARTICLE III - EMERGENCY MANAGEMENT AGENCY (EMA)**

### **30-3-1            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**); and
- (3)            To provide for the rendering of mutual aid to other cities and political subdivisions with respect to the carrying out of emergency management operations.

(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.

### **30-3-2            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.

**30-3-3            DEFINITIONS. As used in this Code, unless the context clearly indicates otherwise, the following words and terms shall have the definitions hereinafter ascribed:**

(A) **Director** 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.

#### **30-3-4 EMERGENCY MANAGEMENT AGENCY.**

(A) There is hereby created an Emergency Management Agency and a Director of the Emergency Management Agency, herein called the "Director", who shall be the head thereof. The Director shall be appointed by the Mayor with the advice and consent of the Village Board and he/she shall serve for a term of **one (1) year**.

(B) The Emergency Management Agency shall obtain, with Village 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 Director, subject to the direction and control of the Mayor, shall be the executive head of the Municipal Emergency Management Agency, and shall be responsible under the direction of the Mayor for carrying out the program for emergency management operations of this municipality. He/She shall coordinate the activities of all organizations for emergency management 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. The Director shall have direct responsibility for the organization, administration, training, and operation of the EMA, subject to the direction and control of the Mayor, as provided by statute.

In the event of the absence, resignation, death, or inability to serve by the Director, the Deputy Director shall serve and if he/she is not able to serve then the Mayor or any persons designated by him/her, shall be and act as Director 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.

**30-3-5**

**EMERGENCY MANAGEMENT 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/her 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 management operations defined in this Code.

(C) In performing his/her 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/her.
- (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 county, 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 management 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.

### **30-3-6 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/she 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.

### **30-3-7 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/she shall act subject to the directions and restrictions imposed by that body.

**30-3-8 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.

**30-3-9**            **MUTUAL AID ARRANGEMENTS BETWEEN POLITICAL SUBDIVISIONS.**

The Director for emergency management operations may, in collaboration with other public agencies within his/her 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 30-3-3** of this Code, it shall be the duty of each local department for emergency management operations to render assistance in accordance with the provisions of such mutual aid arrangements.

**30-3-10**           **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.

**30-3-11**           **IMMUNITY.**    Neither the municipality, the agency or any member thereof or

any person acting at their direction, engaged in any emergency management 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.

**30-3-12**           **PROFESSIONS, TRADES AND OCCUPATIONS.**    If such disaster as is

described in **Section 30-3-3** 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 Director 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.

**30-3-13**           **APPROPRIATIONS AND LEVY OF TAX.**    The Village Board may make

appropriations for emergency management operations in the manner provided by law for making appropriations for the ordinary expenses of such political subdivision. The Village Board may also, pursuant to **65 ILCS 5/8-3-16**, levy for emergency management 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.

**30-3-14**      **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.

**30-3-15**      **ORDERS, RULES AND REGULATIONS.**

(A)            The Mayor shall file a copy of every rule, regulation or order and any amendment thereof made by him/her 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 30-3-7**, 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 Director 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 Management 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.

**30-3-16**      **UTILIZATION OF EXISTING AGENCY, FACILITIES AND PERSONNEL.**

In carrying out the provisions of this Code, the Mayor and the Director 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 Director and the Emergency Management Agency.

**30-3-17**      **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/her 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.

**30-3-18**        **SUCCESSION.** In the event of the death, absence from the Municipality or other disability of the Mayor preventing him/her from acting under this Code or for any other municipal purpose, and until the office is filled in the manner prescribed by law during an emergency, the Director of the Emergency Management Agency shall succeed to the duties and responsibilities of the Mayor relating to such emergency.

**30-3-19**        **COMPENSATION.** The Emergency Management Agency Director and Deputy Director shall receive a salary as established by the Mayor and Village Board. Other members of the Emergency Management Agency who are paid employees or officers of the Village, if called for training by the State Director of the Emergency Management Agency, shall receive, for the time spent in such training, the same rate of pay as is attached to the position held; members who are not such Village employees or officers shall receive for such training time, such compensation as may be established by the Mayor and Village Board.

**30-3-20**        **DEPUTY DIRECTOR.** The Deputy Director of the Village Emergency Management Agency shall be appointed by the Mayor with the advice and consent of the Village Board. The Deputy Director shall be under the direction of the Emergency Management Agency Director. The Deputy Director shall assist the Director as necessary. In the event of the absence, resignation, death or inability of the Director to serve, Deputy Director shall be and act as Director.

**30-3-21**        **PERSONNEL OATH.** Each person, whether compensated or non-compensated, who is appointed to serve in any capacity in the municipal Emergency Management Agency, shall, before entering upon his/her duties, take an oath, in writing, before the Director of the municipal Emergency Management Agency before a person authorized to administer oaths in this municipality, which oath shall be filed with the Director 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.”

**30-3-22**        **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 30-3-7(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.

**30-3-23**        **MOBILE SUPPORT TEAM.** All or any members of the Village EMA organization may be designated as members of a Mobile Support Team created by the Director of the State EMA as provided by law.

The leader of such Mobile Support Team shall be designated by the Director of the Village EMA organization.

Any member of a Mobile Support Team who is a Village employee or officer while serving on call to duty by the Governor or the State Director, shall receive the compensation and have the powers, duties, rights, and immunities incident to such employment or office. Any such member who is not a paid officer or employee of the Village, while so serving, shall receive from the State, reasonable compensation as provided by law.

**30-3-24** **PENALTY.** Any person convicted of violating this Code or any order thereunder, shall upon conviction, be fined as provided in **Section 1-1-20** of this Code.

**(See 20 ILCS 3305/1 et seq.)**

## **CHAPTER 33 – STREET REGULATIONS**

<b><u>ARTICLE</u></b>	<b><u>TITLE</u></b>	<b><u>PAGE</u></b>
<b><i>I</i></b>	<b><i>DEPARTMENT ESTABLISHED</i></b>	
	<i>Section 33-1-1 - Department Established</i>	<i>33-1</i>
	<i>Section 33-1-2 - Committee on Streets</i>	<i>33-1</i>
<b><i>II</i></b>	<b><i>GENERAL REGULATIONS</i></b>	
	<i>Section 33-2-1 - Undermining</i>	<i>33-1</i>
	<i>Section 33-2-2 - Open Doors</i>	<i>33-1</i>
	<i>Section 33-2-3 - Repairing Sidewalks, Etc.</i>	<i>33-1</i>
	<i>Section 33-2-4 - Stairway - Railing</i>	<i>33-1</i>
	<i>Section 33-2-5 - Closing Street</i>	<i>33-1</i>
	<i>Section 33-2-6 - Signs Across Street</i>	<i>33-1</i>
	<i>Section 33-2-7 - Vehicles and Skateboards on Sidewalks</i>	<i>33-2</i>
	<i>Section 33-2-8 - Deposits on Sidewalks and Streets</i>	<i>33-2</i>
	<i>Section 33-2-9 - Obstructing Street</i>	<i>33-2</i>
	<i>Section 33-2-10 - Rainwater Drains</i>	<i>33-2</i>
	<i>Section 33-2-11 - Building Materials in Street</i>	<i>33-2</i>
	<i>Section 33-2-12 - Merchandise on Public Street</i>	<i>33-2</i>
	<i>Section 33-2-13 - Encroachments</i>	<i>33-3</i>
	<i>Section 33-2-14 - Posting Bills</i>	<i>33-3</i>
	<i>Section 33-2-15 - Signs on Poles</i>	<i>33-3</i>
	<i>Section 33-2-16 - Injury to New Pavements</i>	<i>33-3</i>
	<i>Section 33-2-17 - Barbed-Wire Fences</i>	<i>33-3</i>
	<i>Section 33-2-18 - Burning on Public Streets</i>	<i>33-3</i>
	<i>Section 33-2-19 - Grass Mowing</i>	<i>33-3</i>
<b><i>III</i></b>	<b><i>TREES AND SHRUBS</i></b>	
	<i>Section 33-3-1 - Planting</i>	<i>33-4</i>
	<i>Section 33-3-2 - Planting Trees in Right-of-Way</i>	<i>33-4</i>
	<i>Section 33-3-3 - Removal</i>	<i>33-4</i>
	<i>Section 33-3-4 - Injury</i>	<i>33-4</i>
	<i>Section 33-3-5 - Advertisements or Notices</i>	<i>33-4</i>
	<i>Section 33-3-6 - Dangerous Trees</i>	<i>33-4</i>
	<i>Section 33-3-7 - Wires</i>	<i>33-4</i>
	<i>Section 33-3-8 - Gas Pipes</i>	<i>33-4</i>
<b><i>IV</i></b>	<b><i>CONSTRUCTION OF UTILITY FACILITIES IN THE RIGHTS-OF-WAY</i></b>	
	<i>Section 33-4-1 - Purpose and Scope</i>	<i>33-5</i>
	<i>Section 33-4-2 - Definitions</i>	<i>33-6</i>
	<i>Section 33-4-3 - Annual Registration Required</i>	<i>33-9</i>
	<i>Section 33-4-4 - Permit Required; Applications and Fees</i>	<i>33-9</i>
	<i>Section 33-4-5 - Action on Permit Applications</i>	<i>33-10</i>
	<i>Section 33-4-6 - Effect of Permit</i>	<i>33-11</i>
	<i>Section 33-4-7 - Revised Permit Drawings</i>	<i>33-12</i>
	<i>Section 33-4-8 - Insurance</i>	<i>33-12</i>
	<i>Section 33-4-9 - Indemnification</i>	<i>33-13</i>

<b><u>ARTICLE</u></b>	<b><u>TITLE</u></b>	<b><u>PAGE</u></b>
<b>IV</b>	<b>CONSTRUCTION OF UTILITY FACILITIES IN THE RIGHTS-OF-WAY (CONTINUED)</b>	
	Section 33-4-10 - Security	33-13
	Section 33-4-11 - Permit Suspension and Revocation	33-15
	Section 33-4-12 - Change of Ownership or Owner's Identity or Legal Status	33-15
	Section 33-4-13 - General Construction Standards	33-16
	Section 33-4-14 - Traffic Control	33-16
	Section 33-4-15 - Location of Facilities	33-16
	Section 33-4-16 - Construction Methods and Materials	33-19
	Section 33-4-17 - Vegetation Control	33-24
	Section 33-4-18 - Removal, Relocation, or Modification of Utility Facilities	33-24
	Section 33-4-19 - Cleanup and Restoration	33-25
	Section 33-4-20 - Maintenance and Emergency Maintenance	33-25
	Section 33-4-21 - Variances	33-26
	Section 33-4-22 - Penalties	33-26
	Section 33-4-23 - Enforcement	33-26
<b>V</b>	<b>STREET IMPROVEMENTS</b>	
	Section 33-5-1 - Sidewalks	33-27
	Section 33-5-2 - Curbs and Gutters	33-27
	Section 33-5-3 - Storm Sewers	33-27
<b>VI</b>	<b>CULVERTS</b>	
	Section 33-6-1 - Obstruction of Drain or Storm Sewer	33-28
	Section 33-6-2 - Permit for Culvert	33-28
	Section 33-6-3 - Application for Permit	33-28
	Section 33-6-4 - Termination of Permit	33-28
	Section 33-6-5 - Type of Culvert	33-28
<b>VII</b>	<b>DRIVEWAYS</b>	
	Section 33-7-1 - Permits Required	33-29
	Section 33-7-2 - Fee	33-29
	Section 33-7-3 - Grade Surface	33-29
	Section 33-7-4 - Specifications	33-29
	Section 33-7-5 - Breaking Curb – Bond Required	33-29
	Section 33-7-6 - Repair	33-29
<b>VIII</b>	<b>MOVING BUILDINGS REGULATIONS</b>	
	Section 33-8-1 - Structure Moving Permits and Procedures	33-30
	Section 33-8-2 - Application for Permit and Permit Fee	33-30
	Section 33-8-3 - Processing Permits	33-30
	Section 33-8-4 - Bond	33-30
	Section 33-8-5 - Inspection Prior to Action on Application	33-30
	Section 33-8-6 - Standards for Issuance of Moving Permit	33-30
	Section 33-8-7 - Action on Application	33-31
	Section 33-8-8 - Action After Approval	33-31
	Section 33-8-9 - Time Within Which to Move Building	33-31

## CHAPTER 33

### STREET REGULATIONS

#### ARTICLE I – DEPARTMENT ESTABLISHED

**33-1-1**        **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.

**33-1-2**        **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

**33-2-1**        **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.

**33-2-2**        **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.

**33-2-3**        **REPAIRING SIDEWALKS, ETC.** Whenever any 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.

**33-2-4**        **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.

**33-2-5**        **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.

**33-2-6**        **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. **(See 65 ILCS 5/11-80-17)**



**33-2-7**            **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.

**33-2-8**            **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**.

**33-2-9**            **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. **(See 65 ILCS 5/11-80-3)**

**33-2-10**           **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.

**33-2-11**           **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. **(See 65 ILCS 5/11-80-3)**

**33-2-12**           **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. **(See 65 ILCS 5/11-80-3)**

**33-2-13**        **ENCROACHMENTS.** It shall be unlawful to erect or maintain any building or structure which encroaches upon any public street or property.

**33-2-14**        **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.

**33-2-15**        **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.

**33-2-16**        **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.

**33-2-17**        **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.

**33-2-18**        **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.

**33-2-19**        **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**.

**(See 1987 Code, Chapter 12)**

## ARTICLE III - TREES AND SHRUBS

**33-3-1**        **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.

**33-3-2**        **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.

**33-3-3**        **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.

**33-3-4**        **INJURY.** It shall be unlawful to injure any tree or shrub planted in such public place.

**33-3-5**        **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.

**33-3-6**        **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.

**33-3-7**        **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.

**33-3-8**        **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.

(See 65 ILCS 5/11-80-2)

## ARTICLE IV - CONSTRUCTION OF UTILITY FACILITIES IN THE RIGHTS-OF-WAY

### 33-4-1 **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.

**33-4-2 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 for 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 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.

**"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 33-4-4 and 33-4-5** 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 33-4-10**.

**"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, hereinafter referred to as "Superintendent".

**"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).

**"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.

**33-4-3 ANNUAL REGISTRATION REQUIRED.** Every utility that occupies right-of-way within the Village shall register on **January 1** of each year with the Superintendent, 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 33-4-8** of this Article, in the form of a certificate of insurance.

**33-4-4 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 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 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 33-4-8** of this Article;
- (8) Evidence of posting of the security fund as required in **Section 33-4-10** of this Article;
- (9) Any request for a variance from one or more provisions of this Article (**See Section 33-4-21**); 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.

**33-4-5 ACTION ON PERMIT APPLICATIONS.**

(A) **Village Review of Permit Applications.** Completed permit applications, containing all required documentation, shall be examined by the Superintendent 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 shall reject such application in writing, stating the reasons therefor. If the Superintendent is satisfied that the proposed work conforms to the requirements of this Article and all applicable ordinances, codes, laws, rules, and regulations, the Superintendent 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, that the construction proposed under the application shall be in full compliance with the requirements of this Article.

(B)  
**Retailers.**

**Additional Village Review of Applications of Telecommunications**

- (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 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 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 33-4-4** 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.

**33-4-6** **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.

**33-4-7**        **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 33-4-21** 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.

**33-4-8**        **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.

**33-4-9** **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.

**33-4-10** **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 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, 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 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.

**33-4-11 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 33-4-11**.

(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.

**33-4-12 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.

**33-4-13** **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 shall determine, in the exercise of sound engineering judgment, which principles apply and such decision shall be final. If requested, the Superintendent shall state which standard or principle will apply to the construction, maintenance, or operation of a facility in the future.

**33-4-14** **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 33-4-20** 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.

**33-4-15** **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 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.

33-4-16

(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 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.
- (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, 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.
- (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 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.
- (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, 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. 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 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.*)

**33-4-17**      **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.

(C)      **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.

(D)      **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 that such spraying is the only practicable method of vegetation control.

**33-4-18**      **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 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.

**33-4-19 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. 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 for good cause shown.

**33-4-20 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 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.

**33-4-21 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 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 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 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 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 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.

**33-4-22 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. **(See Section 1-1-20 for additional penalties.)**

**33-4-23 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

### 33-5-1 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. No one shall build a sidewalk unless it consists of new construction. No one shall remove or destroy a sidewalk without replacing the same with a new sidewalk.

(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 filing an application for a permit with the Village Clerk and approved by the Village Board.

(C) Subdivisions. This Section is not applicable to new subdivisions. **(See 65 ILCS 5/11-80-13)**

### 33-5-2 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 **one-half (1/2)** of the cost of the construction including engineering fees, and thereafter, the curbs and gutters shall be maintained 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. **(See 65 ILCS 5/11-80-13)**

### 33-5-3 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.

**(See 65 ILCS 5/11-80-7)**

## ARTICLE VI - CULVERTS

**33-6-1**        **OBSTRUCTION OF DRAIN OR STORM SEWER.** It shall be unlawful to obstruct any drain or storm sewer in any public street or property.

**33-6-2**        **PERMIT FOR CULVERT.** It shall be unlawful to install any culvert or replace any culvert without first obtaining a permit from the Village Clerk.

**33-6-3**        **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.

**33-6-4**        **TERMINATION OF PERMIT.** All such permits shall terminate upon the expiration of **one (1) year** following the date of issue.

**33-6-5**        **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 HDPE corrugated pipe. 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 install the culvert purchased by the Village.

**(See 65 ILCS 5/11-80-7)**

## ARTICLE VII - DRIVEWAYS

**33-7-1**        **PERMITS REQUIRED.** No person shall construct a driveway for vehicles or animals across any sidewalk in the Village without having first obtained a permit therefor.

Applications for such permits shall be made to the Village Clerk and shall be accompanied by the fee required.

No permit for construction of a driveway for commercial use, or for the habitual use of other than the owner or occupant of the premises served shall be issued except upon the order of the Village Clerk.

**33-7-2**        **FEE.** The fee for all such construction shall be **One Dollar (\$1.00)**.

**33-7-3**        **GRADE SURFACE.** 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. It shall be unlawful to have the surface finish of any driveway where the same crosses the sidewalk constructed of such materials as to render it slippery and hazardous to pedestrians, or to have the grade of such portion vary from the grade of the sidewalk or be other than level.

**33-7-4**        **SPECIFICATIONS.** Driveways across sidewalks shall be constructed in compliance with the specifications required by the Street Superintendent.

**33-7-5**        **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.

**33-7-6**        **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.

**(See 65 ILCS 5/11-80-2)**

## ARTICLE VIII – MOVING BUILDINGS REGULATIONS

**33-8-1**        **STRUCTURE MOVING PERMITS AND PROCEDURES.** No person, firm, or corporation shall move any building to a location in the Village of Ludlow, Illinois, from any other location, on, over or through any street, alley, sidewalk, park or other public place in the Village without first obtaining a permit authorizing such move from the Village.

**33-8-2**        **APPLICATION FOR PERMIT AND PERMIT FEE.** Application for a permit to move a building shall be made in writing and filed with the Village Clerk. The application shall state and include the following:

- (A)            The proposed route over which the building will be moved;
- (B)            The number of days the move will take;
- (C)            A photograph of the building to be moved;
- (D)            A photograph of the lot where the building will be moved;
- (E)            A plot plan showing the location of the building on the lot where the building will be moved;
- (F)            A statement of the improvement, if any, to be made to the building after it is moved, such as basement, siding, new roofing, etc.;
- (G)            A certificate of termite inspection by a reputable company showing the existence or non-existence of termite infestation;
- (H)            The names of the owners and tenants of all parties who own and/or reside on property which adjoins the lot where the applicant desires to move the building;
- (I)            An estimate from all utilities (including the Village) of the cost for cutting and moving wire and cables; and,
- (J)            Permit fee of **Fifty Dollars (\$50.00)** payable to the Village.

**33-8-3**        **PROCESSING PERMITS.** After receiving the application for permit, the Village Clerk shall send a copy of the application to all parties listed in the application at least **seven (7) days** prior to the presentation of the application to the President and Board of Trustees at a regular board meeting. The failure of the applicant to properly list any person who is required to be listed shall void his application and he/she shall forfeit the application fee made and he/she shall have to re-apply and pay a new filing fee.

**33-8-4**        **BOND.** Every person applying for a permit to move a building shall submit with his/her application a bond with at least one surety, corporate or personal, in an amount to be approved by the President and Board of Trustees. The bond shall be conditioned upon the compliance by the applicant with all the provisions of this Section, including the payment of fees and cost of repairs of all damage to public property and public improvements, such as streets, which may arise out of the moving of the building.

**33-8-5**        **INSPECTION PRIOR TO ACTION ON APPLICATION.** Immediately after the filing of an application for moving a building, the Village shall thoroughly inspect the building for fire hazards, health conditions, plumbing, electrical installations and general building structural soundness.

After such inspection, a report of the findings shall be presented to the Village Board for its consideration.

**33-8-6**        **STANDARDS FOR ISSUANCE OF MOVING PERMIT.** The President and Board of Trustees shall not approve an application for a permit to move a building unless it finds:

- (A)            That the building is free from active termite infestation.

(B) That the building is structurally sound and is free from fire hazards, has no unhealthy conditions about it, has adequate plumbing and electrical installations and also meets the State Minimum Housing Code.

(C) That the age, structural soundness, general condition and the exterior architectural plan of the building, when placed upon the proposed new site, will be compatible with the existing structures on adjacent property or structures under construction and will not cause a material depreciation in property values of the adjoining properties.

(D) That the structure, if moved, in accordance with the request, will comply with the Zoning Code.

**33-8-7**        **ACTION ON APPLICATION.** The Village, after receiving the report from the Inspection Department, and after notice of the filing of the application has been given to adjoining property owners, and after considering the factors set forth in the previous paragraph (Standards for Issuance of Moving Permits), shall consider the application for permit at a regular Village Board meeting and shall either approve the application or reject the application. The Village Board may also approve the application, subject to certain conditions which the applicant must meet. If the Board refuses to grant the permit, there shall be no refund of the **Fifty Dollar (\$50.00)** application fee.

**33-8-8**        **ACTION AFTER APPROVAL.** After favorable action by the President and Board of Trustees, the permit shall not be issued until the applicant deposits with the Village Treasurer the estimated amount it will cost to move all Village utilities and arrangements have been made with other utilities for the cost of their rearrangements.

**33-8-9**        **TIME WITHIN WHICH TO MOVE BUILDING.** The approval of a permit to move a building shall be good for a period of **one hundred twenty (120) days** only. After that period, the permit and approval shall become null and void.

# **VILLAGE OF LUDLOW**

## **EXCAVATION PERMIT**

NAME \_\_\_\_\_

FIRM NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY/VILLAGE \_\_\_\_\_ STATE \_\_\_\_\_ PHONE \_\_\_\_\_

LOCATION OF PROPOSED EXCAVATION \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

NATURE OF EXCAVATION \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

BONDING COMPANY:

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY/VILLAGE \_\_\_\_\_ STATE \_\_\_\_\_ PHONE \_\_\_\_\_

AMOUNT OF BOND \$ \_\_\_\_\_

PREVIOUS EXPERIENCE (LIST CITIES AND/OR VILLAGES)

	<u>CITY/VILLAGE</u>	<u>CITY/VILLAGE OFFICIAL</u>
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____

I have read the municipal law with regard to excavations and my firm or company intends to fully comply with the Street Regulations Code provisions.

\_\_\_\_\_  
(Applicant's Signature)

# VILLAGE OF LUDLOW

## 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: \_\_\_\_\_



## **CHAPTER 34 – SUBDIVISION CODE**

<b><u>ARTICLE</u></b>	<b><u>TITLE</u></b>	<b><u>PAGE</u></b>
<b>I</b>	<b>GENERAL PROVISIONS</b>	
	Section 34-1-1 - Title	34-1
	Section 34-1-2 - Purpose	34-1
	Section 34-1-3 - Jurisdiction	34-1
	Section 34-1-4 - Instances When Plats Will Not be Required	34-1
	Section 34-1-5 - Interpretation	34-2
	Section 34-1-6 - Disclaimer of Liability	34-2
<b>II</b>	<b>DEFINITIONS</b>	
	Section 34-2-1 - Interpretation of Terms	34-3
	Section 34-2-2 - Selected Definitions	34-3
<b>III</b>	<b>PLATS AND PLANS</b>	
	<i>Division I – Preliminary Plats</i>	
	Section 34-3-1 - General Procedure	34-10
	Section 34-3-2 - Filing Procedure	34-10
	Section 34-3-3 - Information Required	34-10
	Section 34-3-4 - Plan Commission Action	34-11
	Section 34-3-5 - Review by Village Board; Time Constraints	34-11
	Section 34-3-6 - Rights and Privileges of Subdivider	34-12
	Section 34-3-7 - Reserved	
	<i>Division II – Improvement Plans</i>	
	Section 34-3-8 - Submission of Plans	34-12
	Section 34-3-9 - Information Required	34-12
	Section 34-3-10 - Inspections Required	34-13
	Section 34-3-11 - Filing "As-Built" Records	34-13
	Section 34-3-12 - Reserved	
	<i>Division III – Assurance for Completion of Required Improvements</i>	
	Section 34-3-13 - Approval of Final Plat – Improvements	34-13
	Section 34-3-14 - Forms of Assurance	34-14
	Section 34-3-15 - Amount of Bond or Deposit	34-14
	Section 34-3-16 - Eligible Sureties	34-14
	Section 34-3-17 - Term of Assurance, Extension	34-14
	Section 34-3-18 - Release of Bond/Escrow Deposit	34-14
	Section 34-3-19 - Failure to Complete Improvements	34-14
	Section 34-3-20 - 34-3-21 Reserved	
	<i>Division IV – Final Plats</i>	
	Section 34-3-22 - Village Board Approval	34-15
	Section 34-3-23 - Filing, Time Limits	34-15
	Section 34-3-24 - Information Required	34-15
	Section 34-3-25 - Certificates Required	34-16
	Section 34-3-26 - Administrative Review, Advisory Report	34-18
	Section 34-3-27 - Action by Village Board	34-18

<b><u>ARTICLE</u></b>	<b><u>TITLE</u></b>	<b><u>PAGE</u></b>
<b>III</b>	<b>PLATS AND PLANS (CONTINUED)</b>	
	<i>Division IV – Final Plats (Continued)</i>	
	Section 34-3-28 - Changes in Approved Final Plats	34-19
	Section 34-3-29 - 34-3-34 Reserved	
	<i>Division V – Maintenance of Improvements</i>	
	Section 34-3-35 - Subdivider’s Responsibilities	34-19
	Section 34-3-36 - Maintenance Bond	34-19
	<i>Division VI – Vacation of Plats</i>	
	Section 34-3-37 - Vacation of Plats	34-19
<b>IV</b>	<b>ADMINISTRATIVE PROCEDURES</b>	
	Section 34-4-1 - Enforcement Officer, Duties	34-20
	Section 34-4-2 - Subdivision Variances	34-20
	Section 34-4-3 - Review by Plan Commission	34-20
	Section 34-4-4 - Action by Village Board, Variance Standards	34-20
	Section 34-4-5 - Amendment	34-21
	Section 34-4-6 - Schedule of Fees	34-21
	Section 34-4-7 - Penalties	34-21
<b>V</b>	<b>DESIGN AND IMPROVEMENT STANDARDS</b>	
	<i>Division I – Generally</i>	
	Section 34-5-1 - Applicability of Article	34-22
	Section 34-5-2 - Suitability for Development Generally	34-22
	Section 34-5-3 - Reservations for Public Use	34-22
	<i>Division II – Lot Requirements</i>	
	Section 34-5-4 - Conformity with Zoning	34-22
	Section 34-5-5 - Access and Relationship to Street	34-22
	Section 34-5-6 - Reference Monuments	34-22
	<i>Division III – Street Design Standards</i>	
	Section 34-5-7 - Plan Integration	34-23
	Section 34-5-8 - Right-of-Way and Pavement Widths	34-23
	Section 34-5-9 - Topographical Considerations	34-23
	Section 34-5-10 - Through Traffic Discouraged	34-23
	Section 34-5-11 - Limited Access to Arterials	34-23
	Section 34-5-12 - Dead-End Streets	34-23
	Section 34-5-13 - Intersections	34-24
	Section 34-5-14 - Reverse Curves	34-24
	Section 34-5-15 - Improvements to Existing Streets	34-24
	Section 34-5-16 - When Excess Right-of-Way Required	34-24
	Section 34-5-17 - 34-5-19 Reserved	
	<i>Division IV – Street Improvement Standards</i>	
	Section 34-5-20 - Developer’s Expense	34-25
	Section 34-5-21 - Curb and Gutter	34-25
	Section 34-5-22 - Earth Subbase	34-26

<b><u>ARTICLE</u></b>	<b><u>TITLE</u></b>	<b><u>PAGE</u></b>
<b>V</b>	<b>DESIGN AND IMPROVEMENT STANDARDS (CONTINUED)</b>	
	<i>Division IV – Street Improvement Standards (Continued)</i>	
	Section 34-5-23 - Maintenance Responsibility	34-26
	Section 34-5-24 - Reserved	
	<i>Division V – Blocks</i>	
	Section 34-5-25 - Block Width	34-26
	Section 34-5-26 - Block Length	34-26
	Section 34-5-27 - Crosswalks	34-26
	Section 34-5-28 - Reserved	
	<i>Division VI – Sidewalks</i>	
	Section 34-5-29 - Sidewalks	34-26
	Section 34-5-30 - Sidewalk Construction Standards	34-27
	Section 34-5-31 - Reserved	
	<i>Division VII – Streetlights</i>	
	Section 34-5-32 - Intersection Lighting	34-27
	Section 34-5-33 - Streetlight System Standards	34-27
	Section 34-5-34 - Reserved	
	<i>Division VIII – Signs</i>	
	Section 34-5-35 - Street Sign Specifications	34-27
	Section 34-5-36 - Stop Signs	34-27
	<i>Division IX – Utilities</i>	
	Section 34-5-37 - Utility Location and Easements Required	34-28
	Section 34-5-38 - Utility Easements	34-28
	Section 34-5-39 - Maintenance Easements	34-28
	Section 34-5-40 - Excavation Backfill	34-28
	Section 34-5-41 - Reserved	
	<i>Division X – Water Facilities</i>	
	Section 34-5-42 - Potable Water Required	34-29
	Section 34-5-43 - Fire Hydrants	34-29
	Section 34-5-44 - 34-5-46 Reserved	
	<i>Division XI – Sewer System</i>	
	Section 34-5-47 - Alternate Methods of Disposal	34-29
	Section 34-5-48 - 34-5-50 Reserved	
	Schedule "A" - Checklist for Preliminary Plan	A-1
	Schedule "B" - Checklist for Engineering Plans	B-1
	Schedule "C" - Checklist for Final Plat	C-1
	Schedule "D" - Surety Bond for Improvements	D-1
	Schedule "E" - Cash Bond	E-1
	Schedule "F" - Maintenance Bond	F-1
	Appendix "A" - Financial Commitment	App-1

## CHAPTER 34

### SUBDIVISION CODE

#### ARTICLE I - GENERAL PROVISIONS

**34-1-1** **TITLE.** These regulations shall be known as and may be referred to as the Ludlow Subdivision Code.

**34-1-2** **PURPOSE.** In accordance with State law (**Ill. Comp. Stats., Chap. 65, 5/11-12-5, 5/11-12-8 -- 5/11-12-12; Chap. 765, 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.

**34-1-3** **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.

**34-1-4** **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.

**34-1-5** **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 County Subdivision Code, said higher standards shall supersede the County regulations in the unincorporated territory located within the Village's subdivision jurisdiction. **(See 65 ILCS 5/11-12-11)**

**34-1-6** **DISCLAIMER OF LIABILITY.**

(A) Except as may be provided otherwise by statute or ordinance, no officer, village 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," Ill. Comp. Stats., Chap. 745, 10/1-101.)**

(B) Any suit brought against any officer, village 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.

## ARTICLE II - DEFINITIONS

**34-2-1**        **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 34-2-2**; terms not defined in **Section 34-2-2** shall have the meanings respectively ascribed to them in the Village's Zoning Code; if any term is not defined either in **Section 34-2-2** 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**.

### **34-2-2**        **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 Village's 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 34-5-12(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 Village 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 of Ludlow.

## ARTICLE III - PLATS AND PLANS

### DIVISION I - PRELIMINARY PLATS

**34-3-1 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.

**34-3-2 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 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 34-2-2**; or
- (B) land that is specifically exempted from the Illinois Plats Act as now or hereafter amended. **(See 765 ILCS 205/1(B)).**

**34-3-3 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 34-3-4(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.]**

**34-3-4 PLAN COMMISSION ACTION.** The Plan Commission shall either approve or disapprove the application for preliminary plat approval within **ninety (90) 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 **ninety (90) 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)**

**34-3-5 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.

**34-3-6**            **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.

**34-3-7**            **RESERVED.**

## **DIVISION II - IMPROVEMENT PLANS**

**34-3-8**            **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 34-3-22)**

**34-3-9**            **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.

**[See Schedule "B" at conclusion of Chapter.]**

**34-3-10**      **INSPECTIONS REQUIRED.** The subdivider/developer shall notify the Mayor 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 Mayor 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.

**34-3-11**      **FILING "AS-BUILT" RECORDS.**

(A)            The subdivider/developer shall file with the Mayor 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.

**34-3-12**      **RESERVED.**

**DIVISION III - ASSURANCE FOR COMPLETION OF REQUIRED IMPROVEMENTS**

**34-3-13**      **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.

**34-3-14 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.

**34-3-15 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.]**

**34-3-16 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.

**34-3-17 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 34-3-19**.

**34-3-18 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.

**34-3-19 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.

**34-3-20 - 34-3-21 RESERVED.**

#### **DIVISION IV - FINAL PLATS**

**34-3-22 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.

**34-3-23 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 (**765 ILCS 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.

**34-3-24 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.]**

**34-3-25 CERTIFICATES REQUIRED.** As required by State law (765 ILCS 205/2; 65 ILCS 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 Champaign    )

I, \_\_\_\_\_, a Notary Public in and for the County 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)

**COUNTY ENGINEER'S CERTIFICATE**

This plat has been approved by the County Highway Department with respect to roadway access pursuant to the requirements of Champaign County governing access rights.

\_\_\_\_\_  
County Engineer

\_\_\_\_\_  
Date

(E)

**COUNTY CLERK'S CERTIFICATE**

I, \_\_\_\_\_, County Clerk of Champaign County, Illinois, do hereby certify that I find no unpaid or forfeited taxes against any of the real estate included within this plat.

\_\_\_\_\_  
County 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 Ludlow

\_\_\_\_\_  
Village Clerk, Village of Ludlow

(G)

**9-1-1 CERTIFICATE**

State of Illinois        )  
                                  )  
County of Champaign    )

This plat has been reviewed for 9-1-1 implementation.

\_\_\_\_\_  
Champaign County 9-1-1 Coordinator

\_\_\_\_\_  
Date

(H)

**SPECIAL FLOOD HAZARD AREA CERTIFICATE**

We, the undersigned, do hereby certify that part of the land being subdivided by this plat is located within a Special Flood Hazard Area as identified by the Federal Emergency Management Agency as shown on the "Flood Insurance Rate Map" and the "Flood Boundary and Floodway Map" for the County of Champaign, Illinois on the Community Panel dated **2018**.

(I)

**FLOOD HAZARD CERTIFICATE**

State of Illinois            )  
  )        ss  
County of Champaign    )

We, the undersigned, do hereby certify that no part of the land being subdivided by this plat is located within a Special Flood Hazard Area as identified by the Federal Emergency Management Agency (FEMA) on the "Flood Insurance Rate Map" for the County of Champaign, Illinois on Community Panel dated **2018**. There is no guarantee implied, however, that the property within this subdivision is not subject to flooding.

By: \_\_\_\_\_  
  Owner(s)  
By: \_\_\_\_\_  
  Illinois Land Surveyor  
\_\_\_\_\_  
  Date

**34-3-26        ADMINISTRATIVE REVIEW, ADVISORY REPORT.** Within **thirty (30) days** from the date of application for Final Plat approval, the Village Engineer and the Administrator shall review said Final Plat (and supporting data), and shall each advise the Village Board in writing whether it substantially conforms to the approved preliminary plat and improvement plans. A copy of their Advisory Report shall be forwarded to the Plan Commission. The Plan Commission may prepare an addendum to said report (should they so desire), and forward same to the Village Board.

**34-3-27        ACTION BY VILLAGE BOARD.** The Village Board shall either approve or disapprove the application for Final Plat approval by resolution 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 Board and the subdivider mutually agree to extend this time limit. The Village Board shall not approve any Final Plat unless:

- (A)                the final plat substantially conforms to the approved preliminary plat; and
- (B)                the final plat manifests substantial compliance with the design and improvements standards of this Code, the County Zoning Code, and the Official Map; and
- (C)                to the Board's knowledge and belief, the final plat complies with all pertinent requirements of State law; and
- (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)**

**34-3-28**      **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 34-4-4.6)**

**34-3-29 - 34-3-34**      **RESERVED.**

#### **DIVISION V - MAINTENANCE OF IMPROVEMENTS**

**34-3-35**      **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.

**34-3-36**      **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**

**34-3-37**      **VACATION OF PLATS.** In accordance with State law **(765 ILCS 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 County 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

**34-4-1**        **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. 34-3-23**);
- (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. 34-3-10**);
- (E)            to pursue actions authorized at **Section 34-3-19** when a developer fails to complete required improvements;
- (F)            to evaluate and pass upon proposed changes in approved final plats (**See Sec. 34-3-28**);
- (G)            to review and forward applications for subdivision variances to the Plan Commission (**See Sec. 34-4-2**);
- (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. 34-3-11**), 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.

**34-4-2**        **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.

**34-4-3**        **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. 34-3-2**). The Plan Commission's advisory report shall be responsive to all the variances standards set forth in **Section 34-4-4**.

**34-4-4**        **ACTION BY VILLAGE BOARD, VARIANCE STANDARDS.** At the same meeting at which they take action on the application for preliminary plat approval (**See Sec. 34-3-3**), 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. 34-1-1**); 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 34-5-2.2)**
- Financial consideration or peculiar circumstances do not constitute a hardship.

**34-4-5 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.

**34-4-6 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

**34-4-7 PENALTIES.**

(A) Any person who is convicted of a violation of this Code shall be fined not less than **One Hundred Dollars (\$100.00)** 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

**34-5-1**        **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. **(65 ILCS 5/11-12-8; 765 ILCS 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 Village 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.

**34-5-2**        **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.

**34-5-3**        **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

**34-5-4**        **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.

**34-5-5**        **ACCESS AND RELATIONSHIP TO STREET.** Land shall be subdivided in such a way that each lot abuts a street meeting the requirements of **Section 34-5-7**. 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.

**34-5-6**        **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. **(765 ILCS 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

**34-5-7**        **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.**

**34-5-8**        **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.**

**34-5-9**        **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.

**34-5-10**       **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.

**34-5-11**       **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.

**34-5-12**       **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.

**34-5-13**      **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**.

**34-5-14**      **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**).

**34-5-15**      **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 34-5-21** et seq., and pay one-half the cost of said improvements.

**34-5-16**      **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.

**34-5-17 - 34-5-19**      **RESERVED.**

## DIVISION IV - STREET IMPROVEMENT STANDARDS

**34-5-20**      **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.

**34-5-21**      **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**.

**34-5-22**      **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.

**34-5-23**      **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 **two (2) years**.

**34-5-24**      **RESERVED.**

#### **DIVISION V - BLOCKS**

**34-5-25**      **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.

**34-5-26**      **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.

**34-5-27**      **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.

**34-5-28**      **RESERVED.**

#### **DIVISION VI - SIDEWALKS**

**34-5-29**      **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.

**34-5-30            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.

**34-5-31            RESERVED.**

**DIVISION VII - STREETLIGHTS**

**34-5-32            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.

**34-5-33            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.

**34-5-34            RESERVED.**

**DIVISION VIII - SIGNS**

**34-5-35            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.

**34-5-36            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

**34-5-37**      **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.

**34-5-38**      **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.

**34-5-39**      **MAINTENANCE EASEMENTS.** Maintenance easements of not less than **five (5) feet** in width shall be provided along all rear and side lot lines.

**34-5-40**      **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.

**34-5-41**      **RESERVED.**

## DIVISION X - WATER FACILITIES

**34-5-42**     **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.

**34-5-43**     **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.

**34-5-44 - 34-5-46**     **RESERVED.**

## DIVISION XI – SEWER SYSTEM

**34-5-47**     **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.

**34-5-48 - 34-5-50**     **RESERVED.**

(See Chapter 40 for the Zoning Code.)



**VILLAGE OF LUDLOW  
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>

### 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: (if applicable)
  - \_\_\_\_\_ 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 streetlights 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. 858.
- \_\_\_\_\_ 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 benchmarks 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. (If possible)
- \_\_\_\_\_ 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: (if possible)
  - \_\_\_\_\_ 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 Fayetteville, 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.

## 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	50	20	6	1.3
Local	2.0-4.50	Both Sides	62	40	6	1.0
Collector	4.50/Greater	Both Sides	66	43	6	1.0
Arterial	Over 250 dwelling units served	None	70	28	6	1.0

<u>Commercial and Industrial Street Classification</u>	<u>Permitted On-Street Parking</u>	<u>Required R.O.W. (ft.)</u>	<u>Required Pavement Width (ft.)</u>	<u>Maximum Gradient (%)</u>	<u>Minimum Gradient (%)</u>
Local	None	60	26	10	1.0
Local	One Side	60	34	10	1.0
Local	Both Sides	60	42	10	1.0
Collector	None	80	44	8	1.0

\*Parking land width, add ten (10) feet.

**TABLE 5-B**

**MINIMUM REQUIREMENTS FOR STRUCTURAL COMPOSITION OF PAVEMENTS**

<b>Street Classification</b>	<b>Flexible Pavements</b>		<b>Rigid Pavements</b>	
	<b>Alt. #1</b>	<b>Alt. #2</b>	<b>Alt. #1</b>	<b>Alt. #2</b>
MARGINAL LAND ACCESS Residential	4" BAM 2" I-11 Surf.	8" Cr. St. 1 1/2" I-11 Bind. 1 1/2" I-11 Surf.	6" P.C.C. (15' Plain Jts)	-----
LOCAL Residential	5" BAM 2" I-11 Surf.	8" Cr. St. 2" I-11 Bind. 1 1/2" I-11 Surf.	6" P.C.C. (15' Plain Jts)	-----
COLLECTOR Residential	4" BAM 2 1/2" I-11 Bind. 2" I-11 Surf.	8" Cr. St. 3" BAM` 1 1/2" I-11 Surf.	6" S.R.P.C.C. (40' Dowel Jts)	6" P.C.C. 4" Cr. St./ U.L. (15' Dowel Jts)
LOCAL Commercial and Industrial	4" Bam 2" I-11 Bind. 1 1/2" I-11 Surf.	8" Cr. St. 3" BAM 2" I-11 Surf.	6" S.R.P.C.C. (40' Dowel Jts)	6" P.C.C. 4" Cr. St./ U.L. (15' Dowel Jts)
COLLECTOR Commercial and Industrial	6" BAM 2 1/2" I-11 Bind. 1 1/2" I-11 Surf.	8" Cr. St. 4" BAM 1 1/2" I-11 Bind. 1 1/2" I-11 Surf.	7" S.R.P.C.C. (40' Dowel Jts) 4" Cr. St./ U.L.	-----

NOTE: Equivalent pavements in addition to those shown above shall be determined by the Village Engineer. Should the total pavement thickness exceed 8" the granular base/subbase shall extend under the curb/gutter.

ABBREVIATIONS:

Cr. St.	=	Crushed Stone
BAM	=	Bituminous Aggregate Mixture
U.L.	=	Underlayment
P.C.C.	=	Unreinforced Portland Cement Concrete
S.R.P.C.C.	=	Standard Reinforced Portland Cement Concrete

MAXIMUM LIFT THICKNESS:

Crushed Stone	=	8"
BAM	=	6"
I-11 Binder	=	2 1/2"
I-11 Surface	=	2"

## **CHAPTER 36 - TAXATION**

<b><u>ARTICLE</u></b>	<b><u>TITLE</u></b>	<b><u>PAGE</u></b>
<b>I</b>	<b>GENERALLY</b>	
	Section 36-1-1 - Corporate Rate	36-1
	Section 36-1-2 - Police Tax	36-1
	Section 36-1-3 - Audit Tax	36-1
	Section 36-1-4 - F.I.C.A. Tax	36-1
	Section 36-1-5 - General Liability	36-1
	Section 36-1-6 - Workmen's Compensation	36-1
	Section 36-1-7 - Street and Bridge	36-1
<b>II</b>	<b>TAXPAYERS' RIGHTS CODE</b>	
	Section 36-2-1 - Title	36-2
	Section 36-2-2 - Scope	36-2
	Section 36-2-3 - Definitions	36-2
	Section 36-2-4 - Notices	36-2
	Section 36-2-5 - Late Payment	36-2
	Section 36-2-6 - Payment	36-3
	Section 36-2-7 - Certain Credits and Refunds	36-3
	Section 36-2-8 - Audit Procedure	36-3
	Section 36-2-9 - Appeal	36-4
	Section 36-2-10 - Hearing	36-5
	Section 36-2-11 - Interest and Penalties	36-5
	Section 36-2-12 - Abatement	36-5
	Section 36-2-13 - Installment Contracts	36-5
	Section 36-2-14 - Statute of Limitations	36-5
	Section 36-2-15 - Voluntary Disclosure	36-6
	Section 36-2-16 - Publication of Tax Ordinances	36-6
	Section 36-2-17 - Internal Review Procedure	36-6
	Section 36-2-18 - Application	36-6
<b>III</b>	<b>SIMPLIFIED TELECOMMUNICATIONS TAX</b>	
	Section 36-3-1 - Definitions	36-7
	Section 36-3-2 - Simplified Municipal Telecommunications Tax Imposed	36-9
	Section 36-3-3 - Collection of Tax by Retailers	36-10
	Section 36-3-4 - Returns to Department	36-10
	Section 36-3-5 - Resellers	36-10
<b>IV</b>	<b>GAS TAX</b>	
	Section 36-4-1 - Tax Imposed	36-11
	Section 36-4-2 - Exceptions	36-11
	Section 36-4-3 - Additional Taxes	36-11
	Section 36-4-4 - Definitions	36-11
	Section 36-4-5 - Reports to Municipality	36-11
	Section 36-4-6 - Credit for Overpayment	36-12
	Section 36-4-7 - Penalty	36-12

<b><u>ARTICLE</u></b>	<b><u>TITLE</u></b>	<b><u>PAGE</u></b>
<b>V</b>	<b><i>ELECTRICITY TAX</i></b>	
	<i>Section 36-5-1 - Tax Imposed</i>	<i>36-13</i>
	<i>Section 36-5-2 - Exceptions</i>	<i>36-13</i>
	<i>Section 36-5-3 - Additional Taxes</i>	<i>36-13</i>
	<i>Section 36-5-4 - Collection</i>	<i>36-13</i>
	<i>Section 36-5-5 - Reports to Village</i>	<i>36-14</i>
	<i>Section 36-5-6 - Credit for Over-Payment</i>	<i>36-14</i>
	<i>Section 36-5-7 - Penalty</i>	<i>36-14</i>
	<i>Section 36-5-8 - Unconstitutional</i>	<i>36-14</i>
<b>VI</b>	<b><i>FOREIGN FIRE INSURANCE COMPANIES</i></b>	
	<i>Section 36-6-1 - Conformance</i>	<i>36-15</i>
	<i>Section 36-6-2 - Fees</i>	<i>36-15</i>
	<i>Section 36-6-3 - Required Reports</i>	<i>36-15</i>
	<i>Section 36-6-4 - Recovery of Monies</i>	<i>36-15</i>
	<i>Section 36-6-5 - Unlawful Operation</i>	<i>36-15</i>
	<i>Section 36-6-6 - Penalty</i>	<i>36-15</i>

## 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 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 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 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 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 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 10/9-107)**

**36-1-8**        **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 5/11-81-1 and 5/11-81-2)**

## 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 Village Board.

(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 Ludlow, 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 **six percent (6%)** 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.

**(See 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 termination point within a municipality that has imposed a tax under this Article and charges for the portion of the inter-office channels provided within that municipality. Charges for that portion of the inter-office channel connecting **two (2)** or more channel termination points, one or more of which is located within the jurisdictional boundary of such municipality, shall be determined by the retailer by multiplying an amount equal to the total charge for the inter-office channel by a fraction, the numerator of which is the number of channel termination points that are located within the jurisdictional boundary of the municipality and the denominator of which is the total number of channel termination points connected by the inter-office channel. However, "gross charge" shall not include any of the following:

- (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 Economic Opportunity.
- (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.
- (9) amounts paid by telecommunications retailers under the Telecommunications Infrastructure Maintenance Fee Act.
- (10) Charges for nontaxable services or telecommunications if:
  - (a) those charges are aggregated with other charges for telecommunications that are taxable,
  - (b) those charges are not separately stated on the customer bill or invoice, and
  - (c) the retailer can reasonably identify the nontaxable charges on the retailer's books and records kept in the regular course of business.

If the nontaxable charges cannot reasonably be identified, the gross charge from the sale of both taxable and nontaxable services or telecommunications billed on a combined basis shall be attributed to the taxable services or telecommunications. The burden of proving nontaxable charges shall be on the retailer of the telecommunications.

(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. To prevent actual multi-municipal taxation of the act or privilege that is subject to taxation under this subsection, any taxpayer, upon proof that the taxpayer has paid a tax in another municipality on that event, shall be allowed a credit against any tax enacted pursuant to or authorized by this Section to the extent of the amount of the tax properly due and paid in the municipality that was not previously allowed as a credit against any other municipal tax.

(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 or multi-municipal 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 or municipality in this 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 or such tax properly due and paid in a municipality in this 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 Village.

**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.** On or before the last day of **August**, and on or before the last day of each month thereafter, 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.



## 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.

**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. Any accounts of the Village shall be exempt from the taxes imposed by this Ordinance.

**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 day of September, each taxpayer shall make a return to the Village Treasurer for the months of June, July and August, 2002, 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.

**(See 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, 1999**.

**36-5-2        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 the business or privilege 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"** as authorized by **65 ILCS 5/8-11-1**; 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 businesses of the same class in the Municipality. All accounts of the Village shall be exempt from the taxes imposed by this ordinance.

**36-5-3        ADDITIONAL TAXES.** Such tax shall be in addition to other taxes levied upon the taxpayer or its business.

**36-5-4        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 the 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.

**36-5-5**        **REPORTS TO VILLAGE.** On or before the last day of each month, each taxpayer who has not paid the tax imposed by this Article to a person delivering electricity as set forth in **Section 36-5-4** and who is not otherwise exempted from paying such tax shall make a return to the Village Treasurer 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.

**36-5-6**        **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.

**36-5-7**        **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 not less than **One Hundred Dollars (\$100.00)** nor more than **Seven Hundred Fifty Dollars (\$750.00)** in addition, shall be liable in a civil action for the amount of tax due. **(See 65 ILCS 5/8-11-2)**

**36-5-8**        **UNCONSTITUTIONAL.** In the event that Public Act 90-561 is declared unconstitutional, or if **Section 36-5-1 of Article V** created by this Ordinance is voided by court action, the provisions of the Village Code commonly known as the Gross Receipts Utility Tax shall remain in effect in all respects as if it had never been amended by this Ordinance, and any amounts paid to the Village by any person delivering electricity pursuant to this Ordinance shall be deemed to have been paid pursuant to the Gross Receipts Utility Tax as it existed prior to the passage of this Amendatory Ordinance.

## **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 38 - UTILITIES**

<b><u>ARTICLE</u></b>	<b><u>TITLE</u></b>	<b><u>PAGE</u></b>
<b>I</b>	<b>WATER DEPARTMENT ESTABLISHED</b>	
	Section 38-1-1 - Department Established	38-1
	Section 38-1-2 - Water Committee	38-1
	Section 38-1-3 - Superintendent	38-1
	Section 38-1-4 - Duties of the Superintendent	38-1
<b>II</b>	<b>UTILITY REGULATIONS</b>	
	Section 38-2-1 - Contract for Utility Services	38-2
	Section 38-2-2 - Consumer Lists	38-4
	Section 38-2-3 - Filed in Recorder of Deeds	38-4
	Section 38-2-4 - Liability for Charges	38-4
	Section 38-2-5 - Estimated Charge	38-4
	Section 38-2-6 - No Free Utility Service	38-4
	Section 38-2-7 - Meter Malfunction	38-4
	Section 38-2-8 - Water Meter Deposits	38-4
<b>III</b>	<b>WATER SYSTEM</b>	
	Division I – General Regulations	
	Section 38-3-1 - Definitions	38-5
	Section 38-3-2 - Application for Taps and Service Connections to the Waterworks System	38-6
	Section 38-3-3 - All Service to be by Meter	38-6
	Section 38-3-4 - Removal of Meters	38-6
	Section 38-3-5 - Meter Damaged	38-6
	Section 38-3-6 - Installing and Maintaining Service Lines	38-6
	Section 38-3-7 - Inspection	38-7
	Section 38-3-8 - Damage Due to Interruption of Service; Liability	38-7
	Section 38-3-9 - Resale of Water	38-7
	Section 38-3-10 - Discontinuing Service - Dangerous Usage	38-7
	Section 38-3-11 - Customer Neglects to Repair Leak	38-7
	Section 38-3-12 - Electric Ground Wires	38-8
	Section 38-3-13 - Water for Building or Construction Purposes	38-8
	Section 38-3-14 - Fire Hydrants	38-8
	Section 38-3-15 - Limited Water Usage in Emergencies	38-8
	Section 38-3-16 - Shortage and Purity of Supply	38-9
	Section 38-3-17 - Non-Compliance With Rules and Regulations	38-9
	Section 38-3-18 - Easements	38-9
	Section 38-3-19 - Use of Water on Consumer’s Premises	38-9
	Section 38-3-20 - Allocation of Maintenance Costs Between User and Village	38-9
	Section 38-3-21 - Village Not Liable for Interruption of Supply	38-9
	Section 38-3-22 - Water Well Permits Required	38-10
	Section 38-3-23 - Abandoned Connection	38-10
	Section 38-3-24 - Alternative Water Source	38-10
	Section 38-3-25 - Rules to Become Part of Contract	38-10
	Section 38-3-26 - Refusals of Water Service	38-10

<b><u>ARTICLE</u></b>	<b><u>TITLE</u></b>	<b><u>PAGE</u></b>
<b>III</b>	<b>WATER SYSTEM (CONTINUED)</b>	
	<i>Division I – General Regulations (Continued)</i>	
	Section 38-3-27 - Responsibility of Applicant	38-11
	Section 38-3-28 - Tampering Notice	38-11
	Section 38-3-29 - 38-3-30 Reserved	
	<i>Division II - Cross-Connection Administration</i>	
	Section 38-3-31 - Approved Backflow Device	38-11
	Section 38-3-32 - Cross-Connection Prohibited; Exception	38-11
	Section 38-3-33 - Investigations by Superintendent	38-11
	Section 38-3-34 - Right to Enter Premises	38-12
	Section 38-3-35 - Notice to Customer; Reconnect Fee	38-12
	Section 38-3-36 - Contamination Costs and the Consumer	38-12
	Section 38-3-37 - 38-3-40 Reserved	
	<i>Division III – Cross-Connection Control Code</i>	
	Section 38-3-41 - Purpose	38-13
	Section 38-3-42 - Application	38-13
	Section 38-3-43 - Owner’s Obligation	38-13
	Section 38-3-44 - Definitions	38-13
	Section 38-3-45 - Cross-Connection Prohibited	38-14
	Section 38-3-46 - Survey and Investigations	38-14
	Section 38-3-47 - Where Protection is Required	38-15
	Section 38-3-48 - Type of Protection Required	38-16
	Section 38-3-49 - Backflow Prevention Devices	38-17
	Section 38-3-50 - Inspection and Maintenance	38-17
	Section 38-3-51 - Booster Pumps	38-17
	Section 38-3-52 - Fees	38-18
	Section 38-3-53 - Violations	38-18
	Section 38-3-54 - 38-3-60 Reserved	
	<i>Division IV – Extension of Mains</i>	
	Section 38-3-61 - Determination of Who Pays Expense of Extension	38-19
	Section 38-3-62 - Easements	38-19
	Section 38-3-63 - Size and Type	38-19
	Section 38-3-64 - Title	38-19
	Section 38-3-65 - Maintenance and Replacement	38-19
	Section 38-3-66 - 38-3-69 Reserved	
	<i>Division V – Water Rates</i>	
	Section 38-3-70 - Building Unit Defined	38-20
	Section 38-3-71 - Water Revenues	38-20
	Section 38-3-72 - Water Accounts	38-20
	Section 38-3-73 - Access to Books	38-20
	Section 38-3-74 - Annual Review of Rates	38-20
	Section 38-3-75 - Notice of Rates	38-20
	Section 38-3-76 - Appeals	38-21
	Section 38-3-77 - Measurement of Flow	38-21
	Section 38-3-78 - Adequacy of Service Charges	38-21
	Section 38-3-79 - Computation	38-21
	Section 38-3-80 - Connection Charge	38-22

<b><u>ARTICLE</u></b>	<b><u>TITLE</u></b>	<b><u>PAGE</u></b>
<b>III</b>	<b>WATER SYSTEM (CONTINUED)</b>	
	<i>Division V – Water Rates (Continued)</i>	
	<i>Section 38-3-81 - Water Rates</i>	<i>38-22</i>
	<i>Section 38-3-82 - Requested Shut-Off</i>	<i>38-22</i>
	<i>Section 38-3-83 - 38-3-90 Reserved</i>	



## CHAPTER 38

### UTILITIES

#### ARTICLE I – WATER DEPARTMENT ESTABLISHED

**38-1-1**        **DEPARTMENT ESTABLISHED.** There shall be an executive department of the Village known as the **Water Department**. It shall include the Superintendent and any employees of the Department. The designated office shall be the Village Hall.

**38-1-2**        **WATER COMMITTEE.** The Village Board shall exercise a general supervision over the affairs of the Water Department. They shall ascertain the condition and needs thereof; and shall, from time to time, report the same to the Mayor so that a full understanding thereof shall be had; and generally, shall do all acts necessary to promote the efficiency of the Department.

**38-1-3**        **SUPERINTENDENT.** The Superintendent shall be subject to the supervision of the Village Board 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 a 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 as provided in **Article III – Chapter 1 – Administration.**

## ARTICLE II – UTILITY REGULATIONS

### **38-2-1            CONTRACT FOR UTILITY SERVICES.**

(A)            **Customer Accepts Service.** The rates, rules and regulations contained in this Code shall constitute and be considered a part of the contract with every person, company or corporation who is supplied with water service from the waterworks system and every person, company or corporation, hereinafter called a “customer” who accepts and uses Village water service shall be held to have consented to be bound thereby.

(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 water service 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 water 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 service 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 service used during any month, the following billing shall include the charges for service used during the unbilled month. A month shall be considered as that period of approximately **thirty (30) days**.

(G)            **Request to Discontinue Service.** Services shall have been deemed to have been supplied to any property connected to the Water System during a month unless the customer notifies the Village **ten (10) days** prior to the first day of the new billing month in which the services are to be discontinued.

### (H)            **Billing; Water Shut-off; Hearing.**

(1) All bills for water service shall be due and payable upon presentation. If a bill is not paid by the **tenth (10<sup>th</sup>) day** of the month or within **ten (10) days** of the date the bill is presented, whichever is later, 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 water service.

(2) Any customer who fails to pay the water bill by the **thirtieth (30<sup>th</sup>) day** of presentation shall have the water service disconnected after a written notice by the Village Clerk has been mailed by first-class mail to the customer, affording the customer an opportunity for a hearing. **[This will be five (5) days prior to disconnection.]** The aforesaid notice shall be mailed to the customer **twenty-three (23) days** after billing, specifically advising the customer of the following:

- (a) Name and address of the customer and amount due for service including late penalties.
- (b) The date, time, and location of the hearing to be held.

- (c) That the customer has a right to be heard and to present evidence in his behalf if he does not agree with the bill.
- (d) That if the customer fails to appear at the hearing, the consumer's water service shall be terminated without further proceedings.
- (e) The date of termination.

**[See Memphis Light, Gas & Water v. Craft 98 S.Ct 1554 (1978)]**

- (3) The time, date and location of the hearing shall be determined by the Mayor, the Clerk or the Water Clerk. One of these officials shall preside over the hearing and shall make a final determination as to the rights of the consumer and the Village based on the information received at the hearing. **(See Appendix #6)**
- (4) The customer shall be notified within **two (2) working days** of the decision rendered by the hearing officer. If the service is to be discontinued, a date and time will be set out in the notice to terminate the service of the customer. Notice of the hearing officer's decision shall be made by first-class mail.
- (5) If the hearing officer decides in favor of the Village, the Village shall have the right to discontinue the customer's water service. Should the customer fail to appear at the hearing, or should the notice be returned non-accepted, then the Village shall also have the right to terminate the customer's water service without further proceedings.
- (6) If the customer who has been notified for nonpayment of water bills is not the owner of record, then the Village shall notify the owner of the property by first-class mail.
- (7) Once water service has been disconnected the same shall not be again connected or used until all delinquent accounts and bills of service are paid in full, including a fee of **Fifty Dollars (\$50.00)** for each connection of such water service, plus expenses incurred in the reconnecting of the water service.

(I) **Lien Notice.** Whenever a bill for water service remains unpaid for **sixty (60) days** after it has been rendered, the Clerk shall file with the County Recorder of Deeds a statement of lien claim. This statement shall contain the legal description of the premises served, the amount of the unpaid bill, and a notice that the municipality claims a lien for this amount to the period covered by the bill.

If the consumer of water service whose bill is unpaid is not the owner of the premises and the Clerk has notice of this, then notice shall be mailed to the owner of the premises if his address is known to the Clerk whenever such bill remains unpaid for a period of **sixty (60) days** after it has been rendered.

The failure of the Clerk to record such lien or to mail such notice, or the failure of the owner to receive such notice shall not affect the right to foreclose the lien for unpaid water bills as mentioned herein. **(See 65 ILCS 5/11-139-8)**

(J) **Foreclosure of Lien.** Property subject to a lien for unpaid water charges may 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 by bill-in-equity in the name of the Village.

The Village Attorney is hereby authorized to institute such proceedings in the name of the Village in any Court having jurisdiction over such matters against any property for which the bill for water services has remained unpaid **ninety (90) days** after it has been rendered. **(See 65 ILCS 5/11-139-8)**

**38-2-2**            **CONSUMER LISTS.** It is hereby made the duty of the Water Clerk to prepare or cause to be prepared a complete and accurate list of all premises and properties receiving water service, 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**            **FILED IN RECORDER OF DEEDS.** A copy of this Code properly certified by the Water Clerk, shall be filed in the office of the Recorder of Deeds of the County, and shall be deemed notice to all owners of real estate of liability for service supplied to any user of the service of the waterworks system of said Village on their properties.

**38-2-4**            **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.

**38-2-5**            **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 water 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.

**38-2-6**            **NO FREE UTILITY SERVICE.** No free water 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.

**38-2-7**            **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.

**38-2-8**            **WATER METER DEPOSITS.**  
(A)            **Property Owner.** A water deposit of **One Hundred Dollars (\$100.00)** shall be paid to the Clerk by any applicant, before any water will be turned on to any premises. The deposit shall be retained by the Village until the user discontinues water use from the Village at which time the deposit will be returned to the user within **ninety (90) days** after water services have been terminated.  
(B)            **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 on the 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 Code 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 Ludlow 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 Code 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 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.

**38-3-6 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 Code.

**38-3-7            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.

**38-3-8            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           CUSTOMER NEGLECTS TO REPAIR LEAK.** The Village shall have the option of notifying a property owner or tenant in writing of water line repairs that need to be made beyond the meter on their property due to an excessive leak. Upon failure to make proper repairs within **ten (10) days**, the water service shall be discontinued. It shall be the duty of the Public Works Superintendent to shut off or have shut off, the water service to the property until proper repairs have been made.

**38-3-12**      **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.

**38-3-13**      **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 Code. Charge for the use and connection of the meter shall be prescribed by the Superintendent.

**38-3-14**      **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.

**38-3-15**      **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.



**38-3-16**      **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.

**38-3-17**      **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.

**38-3-18**      **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.

**38-3-19**      **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.

**38-3-20**      **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.

**38-3-21**      **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.

**38-3-22**      **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 Code. No wells shall be drilled when the property is within **two hundred (200) feet** of the municipal water main.

**38-3-23**      **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.

**38-3-24**      **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.

**38-3-25**      **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.

**38-3-26**      **REFUSALS OF WATER SERVICE.** The Village reserves the right to refuse water service when, in the opinion of the Board:

(A)            the available water supply is insufficient to meet the requirements of the applicant.

(B)            the cost of constructing the service line from the water main to the applicant's property is in excess of the anticipated revenue returns to the Village. If the applicant's request for water service is denied by the Village, the applicant may, at his discretion, pay all costs for the installation of the service line and be furnished water service by the Village; provided, that the applicant obtains a right-of-way easement deed acceptable to the Board in the name of the Village and it is agreed that the service line from the main to and including the meter becomes the property of the Village. In the event the applicant elects to pay for the installation of the service line, said line shall be at the specification for similar lines installed by the Village. In such case, tap-on fees shall not be charged by the Village, however, the user shall pay the security deposit and installation fees as set out in this Chapter.

**38-3-27      RESPONSIBILITY OF APPLICANT.**

(A)      **Use of Water on Consumer's Premises.** Water supplied by the Village shall be used for the purposes specified in the application and on the premises of the applicant only. Water supplied by the Village shall not be sold, given away, or otherwise disposed of by the applicant to other persons, firms, organizations, corporations or others in order to avoid the payment of fees, service and installation charges required by the Village.

Consumers who, in the opinion of the Board, provide water to others in violation of this Section shall be subject to the discontinuance of water service by the Village. Service may be resumed, with the permission of the Board, upon payment of the required service fees and any delinquent water bills. Water supplied to others in violation of this Section shall be paid for at the rate of double the normal rate. The volume used shall be determined by the Board.

**38-3-28      TAMPERING NOTICE.** Service may be discontinued by the water department after **five (5) days'** written notice served at the premises supplied for violation of any tampering with any meter or the seal thereof, or with any service pipe curb or curb stop cock or box owned by the water department, except cases where it is necessary to shut off water at stop valve for repair between stop valve owned by the water department and stop waste valve owned by property owner. All stop and waste valves on private property shall be kept in good working condition. In the event a leak develops past a stop and waste valve and the stop and waste valve cannot be shut off, and if the water department is called to shut off the service at its stop valve, service will not be restored until stop and waste valve has been put in working condition and all leaks repaired.

**38-3-29 - 38-3-30      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 Code.

**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 Code 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 Code and until a reconnection fee of **One Hundred Dollars (\$100.00)** 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 Code, 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.

**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**        **OWNER'S OBLIGATION.** The owner of property shall be responsible for protection of the public water supply system from contamination due to backflow or back-siphonage of contaminants through the customer's water service connection. If, in the judgment of the Village Inspector or his authorized representative, an approved backflow prevention device is necessary for the safety of the public water supply system, the Village Plumbing Inspector shall give notice to the owner to install such approved backflow prevention device at each service connection where such device is needed. The owner shall immediately install such approved device or devices at his own expense. Failure, refusal or inability on the part of the owner 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. Failure, refusal or inability on the part of the owner to install such device or devices immediately shall be unlawful and the Village is authorized to seek immediate injunctive and equitable relief in Court as well as seeking fines and penalties as provided in **Section 38-3-53** herein. The owner shall retain records of installation, maintenance, testing and repair as required in **Section 38-3-47(D)** below for a period of at least **five (5) years**. 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:

**"Backflow".** The term "backflow" shall mean water, wastes or other contaminants entering a public water supply system due to a reversal of flow.

**"Connection".** The term "connection" shall mean any arrangement of piping or appurtenances attached to a public water supply system.

**"Cross-Connection".** The term "cross connection" shall mean a connection or arrangement of piping or appurtenances through which a backflow could occur.

**"Cross-Connection Control Device Inspector (CCCDI)".** The term "Cross-Connection Control Device Inspector" shall mean any person certified by the State of Illinois Environmental Protection Agency to perform cross-connection device inspections.

**"Owner".** The term "owner" shall include the record titleholder of property, a water customer served by the Village's water system, and any person, corporation, firm or other entity actually in control of property.

**"Water System"**. The term "water system" shall have the following meaning:

- (A) The water system shall be considered as made up of two parts: the public water supply system and the customer'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 Director of Water up to the point where the customer'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 or water mains used to deliver water from the source to the owner's water system.
- (E) The owner's water system shall include all parts of the facilities beyond the water service connection used to convey water from the public water supply distribution system to points of use.

**38-3-45**      **CROSS-CONNECTION PROHIBITED.**

- (A) Connections between the public water supply systems and other systems or equipment containing water or other substances 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. Fire protection systems and irrigation systems which contain installed piping and are connected to the public water supply system are prohibited except when and where approved backflow preventers 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.
- (D) It shall be unlawful for any owner to have on his or her property any connection in violation of this Section.

**38-3-46**      **SURVEY AND INVESTIGATIONS.**

- (A) The owner'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 owner's premises, and testing, repair and maintenance of cross-connection control devices within the owner's premises.
- (B) On request by the Village Inspector, or his authorized representative, the owner shall furnish information regarding the piping system or systems or water use within the owner's premises. The premises shall be open at all reasonable times to the Village inspector, or his authorized representative, for the verification of information submitted by the inspection customer to the public water supply custodian regarding cross-connection inspection results.
- (C) Every owner of non-residential property receiving water from the public water supply shall cause his property to be surveyed by a Cross Connection Control Device Inspector (CCCDI) for the 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 back flow into his or the public potable water system. Every owner of residential property receiving water from the public water supply which has a fire suppression system or irrigation system connected to the public water supply shall cause the property to be surveyed by a Cross Connection Control Device Inspector for the 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 back flow into his or the public potable water system. The survey must be done every other year and recorded with the Village on a form issued by the Village's Inspector. All cross-connection control inspections must be conducted by a Cross Connection Control Device Inspector in accordance with **225 ILCS 320/3**.
- (D) It shall be the responsibility of the owner to prevent back flow 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 State of Illinois Environmental Protection 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. A record of the annual inspection shall be filed with the Village Inspector.
- (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.
  - (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) Every owner shall maintain for a period of **five (5) years, a** maintenance log for each cross connection device which shall 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. servicing performed and date completed.

**38-3-47      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 Illinois Environmental Protection Agency's regulations, 35 Ill. Adm. Code 680. In addition, an approved backflow prevention device shall be installed on each water service line to an owner's water system serving premises, where in the judgment of the Village Inspector, actual or potential hazards to the public water supply system exist.

(B) An approved backflow prevention device shall be installed on each water service line to an owner'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 Director of Water 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 Director of Water or the Village Inspector.
- (3) Premises having internal cross-connections that, in the judgment of the Village Inspector and/or the Cross Connection Control Device inspector, are not correctable or which have intricate plumbing arrangements which 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, when the potential of a high hazard cross connection to the public water system exists as determined by the Village Inspector.

(D) All yard hydrants, wall hydrants, hose bibs and boiler drains used to supply domestic water, shall have an integral, non-removable, backflow device. Vacuum breakers that are not factory installed and can be removed are not permissible.

(E) All boilers shall have a Reduced Pressure Principle Backflow Device (RPZ), an approved break tank, or approved air gap device located on the water supply piping to the boiler. All other backflow devices are prohibited. The backflow device shall be installed by a licensed plumber and certified annually by a licensed Cross Connection Control Device Inspector.

**38-3-48      TYPE OF PROTECTION REQUIRED.**

(A) The type of protection required under **Section 38-3-47** 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 38-3-47** of these regulations shall be an approved fixed proper air gap separation or an approved reduced pressure principle backflow prevention device.

(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; or,
- (2) water is pumped into the system from another source; or
- (3) water flows by gravity from a non-potable source, water can be pumped into the fire safety system from any other source; or,
- (4) there is a connection whereby another source can be introduced into the fire safety system; or,
- (5) a private water service supplying potable water to a fire hydrant on private property.

(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.



**38-3-49      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.

**38-3-50      INSPECTION AND MAINTENANCE.**

(A) It shall be the duty of the owner 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 Illinois Environmental Protection 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 owner without delay as required by this Section.

(F) Backflow prevention devices shall not be bypassed, made inoperative, removed or otherwise made ineffective without specific authorization by the Village Inspector.

**38-3-51      BOOSTER PUMPS.**

(A) Where a booster pump has been installed on the water 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 water service line on the suction side of the pump drops to 20 psi or less.

(B) It shall be the duty of the owner to maintain the low pressure cut-off device in proper working order and to certify to the Village Inspector, at least once a year, that the device is operable.

**38-3-52 FEES.**

(A) There shall be a **Thirty-Five Dollar (\$35.00)** fee for filing the survey submitted to the Village Inspector. The fee shall be assessed for each survey filed. This fee shall be assessed each time a survey is filed, regardless of whether the survey submitted had been filed previously and is being resubmitted to correct deficiencies or errors in a previously filed survey.

(B) There shall be a **Fifteen Dollar (\$15.00)** fee for filing the annual certification of cross connection control devices as required in **Section 38-3-46(D)(3)** of this Division. The fee shall be assessed for each device certified.

(C) All fees provided for herein shall be paid to the Village.

**38-3-53 VIOLATIONS.**

(A) The Director of Water, 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 Village Inspector, 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 owner has corrected or eliminated such conditions or defects in conformance with these regulations and to the satisfaction of the Village Inspector, and the required reconnection fee is paid.

(C) Neither the Village, the Director of Water, the Village Water Inspector or its agents or assigns shall be liable for any injury, damages or lost revenues which may result from termination of said water supply in accordance with the terms of this ordinance, whether or not said termination of the water supply was with or without notice.

(D) The owner is 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. The owner must bear the cost of cleanup of the potable water supply system.

(E) Any person found to be violating any provision of this Code may 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.

(F) Any person violating any of the provisions of this Code 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.

(G) Any person violating any of the provisions of this Division shall, in addition to any other penalties or equitable relief provided, be subject to penalties as set forth in this Code.

**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 Code 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.

All utilities for rental properties shall be in the property owner's name. The bills shall be mailed to the property owner and they will be responsible for seeing the renter is contacted and the payment is made.

**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 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**      **ANNUAL REVIEW OF RATES.** The adequacy of the water service charge shall be reviewed, not less often than annually, by Certified Public Accountants for the Village in their annual audit report. The water service charge shall be revised periodically to reflect a change in local capital costs or O, M & R costs.

**38-3-75**      **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.

**38-3-76**      **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.

**38-3-77**      **MEASUREMENT OF FLOW.** The volume of flow used for computing basic user charges shall be the metered water consumption round to the nearest even increments of **one hundred (100) gallons**. If the person procures any part or all of his water from sources other than the Public Waterworks System, the following shall apply:

(A)            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 water may be required of the user by the Village if these volumes cannot otherwise be determined from the metered water consumption records.

(C)            Metering devices for determining the volume shall be installed, owned, and maintained by the person. Following approval and installation, such meters may not be removed, unless service is canceled, without the consent of the Village.

(D)            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 hundred (100) gallons** or **one thousand (1,000) gallons**, depending on which meter is installed.

**38-3-78**      **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**.

**38-3-79**      **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 within **forty-five (45) days** after notification of a formal written appeal outlining the discrepancies.

**38-3-80      CONNECTION CHARGE.**

(A)      **Tap-On Fee.** Each applicant who applies for water service shall pay a tap-on fee of **Seven Hundred Dollars (\$700.00)** for a **three-fourths (3/4) inch** water service or the actual cost of making such service connection, whichever is greater, in advance of service connection. These tap-on fees apply to bona fide water consumers. Each application for water service to vacant land or buildings shall be considered by the Board. The Board shall approve or disapprove each such applicant on the basis of the economic feasibility of the proposal.

(B)      **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 the Village's water and sewer department. **(See 65 ILCS 5/11-150-1)**

**38-3-81      WATER RATES.** There shall be established the following rates and charges for the use of the water system of the Village, based upon the amount of water consumed as follows:

(A)      **Water Rates Inside Village.**

First	3,000 gallons per month	\$45.00 MINIMUM CHARGE
Over	3,000 gallons per month	\$4.00 per 1,000 gallons

(B)      **Water Rates Outside Village.**

First	3,000 gallons per month	\$67.50 MINIMUM CHARGE
Over	3,000 gallons per month	\$6.00 per 1,000 gallons

(C)      **Bulk Sales.**

\$35.00 per 1,000 gallons

**(Effective July 1, 2020)**

**38-3-82      REQUESTED SHUT-OFF.** If user requests water to be nut off there will be a **Fifty Dollar (\$50.00)** fee to have the water turned on again.

**(Ord. No. 2020-1; 02-25-20)**

**38-3-83 - 38-3-90      RESERVED.**

**APPENDIX #1**

**VILLAGE OF LUDLOW**

**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 #2**

**VILLAGE OF LUDLOW**

**WATER MAIN EXTENSION CONTRACT**

**AGREEMENT** made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, by and between the Water System of the **Village of Ludlow, Illinois**, hereinafter called the "Water Department" and \_\_\_\_\_, hereinafter called the "Depositor".

**FIRST:** That the Water 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 Water Department, its successors and assigns.

**FIFTH:** This Agreement shall be valid and binding on the Water 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.

**WATER DEPARTMENT  
VILLAGE OF LUDLOW**

**BY: \_\_\_\_\_  
SUPERINTENDENT**

**ATTEST:**  
\_\_\_\_\_  
**VILLAGE CLERK**

\_\_\_\_\_  
**DEPOSITOR**

**WITNESSES:**  
\_\_\_\_\_  
\_\_\_\_\_



**APPENDIX #6**

**VILLAGE OF LUDLOW**

**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

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 \$50.00.**

**CHAPTER 40 – ZONING CODE**

<b><u>ARTICLE</u></b>	<b><u>TITLE</u></b>	<b><u>PAGE</u></b>
<b>I</b>	<b>LEGAL FRAMEWORK</b>	
	Section 40-1-1 - Title	40-1
	Section 40-1-2 - Purpose	40-1
	Section 40-1-3 - Effective	40-1
<b>II</b>	<b>DEFINITIONS AND FIGURES</b>	
	Section 40-2-1 - Definitions	40-2
<b>III</b>	<b>OFFICIAL MAP OF ZONING DISTRICTS</b>	
	Section 40-3-1 - Provisions for Maintenance of the Zoning Districts Map	40-7
	Section 40-3-2 - Annexed Territory	40-7
	Section 40-3-3 - Vacation of Public Street or Public Way	40-7
	Section 40-3-4 - Rules for the Interpretation of District Boundaries as Shown on the Official Zoning Districts Map	40-7
<b>IV</b>	<b>GENERAL PROVIIONS OF DISTRICT REGULATIONS AND STANDARDS</b>	
	Section 40-4-1 - Construction and Use	40-8
	Section 40-4-2 - Principal and Accessory Uses	40-8
	Section 40-4-3 - Supplementary District Regulations and Standards	40-8
	Section 40-4-4 - Septic Systems	40-9
<b>V</b>	<b>PRINCIPAL USES AND STANDARDS OF DISTRICTS</b>	
	<i>Division I – General Intent of Zoning Districts</i>	
	Section 40-5-1 - Small Lot Residential: R-1	40-10
	Section 40-5-2 - Large Lot Residential: R-2	40-10
	Section 40-5-3 - Transitional Residential: R-3	40-10
	Section 40-5-4 - Central Business: B-1	40-10
	Section 40-5-5 - General Business: B-2	40-10
	Section 40-5-6 - Industrial District: I	40-10
	Section 40-5-7 - Agriculture District: AG	40-11
	<i>Division II – Table of Principal Permitted Uses and Special Uses</i>	
	Section 40-5-8 - Table	40-11
	Section 40-5-9 - 40-5-10 Reserved	
	<i>Division III – Special Provisions</i>	
	Section 40-5-11 - Schedule of Height, Area, and Placement Regulations by Zoning District	40-14
	Section 40-5-12 - Special Heights Regulations	40-14

<b><u>ARTICLE</u></b>	<b><u>TITLE</u></b>	<b><u>PAGE</u></b>
<b>VI</b>	<b>SPECIAL USE REGULATIONS</b>	
	Section 40-6-1 - Standards for Specific Special Uses	40-16
<b>VII</b>	<b>ACCESSORY USES AND STRUCTURES</b>	
	Section 40-7-1 - Purpose	40-19
	Section 40-7-2 - Home Occupations: Conditions/Provisions	40-19
	Section 40-7-3 - Prohibited Accessory Uses	40-20
	Section 40-7-4 - Standards Table for Accessory Structures and Buildings	40-20
	Section 40-7-5 - Fencing Standards	40-20
<b>VIII</b>	<b>OFF-STREET PARKING REGULATIONS</b>	
	Section 40-8-1 - General Provisions	40-21
	Section 40-8-2 - Minimum Parking Regulations	40-21
<b>IX</b>	<b>NONCONFORMITIES</b>	
	Section 40-9-1 - Purpose	40-23
	Section 40-9-2 - Nonconforming Lots	40-23
	Section 40-9-3 - Two or More Lots in Commons Ownership	40-23
	Section 40-9-4 - Nonconforming Structures	40-23
	Section 40-9-5 - Nonconforming Uses	40-24
	Section 40-9-6 - Existence of Nonconforming Use	40-24
<b>X</b>	<b>ADMINISTRATION, ENFORCEMENT, AMENDMENT AND FEES</b>	
	Section 40-10-1 - Administration	40-25
	Section 40-10-2 - Building/Zoning Permits and Occupancy Permits	40-25
	Section 40-10-3 - Application for Building/Zoning Permit	40-25
	Section 40-10-4 - Issuance of Building/Zoning Permit	40-26
	Section 40-10-5 - Expiration of a Building/Zoning Permit	40-26
	Section 40-10-6 - Issuance of an Occupancy Permit	40-26
	Section 40-10-7 - Zoning Hearing Officer	40-27
	Section 40-10-8 - Procedures for Hearings on Zoning Change Requests	40-27
	Section 40-10-9 - Requests for Variations of Code Regulations	40-27
	Section 40-10-10 - Requests for Special Use Permits	40-28
	Section 40-10-11 - Requests on Amendments to the Code	40-29
	Section 40-10-12 - Fees	40-30
<b>XI</b>	<b>VIOLATION AND PENALTY</b>	
	Section 40-11-1 - Penalties	40-31
<b>XII</b>	<b>VALIDITY OF CODE</b>	
	Section 40-12-1 - Validity	40-31

## CHAPTER 40

### ZONING CODE

#### ARTICLE I – LEGAL FRAMEWORK

**40-1-1**        **TITLE.** This Code shall be known as the “1991 Comprehensive Amendment to the Zoning Code of 1959 as subsequently amended,” and is herein referred to as “this Code.”

**40-1-2**        **PURPOSE.** Under the Zoning Enabling Act of the Illinois Municipal Code, municipalities are enabled to adopt a zoning code for the following general purposes:

- (A)            to secure adequate light and pure air;
- (B)            to secure safety from fire and other dangers;
- (C)            to conserve the taxable value of land and buildings;
- (D)            to reduce or avoid congestion in the streets;
- (E)            to reduce or avoid hazards to people and damage to property from the accumulation of runoff of storm or flood waters; and
- (F)            to otherwise promote the health, safety, comfort, morals and welfare of the public.

Based on those purposes, the Village has designed specific goals, objectives and policies to guide implementation of this Code wherever possible. They deal with a variety of needs: from how to provide lots adequately sized for septic systems to how to provide reasonable standards for off-street parking; and from how to ensure adequate standards for the location of mobile homes to how to encourage compatible commercial and industrial development. Too detailed to list in this Section, they are fully presented in **Appendix 1 (Land Use Goals and Policies)**. **Appendix 1** is hereby adopted by reference as part of this Code.

**(See 65 ILCS 5/11-31-1 – 11-13-20)**

**40-1-3**        **EFFECTIVE.** This Code shall become effective **August 1, 1991**.

## ARTICLE II – DEFINITIONS AND FIGURES

**40-2-1**            **DEFINITIONS.** When used in this Code, unless the context requires otherwise:

**Accessory Building or Structure** means a building or structure located on the same lot as, and incidental to, a main or principal use, building or structure. An accessory building may be a part of or separate from the main building.

**Accessory Use** means a use which is incidental to the principal use of a building or a tract of land.

**Agriculture** means the use of a lot for growing, harvesting and storing of crops, including legumes, hay, grain, fruit and truck or vegetable crops, floriculture, horticulture, orchards and forestry. It is intended by this definition to include all types of agricultural operations, but to exclude industrial operations such as canning or slaughterhouses, wherein agricultural products produced primarily by others are stored or processed. **It is also intended by this definition to exclude the keeping, raising and feeding of livestock and poultry.**

**Alteration** means any change in the bearing wall, columns, beams, girders or supporting member of a structure, any change or rearrangement in the floor area of a building, any enlargement of a structure whether by extending horizontally or increasing in height, and/or any movement of a structure from one (1) location to another.

**Area, Building** means the total area taken on a horizontal plane at the largest floor level of the main or principal building and all accessory buildings on the same lot exclusive of uncovered porches, terraces, and steps.

**Area, Lot** means the total area within the lot lines.

**Basement** means that portion of a building which is partly below and partly above grade and having at least **one-half (1/2)** its height above grade. A basement is counted as a story and included in whatever standards are used to control the intensity of development if it is used for storage purposes pertaining to the principal use, for dwelling purposes, or for office space or similar function.

**Block** means property abutting one side of a street and lying between the two nearest intersecting or intercepting street and railroad right-of-way, waterway, unsubdivided area, or other definite boundary.

**Building** means an enclosed structure having a roof supported by columns, walls, arches or other devices and used for the housing, shelter or enclosure of persons, animals, equipment, goods or materials of any kind. As applied to residential uses in this Code, the term expressly excludes movable dwelling units such as mobile homes but includes dwelling units which meet the test of "manufactured housing," as defined herein.

**Building, Main or Principal** means the building in which is conducted the main or principal use of the lot on which it is located.

**Building Restriction Line** means a line usually parallel to the front, side or rear lot line set so as to provide the required yards for a building or structure.

**Construction** means the excavation of earth to provide for a foundation, basement or cellar; and/or the addition to or removal from a lot or tract of land or water so as to prepare said lot or tract of land for the construction of a structure; and/or the act of placing or affixing a component of a structure upon the ground or upon another such component; and/or the placing of construction materials in a permanent fashion and fastening in a permanent manner; and/or removal of an existing structure in connection with such construction.

**Coverage** means the percentage of the lot area covered by the building area of both principal and accessory structures.

**District** means a section of sections within the Village within which certain zoning or development regulations apply.

**Dwelling** means any building designated for residential living purposes and containing **one (1)** or more dwelling units.

**Dwelling Unit** means one or more rooms, designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

**Dwelling, Single Family** means a dwelling containing **one (1)** dwelling unit.

**Dwelling, Two-Family** means a dwelling containing **two (2)** dwelling units with **one (1)** dwelling unit arranged on the same story or in stories above the other dwelling unit.

**Dwelling, Multi-Family** means a dwelling containing **two (2)** or more dwelling units.

**Establishment** means a business, retail, office, or commercial use.

**Family** means **one (1) person**, or **two (2)** or more persons related by blood, marriage, or legal adoptions, or not more than **three (3)** unrelated persons, maintaining a common household in a dwelling unit.

**Frontage** means that portion of a lot abutting a street, determined by straight line measurement.

**Grade** means the average of the elevations of the surface of the ground measured at all corners of a building.

**Height, as applied to a Building or Structure** means the vertical distance, measured from the average established grade at the front building line, to the highest point of the roof or top of the building or structure. This measure applies to height limitations established for zoning districts in **Article V** of this Code. Certain buildings and structures, such as agricultural structures, church steeples, granary elevators, and radio transmission towers, are specifically exempted from the height limitations set by **Article V** of this Code.

**Home Occupation** means an occupation or profession for gain or support which meets the following limitations:

- (A) Is carried on as an accessory use in a dwelling unit by a member or members of the immediate family residing on the premises;
- (B) There is no activity, construction or display which would indicate from the exterior of the building or dwelling unit that the building or dwelling unit is being used for any purpose other than residential, except as provided in (C) below;
- (C) The accessory use requirements stated in **Section 40-7-2** of this Code shall be met.

**Hotel or Motel** means a building or complex of buildings on the same lot intended for providing separate accommodations for use by primarily transient persons. A hotel or motel may contain restaurants and other accessory services for serving primarily its residents and only incidentally the public.

**Junk Yard or Automobile Salvage Yard** means a lot, land building or structure, or part thereof used primarily for the collecting, storage, and/or sale of scrap metal, or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition and for the sale of parts therefrom.

**Lot or Parcel** means a designated parcel, tract or area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed or built upon as a unit. **Two (2)** or more lots in common ownership will, for the purposes of this Code, be regarded as a single lot in the event that any one of them fails to meet the minimum frontage or other minimum area requirements set by this Code and in the event that the same zoning district coincides with those lots.

**Lot Area** means the total area within the lot lines of a lot, excluding any street right-of-way.

**Lot, Corner** means a lot located at the intersection of **two (2)** or more streets, where the corner interior angle formed by the intersection of the streets is **one hundred thirty-five (135) degrees** or less; or a lot abutting upon a curved street or streets if tangents to the curve, at the two points where the lot lines meet the curve, from an interior angle of less than **one hundred thirty-five (135) degrees**. **(See figures)**

**Lot, Interior** means a lot other than a corner lot. **(See figures)**

**Lot Lines** means the property lines bounding a lot. **(See figures)**

**Lot Line, Front** means the line dividing a lot from the street right-of-way. In the case of multiple street frontages, the shortest in length shall be the front lot line. However, a corner lot will have two required front lot lines and associated front yards. **(See figures)**

**Lot Line, Rear** means the lot line opposite the front lot line. For purposes of establishing the required rear yard, in the case of an irregularly shaped or three-sided lot, it shall mean a line within the lot, a minimum of **ten (10) feet** long and parallel to and at the maximum distance from the front lot line. **(See figures)**

**Lot Line, Side** means any lot line other than a front or rear lot line.

**Manufactured Housing** means a residential structure that is produced in a factory in one or more sections; is not built around a wheeled chassis and must be trucked to the site; and is in conformity with, and can display the seal of compliance with, "The Illinois Manufactured Housing and Mobile Home Safety Act". The home is then affixed to a permanent foundation. Manufactured housing as herein defined shall be considered as single-family dwellings.

**Mobile Home** means a movable or portable unit, designed and constructed to be towed on its own chassis, comprised of frame and wheels, and designed to be connected to utilities for year round occupancy and to provide complete independent living facilities including provisions for cooking, sleeping and sanitation. The term includes units containing parts that may be folded, collapsed or telescoped when being towed and then be expanded to provide additional cubic capacity, and units composed of **two (2)** or more separately towable components designed to be joined into one integral unit capable of being again separated into components for repeated towing. Mobile homes must be constructed according to the Federal Mobile Home Construction and Safety Standard. Compliance with this standard is indicated by a metal plate attached to the exterior taillight end of the mobile home. A mobile home manufactured prior to 1976 shall not be permitted unless the applicant for the Zoning Permit submits a letter from the manufacturer certifying that the mobile home as originally manufactured meets the minimum requirements of the Federal Mobile Home Construction and Safety Standards. **(See Section 40-6-1(C) for standards for Mobile Homes in a Mobile Home Park.)**

Existing mobile homes (but not units of manufactured housing) that are located outside the R-3 District are declared nonconformities and as such are subject to the restrictions of **Article IX** of this Code.

Under this Code, mobile homes shall be used only for family occupancy as a principal use, and shall not be used, either as a principal or accessory use, for commercial or industrial purposes.

**Mobile Home Park** means a designated contiguous parcel of land planned and improved for the placement of **five (5)** or more mobile homes.

**Mobile Home Site** means a designated parcel of land in a mobile home park intended for the placement of an individual mobile home, for the exclusive use of its occupants.

**Mobile Home Stand** means that part of an individual mobile home site which has been constructed for the placement of a mobile home.

**Modular Home:** See “**Manufactured Housing.**”

**Nonconforming Lot, Structure or Use** means a lot, structure or use which was lawful prior to the adoption, revision, or amendment of the Zoning Code, but which fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning district.

**Open Space** means the unoccupied space open to the sky on the same lot with a structure.

**Parcel:** See “**Lot**”.

**Parking Space** means a space on a lot permanently reserved for the temporary storage of one automobile. A parking space is considered to be a structure for the purposes of this Code.

**Permanent Foundation** means a permanent support for buildings that are constructed of conventional foundation materials such as concrete or cement blocks. The foundation footings shall extend below the frost line.

**Permitted Use** means any use of a building or land which is included in the list of permitted uses in the district in which the building or land is situated.

**Principal Use** means the predominant or primary use of any lot.

**Right-of-Way** means the entire dedicated tract or strip of land that is to be used by the public for circulation and service.

**Screening** means a method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms or densely planted vegetation.

**Septic System** means an underground system with a septic tank and disposal field used for the decomposition of domestic wastes or similar wastes incidental to commercial or industrial operations (see septic system construction requirements under **Section 40-4-4**).

**Setback Line** means that line that is the required minimum distance from the street right-of-way line or any other lot line that establishes the area within which the principal structure must be erected or placed.

**Sidewalk** means that paved portion of the right-of-way designed and intended for the movement of and use of pedestrian traffic.

**Special Use** means a use which may be permitted in a district pursuant to, and in compliance with, procedures specified in this Code.

**Street** means a thoroughfare within the right-of-way which affords the primary means of access to abutting property. Streets are identified generally as follows:

- (A) major street – county and primary streets
- (B) minor street – township roads and subdivision streets

**Structure** means anything constructed or erected with a fixed location on the surface of the ground or affixed to something having a fixed location on the surface of the ground. Among other things, structures include buildings, walls, fences, and signs.



**Travel Trailer** means a vehicle designed for recreational use and which cannot be defined as a mobile home under the terms of this Code.

**Use** means the purpose or activity for which land or buildings are designed, arranged, or intended, or for which land or buildings are occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

**Variance** means a deviation from the regulations or standards adopted by this Code which the Village is permitted to grant when strict enforcement would cause undue hardship owing to circumstances unique to the individual lot or structure for which the variance is sought.

**Veterinary Hospital** means a place where animals or pets are given medical or surgical treatment by a licensed veterinarian. Use as kennel shall be limited to short term use and shall be incidental to a veterinary hospital use.

**Village** means the Village of Ludlow, Illinois, specifically, the Village Board and its delegated representatives.

**Yard** means an open space, other than a court, of uniform width or depth on the same lot with a structure, lying between the structure and the nearest lot line and is unoccupied and unobstructed from the surface of the ground upward except as may be specifically provided by the regulations and standards of this Code.  
**(See figures)**

**Zoning District:** See "District".

## ARTICLE III – OFFICIAL MAP OF ZONING DISTRICTS

**40-3-1**            **PROVISIONS FOR MAINTENANCE OF THE ZONING DISTRICTS MAP.** In order to implement this Code and to achieve the objectives in **Article II**, the entire Village is divided into the following zoning districts:

R-1	Small Lot Residential
R-2	Large Lot Residential
R-E	Transitional Residential
B-1	Central Business
B-2	General Business
I-1	Industrial
A-1	Agriculture

The boundaries of the listed zoning districts are hereby established as shown on a map designated the "Official Zoning Map of the Village of Ludlow, Champaign County, Illinois, as amended, 1991." This map and all information and notations shown on the map shall be a part of this Code. The original of this map is properly attested and is on file with the Village Clerk.

**40-3-2**            **ANNEXED TERRITORY.** All land which may hereafter be annexed to the Village shall be classified R-2 unless by annexation a different zoning classification is granted.

**40-3-3**            **VACATION OF PUBLIC STREET OR PUBLIC WAY.** Whenever any street or other public way is vacated by official action of the Village, the zoning district adjoining each side of such street or public way shall be automatically extended to the center of such vacation and all areas included in the vacation shall then become subject to all appropriate regulations of the extended districts.

**40-3-4**            **RULES FOR THE INTERPRERATION OF DISTRICT BOUNDARIES AS SHOWN ON THE OFFICIAL ZONING DISTRICTS MAP.** Boundaries of districts as shown on the Zoning Map are generally intended to coincide with the centerline of streets or with property lines. If, on the map, the boundary line of a district:

- (A) approximates the line of a street, the boundary line shall be interpreted to be the centerline of the street;
- (B) approximates the boundary line of a lot, the district boundary line shall be interpreted to be the lot line;
- (C) divides the lot or parcel into district parts, the district boundary line shown on the map shall be determined by the scale appearing on the map legend; and
- (D) is shown adjoining or coincident with a railroad, it shall be deemed to be in the center of the railroad right-of-way and distances measured from a railroad shall be measured from the center of the designated main line track.
- (E) in the event that a district boundary cannot be located to the satisfaction of the property owner, the matter shall be referred to the Village as provided for in the administration of this Code **(Article X)**.

## ARTICLE IV – GENERAL PROVISIONS OF DISTRICT REGULATIONS AND STANDARDS

The regulations and standards set by this Code within each district shall be minimum regulations and standards and shall apply uniformly to each class, kind, or type of structure, use, or land except as hereinafter provided.

### **40-4-1 CONSTRUCTION AND USE.**

(A) No building or structure shall be erected, converted, enlarged, reconstructed, moved or structurally altered nor shall any building or land be used except for the purpose permitted in the district in which the building or land is located.

(B) No building or structure shall be erected, converted, enlarged, reconstructed, moved or structurally altered, except in conformity with the height, yard, area, parking and other regulations prescribed herein for the district in which the building is located.

(C) The minimum yards and other open spaces, including lot areas per family required by this Code, shall be provided for each and every building or structure hereafter erected, and such minimum yards, open spaces, and lot areas for each and every building or structure whether existing at the time of passage of this Code or hereafter erected shall not be encroached upon or be considered as a yard or open space requirement for any other building or structure.

(D) Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one main building on one lot except provided as follows:

In the event that a lot is to be occupied by a group of **two (2)** or more buildings to be used for a common institutional, commercial or industrial purpose in the Business or Industrial districts, there may be more than **one (1)** main building when adequate open space is provided between all buildings, in accordance with the following standards:

(1) The required minimum depth of such open space shall be determined in relation to the height and length of each such building wall as follows:

(a) The minimum depth of the open space shall be **fifteen (15) feet**, plus **two (2) feet** for each story in height, plus **one (1) foot** for each **fifteen (15) feet** in length of such wall.

(E) No building shall be erected on any lot unless such lot has frontage on a public street as required by this Code.

(F) The uses permitted in **one (1) district** shall not be permitted in any other district unless specifically otherwise provided for in this Code.

(G) Nothing in this Code shall be deemed to prohibit or regulate any public road or street improvement or any temporary structure incidental to that construction provided that the temporary structure shall be removed at the completion of such construction.

**40-4-2 PRINCIPAL AND ACCESSORY USES.** The uses listed in the Table of Principal Uses and Special Uses as permitted are principal uses (**See Section 40-5-2**). A building or use that is accessory to a permitted use may be erected or established as an accessory building or use if it conforms to the requirements set in **Article VII**.

### **40-4-3 SUPPLEMENTARY DISTRICT REGULATIONS AND STANDARDS.**

#### **(A) Height Exemptions from District Regulations.**

(1) Agricultural uses, chimneys, church steeples, cooling towers, elevator bulkheads, fire towers, water towers, and radio or television towers are exempt from the height regulations of this Code, provided their location shall conform where applicable to the regulations and standards of the Federal Communications Commission, the Civil Aeronautics Commission and other public authorities having jurisdiction and meet the minimum setback requirements in the district in which it is located.

- (2) Public buildings, churches and schools, when permitted in a district may be erected above height limits specified for the district provided all the required yards are increased by **one (1) foot** for each foot of building height above the specified height limit.

(B) **Setback Line.** All buildings and all main or principal structures shall be positioned in conformance with the setback line regulations and standards specified for the district in which they are located. **(See Section 40-5-3)**

(C) **Yards.** Notwithstanding any other provisions of this Code, the minimum yard dimensions specified hereinafter shall not be reduced except through action by the Village board pursuant to **Article X** of this Code.

Except as otherwise provided, required yards shall be kept unobstructed and open to the sky for their entire depth and area. No building, structure or mechanical equipment shall occupy or intrude on a yard except as follows:

- (1) Private driveways, service drives, easements, sidewalks, flag poles, arbors, fences, light poles, hydrants, uncovered patios and decorative, recreational and apparatus owned by the Village and public utilities may be placed in any required yard.
- (2) A fence, hedge or wall may project into front and other required yards according to the height limitations set in **Section 40-7-4**.
- (3) Where lots have double frontage, the required front yard shall be provided on both streets.
- (4) The required side yard on the street side of a corner lot shall be the same as required front yard on such street, except that the building width shall not be reduced to less than **twenty-five (25) feet** and no accessory building shall project beyond the required front yard on either street.

**40-4-4 SEPTIC SYSTEMS.** In all districts, established by this Code or by amendments that may be later adopted, any existing residence or business structure that suffers the occurrence of a problem with the septic system as defined below, shall cause the septic system to be repaired or maintained only by a person properly licensed to install and repair septic systems in the State of Illinois and shall undertake such repairs no later than **ten (10) days** following the date of a written notice from the Village Clerk notifying the owner that a problem with the septic system exists. Such written notice may be personally delivered to the owner of the premises or mailed to the owner at the address of such owner as shown on the Champaign County Collector's rolls for payment of the last general taxes on such property.

(A) A certification issued by such licensed septic repair person shall be filed with the Village Clerk certifying that the problem has been corrected and that the septic system now meets Illinois Department of Public Health (IDPH) requirements for septic systems. If such certificate cannot be obtained, such structure may continue to be occupied only so long as the owner of the premises files annually, by **July 1<sup>st</sup>** each year, a certificate from an approved IDPH Septic Pumper that the septic system of such premises was pumped and stating the date, address and gallons pumped.

(B) "Problems with the septic system" as used herein shall be defined as sewage from the premises being discharged onto the ground surface or into a storm drain or the occurrence of water from the seepage bed resting on the surface of the ground.

(C) The Village Clerk shall maintain a current listing of IDPH approved septic system installers and pumpers. Failure to file the annual certificate as required herein with the Village Clerk shall constitute a violation of this Code.

## ARTICLE V – PRINCIPAL USES AND STANDARDS OF DISTRICTS

### DIVISION I – GENERAL INTENT OF ZONING DISTRICTS

**40-5-1**        **SMALL LOT RESIDENTIAL: R-1.** This district encompasses much of the older housing in the Village. Much of this housing was constructed on lots that are less than **ten thousand (10,000) square feet**. The R-1 district is intended to allow these smaller lots to continue being used without becoming nonconforming. (It should be noted that any new residential construction or replacement construction in the R-1 district shall nevertheless be subject to the septic system and yard requirements of this Code (Sections 40-4-3 and 40-5-3).

Existing mobile homes, as distinct from manufactured housing (see Definitions), are declared nonconformities in the R-1 district and as such are subject to the restrictions of **Article IX** of this Code. New mobile homes shall not be permitted in the R-1 district.

Agriculture, as defined herein, shall not be permitted in the R-1 district as an accessory use except for vegetable or floricultural produce intended primarily for home consumption. Existing husbandry involving farm animals is declared nonconforming in the R-1 district and as such is subject to the restrictions of **Article IX** of this Code.

**40-5-2**        **LARGE LOT RESIDENTIAL: R-2.** The R-2 district generally allows the same uses as the R-1 district, but is geared more towards newer homes and future residential development. It requires that structures be maintained on lots larger than **ten thousand (10,000) square feet**. This will provide adequate space for individual septic systems and additional protection from fire. Mobile homes, as distinct from manufactured housing, are not permitted in the R-2 district.

Agriculture, as defined herein, shall not be permitted in the R-2 district as an accessory use except for vegetable or floricultural produce intended primarily for home consumption. The raising of farm animals is expressly not permitted.

**40-5-3**        **TRANSITIONAL RESIDENTIAL: R-3.** This district allows for development that is compatible with residential uses. This development could include multi-family residences and institutional uses. The R-3 district will provide a means of progression from residential to commercial uses. Mobile home parks would be permitted in this district as "Special uses" with case by case review.

Agriculture, as defined herein, shall not be permitted in the R-3 district as an accessory use except for vegetable or floricultural produce intended primarily for home consumption. The raising of farm animals is expressly not permitted.

**40-5-4**        **CENTRAL BUSINESS: B-1.** This district provides regulations for uses like the existing commercial uses in the middle of town. The regulations would allow structures to exist on small lots in order to keep many of the current businesses in conformance. Less stringent parking requirements would also be allowed in this district to keep a compact center in the Village.

**40-5-5**        **GENERAL BUSINESS: B-2.** The B-2 district permits a broader array of uses on larger lots with more parking per lot than the B-1 district. These requirements will provide for proper development along U.S. 45.

**40-5-6**        **INDUSTRIAL DISTRICT: I.** This district accommodates industrial, warehousing, and similar uses and provide for adequate lot sizes and separation from surrounding uses. All of the land within the railroad right-of-way is assigned to this district, as is the fertilizer operation. Additional areas to accommodate possible light manufacturing may become desirable at a later date.

**40-5-7 AGRICULTURE DISTRICT: AG.** The farming uses around the Village should be grouped into a separate district. This will help to protect this land from unwanted or premature development. This helps also to keep the Village compact, minimizing the costs for providing efficient utility and street development.

In this Code, agricultural (AG) districts are established for single or contiguous parcels in common ownership, whose combined acreage equals **fifteen (15) acres** or more and whose principal use is agriculture.

As defined in this Code, agriculture specifically excludes the raising, keeping and feeding of livestock and poultry. Uses of that general description existing at the effective date of this Code shall then become nonconformities and as such shall be subject to the restrictions set forth in **Article IX** of this Code.

**DIVISION II – TABLE OF PRINCIPAL PERMITTED USES AND SPECIAL USES**

**40-5-8 TABLE.** The intent of this Section is to provide an inventory of representative but not exhaustive uses allowed in various zoning districts, either by right or as special uses requiring conformity with additional requirements. The Village Board shall have the right to allow any other uses which are similar to and compatible with the other uses allowed in a particular district in relation to hours of operation, traffic generation, intensity of use, size of lot or parcel, size of building and type of use. Such determination shall be in writing and an objection shall be reconsidered by the Village Board. A record shall be kept of each additional use allowed, and shall be made available by the Village Clerk for public inspection.

It should be noted that where "N" appears in the table of uses, there shall expressly not be allowed any accessory or home occupations relating to those uses in those zoning districts where the "N" appears.

P = Permitted

S = Special Use conditions

N = Not permitted as an accessory use or home occupation

**TABLE 40-5-8**

**TABLE OF PERMITTED PRINCIPAL AND SPECIAL USES**

R1	R2	R3	B1	B2	I	AG	
							<b>Residential Uses</b>
P	P	P					Single family dwelling
S		P					Duplex or 2-unit dwelling
		P					Multi-family dwelling
P	P	P				P	Manufactured housing on individual lot (See definitions)
		S					Mobile home park (See Section 40-6-3)
		P	P				Hotel or motel
P	P	P				P	Bed and breakfast establishment
							<b>Agricultural Uses</b>
						P	Agriculture, excluding animal husbandry (See Section 40-5-7)
			P	P		P	Commercial greenhouse
N	N	N	P	P		P	Garden shop
N	N	N		P		P	Roadside stand – merchandise exclusively produced on premises
				P		P	Plant nursery

							<b>Public and Quasi-Public Uses</b>
S	S	S	S	S			Church or temple
S	S	S	S				Municipal or government structure
S	S	S	S				Community center
S	S	S	S	S	S		Police or fire station
S	S	S	S				Public school
S	S	S	P				Public park or recreation facility
	S	S	S				Public library
S		S	P	S	P	S	Water treatment plant
						S	Sanitary landfill
			P	P	P		Parking garage or lot
			P	P	P		Public telephone
		S	P	P	P	S	Electric substation
			P	P	P	S	Public maintenance and storage area
							<b>Business/Commercial Uses (Agricultural)</b>
					P		Railroad facilities
N	N	N		P	P		Farm chemicals and fertilizer sales (include incidental storage and mixing of blended fertilizer)
N	N	N		P			Roadside produce stand (some merchandise produce off-premises)
N	N	N	P	P	P		Feed and grain (sales only)
N	N	N			P		Grain storage elevator and bins
N	N	N	P	P	P		Farm equipment sales and service
							<b>Transportation</b>
N	N	N	P	P	P	N	Automobile repair and service
N	N	N		S	P	N	Automobile salvage yard
			P	P			Automobile washing facility
			P	P			Gasoline service station
				P	P		Truck terminals
N	N	N	P	P	P	N	Truck trailer and/or automobile sales area
							<b>Business and Financial Services</b>
			P	P			Bank or savings and loan assoc.
			P	P			Business office
			P	P			Professional office
			P	P			Insurance and real estate office
							<b>Food Sales and Personal Services</b>
			P	P			Dairy store
			S	P			Drive-in restaurant
			P	P			Restaurant (primarily sit-down service)
			P	P			Supermarket or grocery store
			S	P			Tavern or night club
			P	P	P		Wholesale produce terminal
			P	P			Delicatessen
			P	P			Retail liquor store
			P	P			Frozen food locker
			P	P			Bakery
			P	P			Barber shop and beauty shop
			P	P			Dressmaking shop
			P	P			Dry cleaning establishment
			P	P			Self-service laundry
			P	P			Shoe repair shop
			P	P			Clothing repair and storage
			P	P			Medical and dental clinic
			P	P			Mortuary or funeral home

							<b>Recreation</b>
N	N		P	P			Billiards or game room
N	N	P	P	P			Lodge or private club
N	N		P	P			Indoor recreational development
N	N		P	P		P	Picnic area
N	N	N	S	S		S	Riding stable
			P	P			Theater
N	N		S	S		S	Outdoor recreational facility
							<b>Retail trade</b>
N	N	N	P	P			Antique sales and services
N	N	N	P	P			Apparel shop
			P	P			Drugstore
N	N	N	P	P			Florist
N	N	N	P	P			Gift shop
N	N	N	P	P			Used furniture sales and service
N	N	N	P	P			Newsstand – bookstore
				S	S		Fuel oil sales
N	N	N	P	P			Pawn shop
			P	P			Lawnmower sales and service
				P	P		Lumber and building materials
N	N	N	P	P			Furniture and appliances
							<b>Miscellaneous</b>
N	N	N	S	S			Veterinary hospital
			S	S	P		Warehouse, storage structure
			S	S	S		Wholesale business
	S					P	Cemetery
				P	P	P	Off premises advertising signs: A. Freestanding or roof mounted on existing Structures: 1. within 660 feet of the edge of an interstate right-of-way;
				S	P		2. Beyond 660 feet of the edge of an interstate right-of-way
				P	P	P	3. Within 330 feet of the edge of the right-of-way of a state highway
			P	P	P		B. Wall mounted on existing structures
							<b>Industrial uses</b>
							Food and kindred products:
					P		A. vegetable fats and oils
					P		B. grain mill products manufacturing and packaging
					P		C. Canning and preserving of vegetables
					P		Fertilizer manufacturing and bulk storage
					P		Gasoline and volatile oils storage
					P		Stone, glass, and clay products manufacturing
			S		P		Electrical and electronic machinery, equipment and supplies manufacturing
					P		Transportation equipment
			S		P		Fabricated metal products
					P		Fabricated plastic products
					P		Paving and roofing materials
			S		P		LP gas storage
					P		Concrete plant



					P		Instrumentation and controlling devices manufacturing
			S	S	P		Painting, publishing and related industries
			S	S	P		Wood fabricating shop
			S	S	P		Sawmills and planing mills
			S	S	P		Household and office furniture or cabinetry manufacturing
				S	P		Other lumber and wood products
			S	P	P		Research, development and prototype Manufacturing
					P		Processing recycled materials
					P		Other industrial manufacturing, processing, refining, fabricating, assembly, mining, or bulk storage uses

**40-5-9 - 40-5-10    RESERVED.**

**DIVISION III – SPECIAL PROVISIONS**

**40-5-11    SCHEDULE OF HEIGHT, AREA, AND PLACEMENT REGULATIONS BY ZONING DISTRICT.** (Numbered "special provisions" applicable to this table appear in **bold type** and are listed in **Section 40-5-12**)

**TABLE 40-5-11**

Zoning District	Minimum Lot Area	Maximum Height (Ft)	Minimum Front Setback From ROW (Ft)	Minimum Side Yard Setback (Each) (Ft)	Minimum Rear Yard Setback (Ft)	Maximum Lot Coverage	Special Provisions
R1	----	35	50	10	5	25%	
R2	20,000	35	100	20	5	30%	
R3	10,000 (plus 7,000 square feet for each additional dwelling unit)	35	50	10	5	35%	
B1	3,000	35	30	----	5	95%	2, 4
B2	10,000	35	100	20	10	40%	3, 4, 5
I	10,000	35	100	20	10	65%	3, 4, 5
AG	15 acres	50	300	20	10	5%	3, 4, 5

**40-5-12    SPECIAL HEIGHTS REGULATIONS.** Special provisions applicable to **Section 40-5-11** – Schedule of Height, Area, and Placement Regulations by Zoning District.

(A) Maximum lot coverage will be understood to include both principal and accessory structures.

(B) Provided that the walls in the B1 district be constructed along the side lot lines of a non-combustible material or of a material with a **two (2) hour** fire rating. Otherwise the minimum side yards shall be **five (5) feet**.

(C) The rear yard shall be increased by **one (1) foot** for each **one (1) foot** of building height over **ten (10) feet**.

(D) All driveways, loading and parking and storage areas abutting or adjacent to any residential district shall be screened with a solid fence or masonry wall or with shrubs or evergreen trees planted and maintained at a minimum height of **six (6) feet** and of such density to obscure from residential districts such activities conducted on a lot.

(E) A building on any lot in this district abutting or adjacent to any residential district shall maintain the same side and rear yard as required in the adjacent residential district.

## ARTICLE VI – SPECIAL USE REGULATIONS

**40-6-1 STANDARDS FOR SPECIFIC SPECIAL USES.** The following provides standards and requirements for specific principal uses labeled as “S – Special” in **Section 40-5-8**. Those uses labeled “S” in **Section 40-5-8** and not treated in detail in this Section shall comply with the applicable standards in **Section 40-5-11** for the district in which the special use is located, as well as with the requirements for community review of their presumptive impact which are set forth in **Section 40-10-10**.

(A) **Automobile Salvage Yard (Junk Yard).** All vehicles, parts, and equipment shall be stored within a completely enclosed structure or within an area screened by a solid fence at least **six (6) feet** high and shall not be visible above the solid fence.

(B) **Veterinary Hospital or Kennel.** Any outdoor animal exercise area shall be **two hundred (200) feet** from any adjacent residential structure or use and shall have a noise buffer of evergreen shrubs or trees a minimum of **four (4) feet** in height installed separating the exercise area from any adjacent residential structure or use. One single family dwelling may be permitted on the site provided it is for occupancy by the owner or employee of the veterinary hospital.

(C) **Mobile Home Parks.**

(1) Mobile home parks shall be subject to the provisions of the **Illinois Compiled Statutes** and to the provisions hereafter stated.

(2) **General Provisions.**

(a) Mobile homes (but not manufactured housing, as defined herein) shall be permitted only in mobile home parks located in the R-3 zoning district. Upon the effective date of this Code, existing mobile homes located in other districts than the R-3 shall become nonconforming uses and as such are subject to the time-table for removal set forth in **Section 40-9-1** of this Code.

(b) It shall be unlawful to construct, alter, or expand any mobile home park unless a Special Use Permit is issued pursuant to the following provisions and the provisions of **Article X**.

(c) After the effective date of this Code, no mobile home park shall be operated within the Village without first having obtained a special use permit.

Existing mobile home parks shall have not more than **sixty (60) days** in which to apply for a special use permit.

Existing mobile home parks shall be required to be in conformance with paragraph (e) below, within a period of **five (5) years** of the effective date of this Code; and shall be required within the same period of time to come into conformity with the standards for granting a special use permit enumerated in this Section. Failure to meet the above conditions shall result in a violation of this Code.

(d) After the effective date of this Code, no mobile home park shall be operated within the Village without having first obtained a permit to operate from the Illinois Department of Public Health.

(e) After the effective date of this Code, no mobile home park shall allow additional mobile homes that fail to meet the Federal Mobile Home Construction and Safety Standard (See “Mobile Home” in Definitions).

(3) All applications for a Special Use shall contain the following:

(a) Name and address of applicant.

(b) Location and legal description of the proposed mobile home park.

(c) Plans and specifications of the proposed mobile home park development including, but not limited to the following:

(i) A map indicating the area and dimensions of the tract of land.

(ii) The number, location, and size of all mobile home sites.

- (iii) The location and width of all public and private streets, roadways and walks.
- (iv) The availability of water.
- (v) Location of the sewage disposal system.
- (vi) All buildings existing or to be constructed within the mobile home park.
- (vii) The location of internal lighting and electrical systems.
- (viii) A standard lease form for all tenants, which references a specific set of mobile home park rules and regulations and incorporates these either directly or as an appendix to the lease.
- (ix) Proposed mobile home park rules and regulations, to be developed, distributed and otherwise displayed for tenants according to the provisions of the Mobile Home Landlord and Tenant Rights Act.

(4) **Density of Mobile Home Park.**

- (a) A mobile home park shall contain at least **five (5) mobile homes.**
- (b) A mobile home park shall contain not more than **eight (8) mobile home sites** for each gross acre of land.

(5) Required setbacks and screening for mobile home park exterior boundary:

- (a) All mobile home stands shall maintain the following setbacks from mobile home park boundaries facing public streets:
  - (i) County, primary, or major streets – **thirty-five (35) feet.**
  - (ii) Township roads, subdivision streets, or minor streets – **twenty-five (25) feet.**
- (b) There shall be a minimum side and rear yard of **fifteen (15) feet.**
- (c) The mobile home park shall be screened from adjacent property and the street with shrubs or evergreen trees planted and maintained at such density so as to obscure the view of the park from the adjacent property and the street. A solid wall or fence at a minimum height of **four (4) feet** may be erected along the rear lot line of the mobile home park as a substitute for the required rear lot line landscaping.

(6) **Mobile Home Site Requirements.**

- (a) All mobile home sites within a mobile home park shall have a minimum area of **five thousand (5,000) square feet** for a single mobile home and **seven thousand (7,000) square feet** for a "double wide" mobile home.
- (b) All mobile homes shall maintain the following minimum setbacks from the boundaries of their mobile home sites:
  - (i) The minimum distance between the mobile and the site boundary adjacent to private streets shall be **fifteen (15) feet.**
  - (ii) The minimum distance between the entrance side of the mobile home and the mobile home site boundary shall be **twenty (20) feet.**
  - (iii) All other setbacks shall be a minimum of **ten (10) feet.**
- (c) The mobile home shall be skirted with fire resistant materials and shall be equipped with an inspection door to allow access to the underside of the home.

- (d) A mobile home stand or pad shall be provided of sufficient size to accommodate the mobile home to be located thereon. Mobile home stand shall be concrete slabs constructed so as not to settle unevenly under the weight of a mobile home or other forces due to frost, wind or water.
- (e) The mobile home shall meet the requirements of the Illinois Mobile Home Tie-Down Act (210 ILCS 120/1).
- (f) Each mobile home space shall have **two (2)** off-street parking spaces.

**(See Chapter 23 – Manufactured Housing)**

## ARTICLE VII – ACCESSORY USES AND STRUCTURES

**40-7-1**        **PURPOSE.** It is the intent of this Section to regulate uses customarily incidental to and generally dependent on a principal use permitted in the zoning districts established by this Code.

(A)        **General Provisions.** Each permitted accessory use and structure shall meet the following standards and regulations:

- (1)        It shall be constructed after or at the same time as the principal structure.
- (2)        It shall be incidental to and generally dependent on the principal use established on the same lot and shall serve no other purpose, or use located on any other lot.
- (3)        In residential zoning districts, accessory buildings and structures shall be subordinate and shall generally have a smaller impact in terms of volume, floor area, intensity, extent and purpose to the principal use.
- (4)        It shall contribute to the comfort, convenience or necessity of users of the principal use.
- (5)        No accessory buildings or structures shall be located closer than **ten (10) feet** to any other accessory or principal building.
- (6)        No more than one detached private garage shall be allowed on any lot or parcel in any residential zoning district.
- (7)        Adequate parking shall be required for accessory uses and structures in accordance with the off-street parking provisions of **Article VIII** of this Code.
- (8)        Uses not permitted as principal uses are not permitted as accessory uses.
- (9)        Uses or structures accessory to any use requiring a special use permit shall require a special use permit.
- (10)       Accessory uses or structures that otherwise require special use permits as a principal use shall require special use permits.

### **40-7-2**        **HOME OCCUPATIONS: CONDITIONS/PROVISIONS.**

(A)        Home occupations shall be permitted only in residential districts and shall conform with the general provisions of **Section 40-4-1** of this Code.

(B)        The occupation or profession shall be carried on wholly within the principal building or other structure accessory thereto, and shall utilize no more than **twenty-five percent (25%)** of the gross floor area of the building.

(C)        No person who is not a member of the applicant's immediate family by blood or marriage and who is not a resident in the applicant's home may be employed.

(D)        There shall be no exterior display, no exterior alteration of the property including expansion of parking, no exterior storage of materials, and no other exterior indication of a home occupation or variation from the residential character of the premises.

(E)        No use shall require structural alterations to the interior or exterior of the building which changes the residential character thereof.

(F)        The use of electrical or mechanical equipment that would create visible or audible interference in television or radio receivers or cause fluctuations in line voltage outside the dwelling unit is prohibited.

(G)        There shall be no noise, vibration, smoke, dust, solid waste, odors, heat or glare produced as a result of the home occupation which would exceed that normally produced by a single residence.

(H)        There shall be no demand for parking beyond that which is normal to the neighborhood and no visual or excessive traffic to and from the premises. In no case shall the home occupation cause more than **two (2)** additional vehicles to be parked on or near the premises.

(I)        There shall be no signs, other than a name plate, not more than **one (1) foot square** in dimensions, and not internally illuminated.

**40-7-3**      **PROHIBITED ACCESSORY USES.** The following uses shall not be permitted as accessory uses or home occupations in the districts shown:

- (A)            Auto repair in the "A" Agricultural district and any residential district.
- (B)            Outside storage in any residential district and the B-1 and B-2 Business Districts of any raw material, finished product, waste material or operative equipment.
- (C)            Parking of commercial vehicles in excess of **twelve thousand (12,000) pounds** gross vehicle weight in residential districts without a Special Use permit. Use granted pursuant to **Article X** of this Code.
- (D)            Those additional uses listed in **Table 40-5-8** of this Code.

**40-7-4**      **STANDARDS TABLE FOR ACCESSORY STRUCTURES AND BUILDINGS.**

Zoning Districts

	R-1	R-2	R-3	B-1	B-2	I	AG
Setbacks	3.	3.	3.	1.	3.	1.	1.
Front	3.	3.	3.	1.	3.	1.	1.
Side	2.	2.	2.	1.	1.	1.	1.
Rear	1.	1.	1.	1.	1.	1.	1.
Height	15'	15'	15'	1.	1.	1.	1.

**Notes to Table 40-7-4**

- 1.            Yard and bulk requirements same as principal structure. **(See Table, Section 40-5-11)**
- 2.            Accessory structures not intended for human occupancy may be constructed within **one (1) foot** of any interior lot line provided that the structure is at least **ten (10) feet** from any principal structure or building intended for human occupancy.
- 3.            Equal to principal structure but in no case less than the district minimum.

**40-7-5**      **FENCING STANDARDS.**

(A)            **Location and Height.** Fences, including walls and hedges, shall conform to the following location and height limitations.

- (1)            In any residential district, fences are permitted that do not exceed **three (3) feet** in height in front yards; and do not exceed **six (6) feet** in height elsewhere.
- (2)            Fences located in front yards must be at least **ninety percent (90%)** open, or located within the district minimum setback.
- (3)            Fences in all other districts shall not exceed **eight (8) feet** in height.
- (4)            Fences shall not be located within **two (2) feet** of an alley or street right-of-way.
- (5)            At street intersections, fences more than **two (2) feet** in height above curb level shall not be located so as to interfere with the vision of approaching motorists.
- (6)            Barbed wire and electric fences shall not be constructed or erected in any residential district.

(B)            **Specific Fencing Requirements.**

- (1)            **Swimming Pools.** Outdoor swimming pools shall be completely enclosed by a fence no less than **five (5) feet** in height. The gate shall be equipped with a self-latching gate, or doors, the latching device being located not less than **four (4) feet** above ground. **(See Chapter 29)**
- (2)            **Animal Enclosures.** Animal enclosures, including dog runs, shall be enclosed by a fence of sufficient height and construction to prevent escape of any animals.

## ARTICLE VIII – OFF-STREET PARKING REGULATIONS

### **40-8-1**      **GENERAL PROVISIONS.**

#### (A)      **Location.**

- (1) All off-street parking spaces shall be located on the same lot or tract of land as the use served.
- (2) No parking space shall be located less than **ten (10) feet** from a front lot line, or less than **five (5) feet** from any side or rear lot line.

(B)      **Size.** The minimum size of off-street parking spaces shall be **eight (8) feet** wide by **eighteen (18) feet** long.

**40-8-2**      **MINIMUM PARKING REQUIREMENTS.** The following tables are intended to be representative but not all inclusive.

<b><u>Principal Use</u></b>	<b><u>Number of Parking Spaces</u></b>
Single Family Dwellings	2 spaces per dwelling unit
Multi-family Dwellings	2 spaces per dwelling unit
Mobile Home	2 spaces per mobile home
Hotel, Motel	1 space per sleeping unit
Commercial Greenhouse, Garden Shop, Nursery	1 space per 400 square feet of sales area
Church or Temple	1 space per 10 seats in principal seating area
Community Center	1 space per 8 seats
Library	1 space per 500 square feet
Public School	1 space per 30 classroom seats or 1 per 8 auditorium seats, whichever is greater
Post Office/Municipal Building	1 space per 250 square feet of floor area
Fire or Police Station	1 space per employee on maximum shift
Railroad Freight Terminal Grain Storage Elevator and Bins	1 space per 2,000 square feet of floor area
Farm Chemicals and Fertilizer Sales, Feed and Grain Sales	1 space per 300 square feet of floor area
Farm Equipment Sales and Service	1 space per 400 square feet of floor area
Automobile and Truck Trailer Sales, Automobile repair and Service, Salvage Yard	1 space per 400 square feet of floor area, plus 1 space per 3 employees
Automobile Washing Facility	1 space per 100 square feet of floor area, plus 1 space per 3 employees



Gasoline Service Station	2 spaces per stall
Banks, Medical Clinics	1 space per 250 square feet of floor area
Offices	1 space per 300 square feet of floor area
Drive-In Restaurant	1 space per 50 square feet of floor area
Restaurant	1 space per 100 square feet of floor area
Barber Shop, Beauty Shop, Frozen Food Locker	1 space per 200 square feet of floor area
Dry Cleaning Establishment, Self-Service Laundry, Wholesale Produce, Dressmaking Shop	1 space per 300 square feet of floor area
Catering Service	1 space per 400 square feet of floor area
Tavern, Night Club	1 space per 150 square feet of floor area
Retail Liquor Store, Bakery, Supermarket, Grocery Store, Dairy Store	1 space per 250 square feet of floor area
Billiard Room, Game Room, Indoor Recreational Development	1 space per 50 square feet of floor area
Lodge or Private Club	1 space per 2 bedrooms, plus 1 space for every 50 square feet of floor space used for assembly dancing and/or dining
Theater (Indoor)	1 space per 5 seats
Drugstore, Gift Shop, Lawnmower Sales and Service, Florist, Fuel Sales	1 space per 200 square feet of floor area
Antique Sales and Service	1 space per 300 square feet of floor area
Warehouse, Storage Structure	1 space per 2000 square feet of floor area
Veterinary Hospital	1 space per 400 square feet of floor area
Wholesale Business	1 space per 300 square feet of floor area
Industrial Uses	1 space per 1000 square feet of floor space, plus sufficient lane space for backing and turning of delivery trucks

## ARTICLE IX – NONCONFORMITIES

**40-9-1**        **PURPOSE.** Within the zoning districts established by this Code, and/or general amendments that may later be adopted, there exist certain lots, buildings and uses which lawfully existed prior to the adoption of this Code, but which do not conform to the regulations and restrictions of this Code or zoning district in which they exist. It is the intent of this Article to provide for the regulation of these nonconformities and to specify the circumstances and conditions under which such nonconformities shall be permitted to continue.

Legal nonconformities shall be encouraged to convert to conforming condition, where possible, with, however, the following exceptions:

Upon the effective date of this Code, legal mobile homes outside the R-3 district may continue only for a period of **ten (10) years** from the effective date of this Code and must then be removed; and agricultural uses involving the keeping, raising and feeding of livestock may continue **five (5) years'** time and must then be removed.

Nothing in this Code shall be redeemed to require any change in the plans, construction or designated use of any building or other structure if a building permit for such building or other structure was lawfully issued prior to the effective date of this Code and:

(A)            Actual construction pursuant to such permit was begun prior to the effective date of this Code and has been diligently carried on;

(B)            All septic system requirements shall be met (**See Section 40-4-4**).

All lawful use of land or structure, or lawfully constructed structures existing at the date of passage of this Code or subsequent general amendment thereto, and located in a zoning district in which it would not be permitted as a new use or structure under the terms of this Code, is hereby declared to be a legal nonconformance.

**40-9-2**        **NONCONFORMING LOTS.** A vacancy nonconforming lot may be developed, subject to the following provisions:

(A)            the deed was recorded in the Champaign County Recorder of Deeds office prior to the effective date of this Section (or pertinent amendment thereto);

(B)            is at least **forty (40) feet** wide in any district, with the exception of the B-1 district where the minimum width shall be **thirty (30) feet**; and

(C)            the owner can submit a septic system plan that meets the concurrence of the Illinois Department of Public Health, as outlined in **Section 40-4-4** of this Code.

**40-9-3**        **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 or more of those lots does not meet the minimum lot width, depth, or 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 Section, nor shall any such parcel be divided so as to create a lot that does not meet the requirements of this Section.

**40-9-4**        **NONCONFORMING STRUCTURES.** A nonconforming building or structure shall be subject to the following regulations:

(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 will be situated.

(D)            **Reconstruction.** A nonconforming structure which is destroyed by any means to an extent of more than **fifty percent (50%)** of its replacement cost at the time of loss shall not be reconstructed except in conformity with the provisions of this Code.

(E) Nothing in this Section shall prohibit an addition to a residential building, provided that it does not encroach upon the side yard or front setback requirements as listed in **Table 40-5-11**.

**40-9-5 NONCONFORMING USES.** Any land, building or structure containing or being used for nonconforming use, shall be subject to the following regulations:

(A) A nonconforming use shall not be enlarged or intensified.

(B) A nonconforming use shall not be moved, in whole or in part, unless, upon relocation, it will conform to all pertinent regulations of the district in which it will be located.

(C) 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 type, but whenever a nonconforming use is changed to a more restricted use, it shall not thereafter be changed to a less restricted use.

(D) When a nonconforming use 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.

**40-9-6 EXISTENCE OF NONCONFORMING USE.** The intermittent, temporary or illegal use of land or buildings shall not be sufficient to establish the existence of nonconforming use and the existence of nonconforming use on a part of a lot or tract shall not be construed to establish the nonconforming use on the entire lot or tract.

## ARTICLE X – ADMINISTRATION, ENFORCEMENT, AMENDMENT AND FEES

**40-10-1 ADMINISTRATION.** The administration of this Code shall be vested in the actions, direct or delegated, of the Village Board. The Village shall:

- (A) Issue all building/zoning permits and occupancy permits where authorized by this Code, and keep permanent records thereof;
- (B) Hear and decide on all requests for variations, special use permits, and amendments to this Code;
- (C) Maintain permanent records pertaining to variances and special uses granted, modified, or denied in regard to this Code;
- (D) Maintain permanent records of all amendments to this Code; and
- (E) Make or cause to be made changes to the Official Zoning Map in the manner specified herein.

**40-10-2 BUILDING/ZONING PERMITS AND OCCUPANCY PERMITS.** To underline a key point in the permitting procedure outlined below: **Possession of a valid building/zoning permit and occupancy permit for original construction does not excuse the property owner from responsibility for securing a new building/zoning permit in advance of planned alterations or additional construction. Caution: this applies to the construction of fences as well as other structures.**

(A) Where construction is proposed involving a structure as a principal use on a lot, it shall be unlawful to use or occupy or permit the use or occupancy of any land or structure constructed, altered, enlarged or moved until an occupancy permit shall have been issued stating that the proposed use of the land and structure conforms to the regulations and standards of this Code. Where the Village Board has granted a variation permitting the expansion, alteration or restoration of a nonconforming use, the occupancy permit shall state specifically wherein such nonconforming use differs from the regulations of this Code. Where construction is proposed that does not involve a structure as a principal use on a lot, an occupancy permit will not be required. However, an application for a building/zoning permit must be sought, as described below.

(B) Occupancy permits shall not require separate application procedures other than application for a building/zoning permit. An occupancy permit will be issued only after satisfactory completion of the work undertaken in connection with the building/zoning permit.

(C) A building/zoning permit shall allow the interim right of access and use of the subject property for construction purposes until it is invalidated by the issuance of an occupancy permit. A building/zoning permit shall, however, be subject to stoppage for failure to abide by a corrective action order.

(D) A building/zoning permit shall be obtained by the owner or lessee, or the agent of either, before starting:

- (1) to establish, occupy or change the use of a structure, accessory structure or land either by itself or in addition to another use;
- (2) to construct or erect a new structure or accessory structure or part thereof, including fences;
- (3) to extend or move any structure or accessory structure, including a fence;
- (4) to extend, restore or alter any nonconforming use (issued only upon Village Board first granting of a variation to permit extension, restoration or alteration of the nonconforming use).

**40-10-3 APPLICATION FOR BUILDING/ZONING PERMIT.** Applications for building/zoning permits shall be filed in written form with the Village clerk in such form as the Village Board shall prescribe and shall:

- (A) state the legal description of the property (and the street address, if it has already been assigned);

(B) state the name and address of the owner, the applicant, and the contractor, if known; if applicant is a contract purchaser, contract seller must consent in writing;

(C) describe the uses to be established or expanded;

(D) be accompanied by a plan (two copies) that is drawn approximately to scale (one set of plans shall be retained by the Village as a permanent record and one set shall be returned to the applicant) showing:

- (1) the actual dimensions of the lot to be built upon;
- (2) the size, shape, and locations of the use to be established in the structure or accessory structure to be constructed;
- (3) the size, shape and location of all existing structures and accessory structures on the lot;
- (4) the location of the water supply to the lot;
- (5) other information that may be necessary to provide for the proper administration and enforcement of this Code.

(E) make provision for compliance with State septic system permit requirements in the event the permit has not been obtained before applying for the zoning permit (**Section 40-4-4**).

In the event the applicant has not yet obtained Illinois Department of Public Health (IDPH) review and approval of his septic system plan in the form of an approved permit, he will be required to sign on the zoning/building permit that he will promptly secure that review and approval, and that he will submit a true and correct copy of the approved IDPH permit as a pre-condition for the Village's final inspection of work done under the zoning permit.

(F) include any accessory structure or use established or constructed at the same time the principal structure or use was established or constructed;

(G) each building/zoning permit for a principal structure or use shall also cover any accessory structure or use established or constructed at the same time on the same lot.

#### **40-10-4 ISSUANCE OF BUILDING/ZONING PERMIT.**

(A) The Village Clerk shall retain the original copy of the building/zoning permit application and shall mark such permit whether approved or disapproved. **One (1) copy** shall be returned to the applicant duly marked and signed.

(B) The building/zoning permit shall stay in force as long as the applicant abides by any corrective action orders that the Village board may issue as a result of inspections required under the terms of the building/zoning permit.

#### **40-10-5 EXPIRATION OF A BUILDING/ZONING PERMIT.**

(A) Initial building/zoning permits shall be valid for **one (1) year**, or until revoked for failure to abide by a corrective action order. The Village may renew building/zoning permits for **one (1) year** periods upon written request, provided the applicant is making a good faith effort to complete the authorized work.

(B) A building/zoning permit issued for the establishment of a use of land where no structures are involved shall not expire.

#### **40-10-6 ISSUANCE OF AN OCCUPANCY PERMIT.**

(A) When all work as described on the building/zoning permit is complete, the applicant shall notify the Village Clerk in writing. After examination of the premises to ascertain that all work described on the building/zoning permit has been conducted in compliance with the requirements of this Code, the Village board shall direct the Village clerk to issue the occupancy permit.

(B) Except in the case of the use of land where no structure is involved, the issuance of the occupancy permit shall invalidate the building/zoning permit issued for work conducted in connection with the premises involved.

(C) The Village Clerk shall retain the original copy of the occupancy permit.

(D) **One (1) copy** shall be returned to the applicant, duly signed.

**40-10-7 ZONING HEARING OFFICER.**

(A) **Appointment.** As allowed under Illinois Compiled Statutes (**65 ILCS 5/11-13-14.1**) the Village Board shall appoint a hearing officer to conduct public hearings and make determinations and findings of fact on appeals and requests or variations, special use permits and amendments to this Code.

(B) **Hearing Officer's Decisions.** On appeals where it is alleged there is error in any order or determination made by the Village in the administration and enforcement of this Code, the termination made by the hearing officer with respect to any such matter shall constitute a final administrative decision which is subject to judicial review.

(C) **Village Board's Action – Ordinance.** When the hearing officer is passing upon an application for variation or special use, he shall be limited to the determination of a finding of fact, and the power to determine and approve such variation or special use shall be reserved by ordinance to the Village Board. However, any proposed variation or special use that fails to receive the approval of the hearing officer shall not be passed except by the favorable vote of **two-thirds (2/3)** of the Village Board.

(D) **Public Hearing for an Amendment.** When the hearing officer is conducting a public hearing on a request to amend this Code, his responsibility shall be limited to the conduct of the hearing.

(E) **Zoning Changes Requested.** Hearings on requests for zoning changes shall be convened from time to time, subject to the public notice and other requirements set forth in state zoning enabling legislation.

**40-10-8 PROCEDURES FOR HEARINGS ON ZONING CHANGE REQUESTS.** The

Village Board shall maintain its office and keep its minutes, files and records relating to this Code in the office of the Village Clerk. The written determinations of the hearing officer shall be kept in this office as part of the zoning record. The minutes and proceedings of the Village Board shall show the vote of each member on every question or indicate that the member was absent or failed to vote. No meetings shall be conducted without a quorum of the Board being present which shall consist of a majority of all the members. Every regulation, decision and order of the Village board respecting this Code shall be contained in the minutes. The minutes, files and records of the Village Board shall be open to inspection by the public at all reasonable times.

**40-10-9 REQUESTS FOR VARIATIONS OF CODE REGULATIONS.** Variations shall be

permitted by the Village Board only when they are in harmony with the general purpose and intent of the regulations and only in cases where there are practical difficulties or particular hardship in the way of carrying out the strict letter of any of these regulations relating to the use, construction, or alteration of buildings, structures or the use of land.

- (A) The Village Board may vary the application of the regulation imposed by this Code:
- (1) to permit any yard, setback line, or spacing between buildings of less dimension than required by the applicable regulations;
  - (2) to permit any structure to exceed the height limitations imposed by the applicable regulations;
  - (3) to permit greater maximum lot coverage of a building than required by the applicable regulations;
  - (4) to permit the reduction in the number of off-street parking spaces required in connection with a use;
  - (5) to permit the reconstruction of a nonconforming structure which has been destroyed or damaged to an extent in excess of **fifty percent (50%)** of its true value, as calculated from its assessed valuation, immediately prior to the occurrence, by fire, or an act of God, or by the public enemy, where the Board shall find some compelling necessity requiring a continuance of the nonconforming structure;
  - (6) to permit the substitution of one nonconforming use for another nonconforming use if the substitution is more compatible with its surroundings than the former use.

(B) **Criteria for Evaluating Variation Requests.** As a condition precedent to granting a request for a variation, the hearing officer shall first hear sworn evidence upon and determine:

- (1) that the property in question cannot be economically used under the conditions allowed by the regulations;
- (2) that the plight of the owner is due to unique circumstances; and
- (3) that the variation, if granted, will not alter the essential character of the locality, impair adequate supply of light and air to adjacent property, increase the condition of traffic, nor diminish or impair property values in all localities.

Upon report of the hearing officer, the Village Board may by ordinance adopt the proposed variation or may refer it back to the hearing officer for further consideration, and any proposed variation which fails to receive the approval of the hearing officer shall not be passed except by the favorable vote of **two-thirds (2/3)** of the Village Board.

Every decision or order of the Village Board in granting a request for variation shall include a statement noting the specific reasons for granting the request.

(C) **Procedure on Request for Variation.**

- (1) A request for variation in the application of the regulations shall be made in writing by the applicant and shall be filed with the Village Clerk. These requests shall be accompanied by receipt showing the payment of the required fee.
- (2) The hearing officer shall fix a reasonable time, not more than **thirty (30) days** in the future for the hearing of the request and inform the Village clerk of the time and place of the hearing.
- (3) The Village Clerk shall give due notice of a hearing in writing to the applicant and shall have notice of the hearing on the request published in a newspaper having general circulation within the Village at least **fifteen (15)** but not more than **thirty (30) days** prior to the hearing. The notice shall contain the time and place of the hearing, and particular location for which the variation is requested as well as a brief statement on the nature of the proposed variation.
- (4) The Village Board shall act to grant or deny the request, either in whole or in part, within **thirty-one (31) days** of the conclusion of the hearing.

**40-10-10** **REQUESTS FOR SPECIAL USE PERMITS.** The Village Board may, by special permit, authorize those special uses noted in the Table of Permitted Principal and Special Uses in **Section 40-5-8.**

(A) **Criteria for Evaluating Special Use Requests.** A special use shall not be approved by the Village board unless and until the applicant submits a written application to the Village clerk for a special use demonstrating:

- (1) that it is necessary for the public convenience at that location;
- (2) that it is so designed, located, and proposed so that it will not be harmful to the district in which it is proposed to be located or otherwise detrimental to the public welfare;
- (3) that it conforms to the applicable regulations and standards of and preserves the essential character of the district in which it is proposed to be located;
- (4) that it does not create overcrowding of public roads;
- (5) that it is compatible with surrounding land use; and
- (6) that the intensity of the proposed development does not impose any adverse effects on surrounding property.

(B) **Procedure on Request for Special Use.**

- (1) Each application for a special use shall be accompanied by the required fee.

- (2) The hearing officer shall pick a reasonable time, not more than **thirty (30) days** in the future, for hearings on the request and inform the Clerk of the time and place that the hearing will be held. The Clerk shall give due notice of a hearing in writing to the applicant and shall have public notice of the time and place of the hearing published in a newspaper having general circulation in the Village at least **fifteen (15)** but not more than **thirty (30) days** prior to the hearing.
- (3) The hearing officer shall determine whether the requirements of **Section 40-10-10(A)** have been met and that the granting of a special use will be in harmony with the general purpose and intent of this Code and will not be harmful to the district in which it is proposed to be located.
- (4) Upon report of the hearing officer, the Village Board may by ordinance adopt the proposed special use or may refer it back to the hearing officer for further consideration, and any proposed special use which fails to receive the approval of the hearing officer shall not be passed except by the favorable vote of **two-thirds (2/3)** of the Village Board.
- (5) In granting or denying a request for a special use, the Village Board shall note its findings that support the granting or the denial of the request in the minutes. The Village Board shall act to grant or deny the request within **thirty-one (31) days** of the hearing's conclusion.
- (6) Once granted, the special use must be established within **one (1) year** of the date of the ordinance or the permit shall expire.

**40-10-11 REQUESTS ON AMENDMENTS TO THE CODE.** Regulations imposed in the districts created by this Code may be amended. The amendment may be a change in the language or test of the Code, to be referred to as a text amendment; the amendment may be a change in the Zoning Map designation of property as a specific zoning classification, to be referred to as a map amendment. No such amendment shall be made without a public hearing before the hearing officer.

(A)

**Conditions and Procedures on Amendments.**

- (1) A written application shall be submitted to the Village Clerk. It may be initiated either by action of the Village Board itself or by the owners of more than **fifty percent (50%)** of the area involved. Each such application by the owners of more than **fifty percent (50%)** of the area involved shall be accompanied by the required fee.
- (2) At least **fifteen (15) days** but not more than **thirty (30) days'** notice of the time and place of the hearing of such action shall be posted within a public place in the Village. The notice shall contain a brief description of the amendment:
  - (a) If a text amendment, the notice shall include a brief description of the text and the proposed change in text;
  - (b) If a map amendment, the notice shall include a brief description of the boundaries of the district which are proposed to be changed and a description of the area for which the change is proposed.
- (3) If, prior to the hearing, signed and acknowledged objections to the change of the regulations or districts are filed with the Village Clerk by **twenty percent (20%)** or more of the owners of property of:
  - (a) the frontage proposed to be altered; or
  - (b) the frontage immediately adjoining the property; or
  - (c) the frontage directly opposite the frontage to be altered;
 then the amendment shall not be passed except by favorable vote of **two-thirds (2/3)** of all the members of the Village Board.



**40-10-12 FEES.** A fee shall be paid in accordance with the schedule specified herein by an applicant at the time an application is filed and shall not be refundable.

(A)

**Zoning Permit.**

New Residence Construction	\$50.00
New Commercial or Industrial Construction	100.00
New Accessory Structure Construction	10.00
Residence Alteration	10.00
Commercial or Industrial Alteration	25.00
Establish use where no building is involved; move structure from one lot to another; demolition of structure; change of use; alteration of accessory structure	10.00
Establish, expand, or alter mobile home park (per site)	10.00

(B)

**Variance Application.**

0.00

(C)

**Special Use Application.**

0.00

(D)

**Amendment.**

0.00

(E)

**Exemptions From Fees**

(but not from responsibility to seek a Zoning/Building

Permit before beginning any construction):

- (1) Government bodies.
- (2) Private driveways, service drives, easements, sidewalks, flag poles, arbors, fences, light poles, uncovered patios, recreational and utility owned apparatus may be placed in any required yard.
- (3) Poles, towers, wires, cables, conduits, pipes and other similar distribution equipment for utilities; provided that the installation conform where applicable to the rules and regulations of the Illinois Commerce Commission, the Civil Aeronautics Administration and other public authorities having jurisdiction.

## ARTICLE XI – VIOLATION AND PENALTY

**40-11-1**        **PENALTIES.** The owner, lessee or agent of a building or premises in or on which a violation of any provision of this Code has been committed shall be punishable by a fine not less than **Ten Dollars (\$10.00)** and not more than **Five Hundred Dollars (\$500.00)** for each and every day that such violation continues. Any such person, having been served with an order to remove any such violation, failing to comply with said order within **ten (10) days** after such notice or continuing to violate any provision of this Code shall be punished by a fine not exceeding **Five Hundred Dollars (\$500.00)**.

## ARTICLE XII – VALIDITY OF CODE

**40-12-1**        **VALIDITY.** If any 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.

(Ord. No. 2000-\_\_\_\_)

