Revised Code

-of-

Ordinances

of

Beckemeyer,

Illinois

[July, 2025]

PREPARED BY:

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VILLAGE OF BECKEMEYER, ILLINOIS

ORDINANCE NO. 2023-01

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

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

THIS 13TH DAY OF FEBRUARY, 2023

Published in book form by authority of the Mayor and the Village Board of Trustees of the Village of Beckemeyer, Clinton County, Illinois this 13th day of February, 2023.

ORDINANCE NO. 2023-01

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

WHEREAS, the Village of Beckemeyer ("The Village") is an Illinois non-home rule municipality operating under the provisions of Article VI, Section 7, of the Illinois Constitution, and other laws; and

WHEREAS, The Village has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and that protect the public health, safety and welfare of its citizens;

BE IT ORDAINED BY THE PRESIDENT AND VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF BECKEMEYER, CLINTON COUNTY, ILLINOIS, THAT:

SECTION 1: The following exhibit shall be **"The Revised Code of Ordinances" of the Village of Beckemeyer, Clinton 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ordinances, code provision or pertinent portions thereof in effect at the time this ordinance takes effect are hereby repealed.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 13th day of February, 2023 by the Village Board of Trustees of the Village of Beckemeyer, Clinton County, Illinois, and deposited and filed in the office of the Village Clerk in said Village on that date.

LISA LAMMERS, VILLAGE CLERK
BECKEMEYER, ILLINOIS

NAME	AYE	NAY	ABSTAIN	ABSENT	CONFLICT
Luke Baker					
Mike Hagen					
Scott Timmermann					
Rollie Kampwerth					
Jeremy Pate					
Colby Rakers					
Josh Mensing, Mayor					

Approved by the Mayor of the Village of Beckemeyer, Clinton County, Illinois, this 13th day of February, 2023.

JOSH MENSING, MAYOR
BECKEMEYER, ILLINOIS

ATTEST:

LISA LAMMERS, VILLAGE CLERK
BECKEMEYER, ILLINOIS

(SEAL)

VILLAGE CLERK'S CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF CLINTON) ss. VILLAGE CLERK'S OFFICE
VILLAGE OF BECKEMEYER)

I, Lisa Lammers, Village Clerk of the Village of Beckemeyer, do hereby certify that the following Revised Code of Ordinances of the Village of Beckemeyer, Clinton County, Illinois, published by authority of the Village Board of Trustees was duly passed by the Village Board of Trustees of the Village of Beckemeyer, 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 Beckemeyer, Illinois, this 13th day of February, 2023.

LISA LAMMERS, VILLAGE CLERK
BECKEMEYER, ILLINOIS

(SEAL)

CHAPTER TITLES

1.	*Administration*	*1-1*
3.	*Animals*	*3-1*
7.	*Business Code*	*7-1*
8.	*Cable Television*	*8-1*
11.	*Employee Personnel Code*	*11-1*
14.	*Flood Plain Code*	*14-1*
15.	*Franchises*	*15-1*
21.	*Liquor*	*21-1*
22.	*Mandated Policies*	*22-1*
23.	*Manufactured Housing Code*	*23-1*
24.	*Motor Vehicle Code*	*24-1*
25.	*Nuisances*	*25-1*
27.	*Offenses*	*27-1*
28.	*Parks*	*28-1*
30.	*Public Safety*	*30-1*
33.	*Street Regulations*	*33-1*
34.	*Subdivision Code*	*34-1*
36.	*Taxation*	*36-1*
37.	*Trash Franchise*	*37-1*
38.	*Utilities*	*38-1*
40.	*Zoning Code*	*40-1*

BECKEMEYER, ILLINOIS

ORD. #	TITLE	DATE	LOCATION IN CODE
90-5	Public Safety: Police Employment	1990	Chapter 30
90-6	Appropriation	1990	Special Legislation
90-7	Tax Levy	1990	Special Legislation
90-8	Utilities: Cross-Connections	08/13/90	Ch. 38; Art. III
90-9	Motor Vehicles: Parking	08/13/90	Chapter 24
90-10	Health: Trash Contract	1990	Chapter 17
90-11	Annexation: Albers	1990	Special Legislation
90-12	Zoning Code	12/10/90	Chapter 40
90-13	Annexation: BCDC	12/10/90	Special Legislation
91-1	Motor Vehicles: Snow Routes	01/14/91	Chapter 24
91-2	Employees: Medical Reimbursement	03/11/91	Chapter 11
91-3	Offenses: Firearms	03/11/91	Chapter 27
91-4	Appropriation - Amended	1991	Special Legislation
91-5	Liquor: Open Containers	05/13/91	Chapter 21
91-6	Motor Vehicles: No Parking	05/20/91	Chapter 24
91-7	Village Cleanup	05/20/91	Special Legislation
91-8	Nuisances: Weed Control	05/20/91	Chapter 25
91-9	Streets: Excavations	05/20/91	Chapter 33
91-13	Liquor Code	05/20/91	Chapter 21
91-14	Appropriation	1991	Special Legislation
91-15	Tax Levy	1991	Special Legislation
91-16	Administration: Funds	1991	Ch. 1; Art. II
91-17	Utilities: Bills	1991	Chapter 38
91-18	Utilities: Deposits	1991	Chapter 38
91-20	Parks: Hours	1991	Chapter 28
92-4	Motor Vehicles: No Parking	1992	Chapter 24
92-5	Offenses: Slingshots	02/10/92	Chapter 27
92-6	Cable TV: Transfer	02/10/92	Chapter 8
92-7	FMHA Loan & Grant Resolution	1992	Special Legislation
92-9	Administration: Special Meetings	1992	Section 1-2-2
92-10	Appropriation	1992	Special Legislation
92-15	Prevailing Wage	1992	Special Legislation
92-16	Tax Levy	1992	Special Legislation
92-17	Motor Vehicles: Stop Signs	08/10/92	Chapter 24
92-18	Utilities: Water Rates	08/10/92	Ch. 38; Art. III
92-19	Motor Vehicles: No Parking	08/10/92	Chapter 24

ORD. #	TITLE	DATE	LOCATION IN CODE
92-22	Section 504 Handicap Requirements	10/01/92	Special Legislation
93-1	Liquor Code	1993	Chapter 21
93-7	Annexation: Water Tower	1993	Special Legislation
93-8	Appropriation	1993	Special Legislation
93-9	Motor Vehicles: Caution Signs	1993	Special Legislation
93-10	Prevailing Wage	1993	Special Legislation
93-13	Motor Vehicles: Stop Signs Deleted	1993	Ch. 24; Schd. "A"
93-17	Tax Levy	1993	Special Legislation
94-1	Utilities: Reconnect Fee	01/10/94	Ch. 38; Art. III
94-2	Utilities: Rates	02/10/94	Chapter 39
94-3	Buildings: Swimming Pools	04/12/94	Chapter 6
94-4	Utilities Code	05/09/94	Chapter 39
94-5	Appropriation	1994	Special Legislation
94-6	Administration: IMRF	1994	Chapter 1
94-9	Tax Levy	1994	Special Legislation
94-10	Administration: Board Rules	1994	Chapter 1
94-11	Offenses: Harassment of Public Officials	1994	Chapter 27
94-12	Cable TV: Transfer DD Cable to TCI	12/94	Chapter 8
95-1	Administration: Officials	1995	Ch. 1; Art. II
95-2	Administration: General Provisions	1995	Ch. 1; Art. I
95-3	Street Code	1995	Chapter 33
95-4	Motor Vehicles: Vehicle Licenses	1995	Chapter 24
95-5	Motor Vehicle Code	1995	Chapter 24
95-6	Utilities: Rates	1995	Chapter 39
95-9	Appropriation	9915	Special Legislation
95-10	Streets: Culverts	1995	Chapter 33
95-15	Offense Code	1995	Chapter 27
95-16	Nuisances	1995	Ch. 25; Art. I
95-17	Zoning Code	1995	Chapter 40
95-18	Motor Vehicles: No Parking	1995	Chapter 24
95-19	Tax Levy	1995	Special Legislation
96-1	Motor Vehicles: Stop Signs	1996	Chapter 24
96-2	Utilities: Delinquent Charges and Rates	1996	Chapter 38
96-4	Appropriation	1996	Special Legislation
96-6	Administration: Employee Compensation	05/18/96	Chapter 1
96-8	Administration: Deposit of Funds	05/18/96	Chapter 1
96-10	Street Amendments	1996	Chapter 33

ORD. #	TITLE	DATE	LOCATION IN CODE
96-11	Utilities: Water Deposits	09/09/96	Chapter 38
96-13	Tax Levy	1996	Special Legislation
96-12	Motor Vehicles: Licenses	1996	Chapter 24
97-1	Annexation	1997	Special Legislation
97-2	Liquor: Closing Hours	03/10/97	Section 21-3-1
97-3	Appropriation Supplement	1997	Special Legislation
97-4	Appropriation	1997	Special Legislation
97-6	Public Safety: Fire Fees	1997	Chapter 30
97-7	Zoning: Map Revision	1997	Special Legislation
97-8	Tax Levy	1997	Special Legislation
97-9	Motor Vehicles: Stop Sign	1997	Chapter 24
97-10	Transfer of Property F.D. District	1997	Special Legislation
98-1	Utilities: Water Cross-Connections	1998	Ch. 38; Art. III
98-2	Utilities: Leak Rate	1998	Chapter 38
98-3	Park Code: Rules	1998	Chapter 28
98-4	Utilities: Sump Pumps	1998	Ch. 38; Art. IV
98-5	Utilities: Reconnect Fees	1998	Chapter 38
98-10	Appropriation	1998	Special Legislation
98-12	Administration: Salaries	12/04/98	Section 1-3-1
98-13	Tax Levy	12/04/98	Special Legislation
99-1	Motor Vehicles: Stop Signs	1999	Chapter 24
99-2	Mandated Policies: Investment Policy	05/10/99	Chapter 22
99-3	Appropriation	1999	Special Legislation
99-8	Mandated Policies: Fair Housing	09/13/99	Chapter 22
99-10	Tax Levy	1999	Special Legislation
00-01	Utilities: Sewer Rates	2000	Chapter 38
00-02	Parks: Pavilion Fee	2000	Chapter 28
00-03	Appropriation	2000	Special Legislation
00-07	Utilities Code	09/11/00	Chapter 38
00-09	Tax Levy	2000	Special Legislation
01-01	Subdivision Code	04/09/01	Chapter 34
01-02	Taxation: Taxpayers Rights Code	01/08/01	Chapter 36
01-03	Utilities: Sewer Increase	2001	Chapter 38
01-05	Appropriation	2001	Special Legislation
01-07	Administration: Penalties	2001	Special Legislation
01-08	Motor Vehicles: Stop Sign	2001	Chapter 24

ORD. #	TITLE	DATE	LOCATION IN CODE
01-11	Tax Levy	2001	Special Legislation
02-04	Utilities: Water Taps	05/13/02	Chapter 38
02-06	Streets: Culverts	2002	Chapter 33
02-08	Appropriation	2002	Special Legislation
02-09	Taxation: Simplified Telecommunications	2002	Chapter 36
02-11	Tax Levy	2002	Special Legislation
02-12	Motor Vehicles: Stop Signs	2002	Chapter 24
03-01	Appropriation	2003	Special Legislation
03-03	Utilities: Wells Prohibited	12/03/03	Chapter 38
03-04	Buildings: Swimming Pools	2003	Chapter 5
03-05	Tax Levy	2003	Special Legislation
04-02	Motor Vehicles: Stop Signs	2004	Chapter 24
04-03	Utilities: Water Main Extensions	02/04/04	Chapter 38
04-05	Mandated Policies: Drug Free Workplace	02/04/04	Chapter 22
04-06	Utilities: Sewer Rate	2004	Chapter 38
04-07	Mandated Policies: Ethics	05/10/04	Chapter 22
04-09	Appropriation	2004	Special Legislation
04-11	Utilities: Rates	2004	Chapter 38
04-12	Tax Levy	2004	Special Legislation
05-06	Appropriation	2005	Special Legislation
05-09	Utilities: Sewer Rates	05/13/96	Chapter 38
05-11	Tax Levy	2005	Special Legislation
06-05	Appropriation	2006	Special Legislation
06-07	Public Safety: Police Residency	2006	Ch. 30; Art. II
06-08	Tax Levy	2006	Special Legislation
07-01	Nuisances: Buildings	2007	Chapter 25
07-03	Utilities: Water Rates	2007	Chapter 38
07-05	Appropriation	2007	Special Legislation
07-08	Liquor: Sales to Minors	2007	Chapter 21
07-09	Tax Levy	2007	Special Legislation
08-03	Appropriation	2008	Special Legislation
08-04	Tax Levy	2008	Special Legislation
09-01	Mandated Policies: Identity Theft	02/09/09	Chapter 22

ORD. #	TITLE	DATE	LOCATION IN CODE
09-03	Prevailing Wage	06/08/09	Special Legislation
09-05	Appropriation	2009	Special Legislation
09-06	Motor Vehicles: Stop Signs	08/10/09	Chapter 24
09-07	Tax Levy	2009	Special Legislation
09-08	Administration: Penalties	01/11/10	Section 1-1-20
10-01	Mandated Policies: Freedom of Information	02/08/10	Chapter 22
10-02	Streets: Curbs	03/08/10	Section 33-6-3
10-03	Utilities: Water Rates	03/08/10	Chapter 38
10-04	Prevailing Wage	06/14/10	Special Legislation
10-05	Utilities: Water Rates	07/12/10	Chapter 38
10-06	Business: Peddlers and Solicitors	07/12/10	Secs. 7-2-11; 7-3-12
10-07	Nuisances: Refuse Yard	08/09/10	Section 25-1-1
10-08	Appropriation	2010	Special Legislation
10-10	Tax Levy	2010	Special Legislation
11-01	Prevailing Wage	06/11/12	Special Legislation
11-02	Appropriation	2011	Special Legislation
11-03	Tax Levy	2011	Special Legislation
11-04	Motor Vehicles: Stop Signs	12/11/11	Section 24-3-3
12-01	Utilities: Water Deposit	01/09/12	Section 38-2-9
12-03	Cable TV: Service Fee	05/14/12	Chapter 8
12-04	Cable TV: Cable Protection Law	05/14/12	Chapter 8
12-05A	Utilities: Connection	05/14/12	Section 38-3-78
12-05B	New Code	05/14/12	Complete New Code
12-06	Motor Vehicles: One-Way Streets	05/14/12	Ch. 24; Schd.
12-08	Liquor: Video Gaming	06/11/12	Section 21-3-16
12-09	Prevailing Wage	06/11/12	Special Legislation
12-10	Utilities: Sewer Rates	06/11/12	Repealed
12-11	Appropriation	06/11/12	Special Legislation
12-12	Motor Vehicles: Golf Carts	11/12/12	Ch. 24; Art. X
12-14	Tax Levy	11/12/12	Special Legislation
12-15	Electric Aggregation	11/26/12	Special Legislation
13-01	Public Safety: Police	04/08/13	Section 30-2-20
13-03	Franchise: Gas	05/13/13	Chapter 15
13-05	Appropriation	05/13/13	Special Legislation
13-06	Prevailing Wage	06/10/13	Special Legislation
13-07	Electric Aggregation	08/12/13	Special Legislation
13-08	Tax Levy	12/16/13	Special Legislation

ORD. #	TITLE	DATE	LOCATION IN CODE
14-01	Utilities: Water Bonds	01/13/14	Special Legislation
14-02	Cable Contract	02/04/14	Chapter 8
14-03	Liquor: Residency	03/10/14	Section 21-2-4 (Not Legal)
14-04	Utilities: Water Contract	03/10/14	Chapter 38
14-06	Appropriation	2014	Special Legislation
14-07	Prevailing Wage	06/09/14	Special Legislation
14-08	Utilities: Sewer Rates	06/09/14	Section 38-4-84
14-09	Gun Purchase	07/15/14	Special Legislation
14-10	Revised Code of Ordinances	09/08/14	New Code
14-11	Motor Vehicles: Stop Signs	10/13/14	Ch. 24; Schd. "A"
14-12	Trash Franchise	10/13/14	Repealed
14-13	Gun Purchase	10/13/14	Special Legislation
14-14	Tax Levy	12/08/14	Special Legislation
14-15	Certificate of Abatement	12/08/14	Special Legislation
15-01	Public Safety: Part-Time Police	01/12/15	Section 30-2-21
15-02	Franchises: Electric	02/09/15	Ch. 15; Art. II
15-05	Prevailing Wage	06/08/15	Special Legislation
15-06	Appropriation	07/13/15	Special Legislation
15-07	Tax Levy	12/14/15	Special Legislation
15-08	Tax Abatement	11/09/15	Special Legislation
15-10	Electric Aggregation Service Agreement	12/14/15	Special Legislation
16-01	Gun Purchase	01/11/16	Special Legislation
16-02	Gun Purchase	01/11/16	Special Legislation
16-03	Motor Vehicles: Stop Signs	05/06/16	Ch. 24; Schd. "A"
16-04	Utilities: Sewer Rates	06/13/16	Section 38-4-84
16-05	Prevailing Wage	06/13/16	Special Legislation
16-06	Appropriation	07/11/16	Special Legislation
16-07	Offenses: Burning Hours	09/12/16	Section 27-8-3
16-08	Trash: Franchise	10/10/16	Chapter 37
16-09	Motor Vehicles: Stop Signs	10/10/16	Ch. 24; Schd. "A"
16-10	Tax Levy	12/12/16	Special Legislation
16-11	Tax Abatement	11/14/16	Special Legislation
17-01	Employees: Expenses	02/13/17	Section 11-8-5
17-02	Utilities: Sewer Rates	04/10/17	Section 38-4-84
17-03	Utilities: Water Rates	04/10/17	Section 38-3-79
17-04	Prevailing Wage	06/12/17	Special Legislation
17-05	Appropriation	07/10/17	Special Legislation
17-06	IML Intergovernmental Cooperation Contract	07/10/17	Special Legislation
17-07	Gun Purchase: T. Wuest	07/10/17	Special Legislation
17-08	Gun Purchase: K. Schulte	07/10/17	Special Legislation
17-09	Gun Purchase: K. McElroy	08/14/17	Special Legislation

ORD. #	TITLE	DATE	LOCATION IN CODE
17-10	Offenses: Illegal Drug	08/14/17	Ch. 27; Art. XII
17-11	Business: Solicitor's Fees	09/11/17	Section 7-2-11
17-12	Business: Peddler's Fees	09/11/17	Section 7-3-12
17-13	Tax Levy	12/18/17	Special Legislation
17-14	Tax Abatement	11/13/17	Special Legislation
17-15	Resolution in Support of Illinois Bicentennial	12/18/17	Special Legislation
17-16	Mandated Policies: Sexual Harassment	12/18/17	Ch. 22; Art. VIII
18-1	Annexation: Deiters	05/14/18	Special Legislation
18-2	Prevailing Wage	06/11/18	Special Legislation
18-3	Appropriation	07/09/18	Special Legislation
18-4	Gun Purchase: Wempe	07/09/18	Special Legislation
18-5	Gun Purchase: Schulte	08/13/18	Special Legislation
18-6	Offenses: Registered Sex Offenders	10/08/18	Ch. 27; Art. XIII
18-7	Public Safety: Body Worn Camera Policy	10/08/18	Ch. 30; Art. IV
18-8	Mandated Policies: Sexual Harassment	11/12/18	Secs. 22-8-3; 22-8-4
18-9	Tax Abatement	11/12/18	Special Legislation
18-10	Tax Levy	12/10/18	Special Legislation
19-1	Gun Purchase: Wempe	01/14/19	Special Legislation
19-2	Garbage: Contract	04/08/19	Chapter 37
19-3	Appropriation	07/08/19	Special Legislation
19-4	Zoning Contract	07/08/19	Special Legislation
19-5	Bid Acceptance	08/12/19	Special Legislation
19-6	Hilmes Masonry-Brick Agreement	08/12/19	Special Legislation
19-7	Zoning: Rezoning	10/14/19	Special Legislation
19-8	Zoning: Special-Use	10/14/19	Special Legislation
19-9	Zoning: Special-Use: Cell Towers	10/14/19	Special Legislation
19-10	Cable Television	11/18/19	Section 8-3-1; Addendum "A"
19-11	Tax Abatement	11/18/19	Special Legislation
19-12	Tax Levy	12/16/19	Special Legislation
20-1	Naming of Street: Speedy's Way	01/13/20	Special Legislation
20-2	Offenses: Cannabis	02/10/20	Section 27-12-1
20-3	Employees: Drug Free Workplace	02/10/20	Section 11-9-22
20-4	Motor Vehicles: Impoundment	02/10/20	Ch. 24; Art. XI
20-5	Sewer Bonds	02/10/20	Special Legislation
20-6	Annexation: Rakers Family Trust	04/13/20	Special Legislation
20-7	Sewer Bond	04/13/20	Special Legislation
20-8	Offenses: Cannabis Prohibition	05/11/20	Ch. 27; Art. XIV
20-9	Offenses: Parental Responsibility	05/11/20	Ch. 27; Art. VI
20-10	Appropriation	07/13/20	Special Legislation
20-12	Motor Vehicles: Stop Sign	08/10/20	Ch. 24; Schd. "A"
20-13	Mandated Policies: Sexual Harassment	09/14/20	Section 22-8-3(B)(4)

ORD. #	TITLE	DATE	LOCATION IN CODE
20-14	Local Cure Program	09/14/20	Special Legislation
20-15	Tax Abatement for 2014 & 2020 Bonds	11/09/20	Special Legislation
20-16	Tax Levy	12/15/20	Special Legislation
20-17	Vehicle License Repealed	11/09/20	Ch. 24; Art. IX
20-18	Zoning Code	11/09/20	Special Legislation
20-19	Zoning Map	11/09/20	Special Legislation
21-1	Motor Vehicles: Non-Highway Vehicles	02/08/21	Ch. 24; Art. X
21-2	Utilities: Water Rates	04/12/21	Section 38-3-79
21-3	Zoning Map	03/08/21	Special Legislation
21-4	Gun Purchase	04/12/21	Special Legislation
21-5	Manufactured Housing Code	05/11/21	Chapter 23
21-6	Appropriation	07/12/21	Special Legislation
21-7	Bond Registrar	07/12/21	Special Legislation
21-8	American Rescue Plan Fund Award	08/09/21	Special Legislation
21-9	Vacation of Street	09/13/21	Special Legislation
21-10	Gun Purchase	10/12/21	Special Legislation
21-11	Tax Abatement for 2014 & 2020 Bonds	11/08/21	Special Legislation
21-12	Tax Levy	12/13/21	Special Legislation
21-13	Agreement with ID Networks, Inc.	12/13/21	Special Legislation
22-01	Gun Purchase	01/10/22	Special Legislation
22-02	Utilities: Meter Malfunction	01/10/22	Section 38-2-8
22-03	Public Safety: Use of Force Policy	01/10/22	Ch. 30; Art. II
22-04	Gun Purchase	03/14/22	Special Legislation
22-05	Gun Purchase	03/14/22	Special Legislation
22-06	Public Safety: Mutual Aid Agreement	03/14/22	Special Legislation
22-07	Resolution of Update Revised Code	04/11/22	Special Legislation
22-08	Utilities: Water Rates	06/13/22	Section 38-3-79
22-09	Utilities: Sewer Rates	06/13/22	Section 38-4-84
22-10	Resolution: Motorcycle Awareness Month	05/09/22	Special Legislation
22-11	Appropriation	2022	Special Legislation
22-12	Resolution: Acquisition of Real Estate	06/13/22	Special Legislation
22-13	Resolution: Software License Agreement	06/13/22	Special Legislation
22-14	Resolution: Clinton County Multi-Hazard Mitigation Plan	09/12/22	Special Legislation
22-15	Trash: Waste Management Contract	09/12/22	Chapter 37
22-16	Tax Abatement	11/14/22	Special Legislation
22-17	Tax Levy	11/14/22	Special Legislation
22-18	Nuisances: Inoperable Motor Vehicles	11/14/22	Ch. 25; Art. IV
23-01	Revised Code of Ordinances	02/13/23	New Code
23-02R	Power Purchase Agreement	03/13/23	Special Legislation
23-03	Appropriation	07/10/23	Special Legislation
23-04	Tax Abatement	11/13/23	Special Legislation

ORD. #	TITLE	DATE	LOCATION IN CODE
23-05	Tax Levy	12/12/23	Special Legislation
23-06	Employees: Paid Leave for Part-time	12/12/23	Section 11-7-1
24-01	Administration: Salaries	03/11/24	Section 1-4-1
24-02	Annexation of Lagoon Property	04/08/24	Special Legislation
24-03R	Award Ash Tree Removal Contract	05/13/24	Special Legislation
24-04	Appropriation	07/08/24	Special Legislation
24-05	Motor Vehicles: Stop Sign	06/10/24	Ch. 24; Schd. "A"
24-06	Streets: Trees	08/13/24	Ch. 33; Art. III
24-07	Tax Levy	12/09/24	Special Legislation
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EXHIBIT 'A'

CHAPTER 1

ADMINISTRATION

ARTICLE I – GENERAL CODE PROVISIONS

DIVISION I - TITLE

1-1-1 TITLE. Upon the adoption by the Village Board of Trustees, this Village Code is hereby declared to be and shall hereafter constitute the official **"Revised Code of Ordinances of the Village of Beckemeyer".** 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 CLINTON) ss. VILLAGE CLERK'S OFFICE
VILLAGE OF BECKEMEYER)

I, Lisa Lammers, Village Clerk of the **Village of Beckemeyer, Illinois,** do hereby certify that the following **Revised Code of Ordinances of the Village of Beckemeyer, Illinois of 2023,** published by authority of the Village Board of Trustees were duly passed by the Village Board of Trustees of the **Village of Beckemeyer, 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 Beckemeyer, Illinois,** this _____ day of _____, 2023.

_____
LISA LAMMERS
VILLAGE CLERK
VILLAGE OF BECKEMEYER

(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 Beckemeyer.

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

"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 Clinton.**

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

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

"FISCAL YEAR". The "fiscal year" for the Village shall begin on **May 1st of each year and end on April 30th 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 **One Hundred Dollars ($100.00)** 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. **(See 65 ILCS 5/1-2-7 and 5/1-2-8)**

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

1-1-25 PAYMENT OF VILLAGE FINES, UTILITIES AND OTHER VILLAGE CHARGES. To ensure efficient operation of Village offices and to avoid disruption of Village services, the Village shall not accept coins in payment of Village fines, Village utilities or other Village charges, except for such charges or portions of such charges which total less than **One Dollar ($1.00)**.

ARTICLE II - VILLAGE OFFICIALS

DIVISION I - VILLAGE BOARD OF TRUSTEES

1-2-1 COMPOSITION AND GENERAL POWERS. The Village Board shall consist of **six (6) Trustees**, elected in conformity with this Code and State laws governing elections in villages and shall have such powers as are granted by **Chapter 65, Illinois Compiled Statutes,** as amended. The term of office shall be for **four (4) years** or until their successors are elected and have qualified. **(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 (2nd) Monday** of each month at **7:30 P.M.** When the meeting date falls upon a legal holiday, the meeting shall be held on the following Tuesday at the same hour and place, unless otherwise designated. Adjourned and reconvened meetings may be held at such times as may be determined by the Trustees. **(See 65 ILCS 5/3.1-40-25 and 5 ILCS Sec. 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)	Finance	(4)	Light - Police - ESDA
(2)	Water & Sewer	(5)	Planning - Zoning - Building
(3)	Insurance - Health - Personnel	(6)	Street - Park - Cemetery

(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 the meeting 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)**

1-2-8 - 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) Approval of claims.
(5) Treasurer's report.
(6) Reports and communications from the Mayor and other Village Officers.
(7) Visitors and public comments.*
(8) Reports of Standing Committees.
(9) Reports of Special Committees.
(10) Presentation of communications, petitions, resolutions, orders, and ordinances by the Board of Trustees.
(11) Unfinished business.
(12) 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 by him 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. The final agenda shall be the only agenda posted for public viewing. **(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 a Trustee except through the Mayor. Any person making personal or impertinent remarks or who shall become disruptive addressing the Village Board shall be forthwith evicted from the Board room by the Mayor.

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

(1) The Village shall furnish appropriate auxiliary aid(s) and service(s) where necessary to afford qualified individuals with disabilities including applicants, participants, companions, and members of the public, an equal opportunity to participate in, and enjoy the benefits, of a service, program, or activity of the Village.

(2) Auxiliary aids and services shall be provided in a timely manner.

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

(C) The chief of Police or his authorized designee shall be the Sergeant at Arms at the Board meetings. He or she shall carry out all orders and instructions of the Mayor for the purposes of maintaining order and decorum. The Sergeant at Arms shall remove any person violating order and decorum of the meeting. Such removal may be accompanied by further prosecution for any violation of any ordinance under this Code. **[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 review 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 Village 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 Sec. 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 Beckemeyer, Clinton County, Illinois"** in the exterior circle, and the words **"Organized Seal" and the date "1905"** 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 Sec. 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 1-2-63)

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

(B) A person is not eligible for an elective municipal office if that person is 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

(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 assessmentlevied 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 establishimg 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 materials purchased, services delivered, damages incurred, or originating any other way, except claims for salaries and other allowances that are fixed by ordinance or by Board policy, must be presented to the Village Clerk on or before **five (5) days** prior to the regular monthly meeting of the Board of Trustees. All such claims must be in writing and in sufficient detail to adequately describe the materials or services. All payments made by the Village, except those made from petty cash, shall be made by check and shall be signed by two of the following three officers: the Mayor, the Village Clerk, or the Village Treasurer.

(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 1st** and shall end on the following **April 30th.** No appointments shall be made during the last month of the municipal year in the year of a mayoral election.

1-2-31 EXPENSES - REIMBURSEMENT. See Section 11-8-5 of the Employee Personnel Code.

1-2-32 OFFICIAL RECORDS. All official Village records, books and papers including the Corporate Seal, shall be kept in the Village Hall, unless authorized by the Mayor to remove and review.

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

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

(B) **Withholdings** from salaries or wages of employees for the purpose provided in sections hereof are hereby authorized to be made in the amounts and at such times as may be required by applicable State or Federal laws or regulations, and shall be paid quarterly. **(40 ILCS 5/21-101 et seq.) (Ord. No. 96-6; 05-13-96)**

1-2-34 ILLINOIS MUNICIPAL RETIREMENT FUND.

(A) The Village does hereby elect to participate in the Illinois Municipal Retirement Fund effective **January 1, 1995**.

(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. **(Ord. No. 94-6; 1994)**

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

1-2-36 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)**

1-2-37 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)**

1-2-38 - 1-2-39 RESERVED.

DIVISION V - VACANCIES

1-2-40 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 1-2-44**, 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.

1-2-41 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.

1-2-42 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 1-2-44 or 1-2-45**.

(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.

1-2-43 ELECTION OF AN ACTING MAYOR. The election of an acting Mayor pursuant to **Section 1-2-45 or 1-2-46** 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.

1-2-44 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.

1-2-45 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 1-2-43**, 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 1-2-44**.

(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.

1-2-46 VACANCIES DUE TO ELECTION BEING DECLARED VOID. In cases of vacancies arising by reason of an election being declared void pursuant to **Section 1-2-42(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.

1-2-47 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)

1-2-48 - 1-2-49 RESERVED.

ARTICLE III – VILLAGE OFFICIALS

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

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

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

(A) **Ordinances.** The Village Clerk shall cause all ordinances passed by the Village Board and approved by the Mayor, imposing any fine, penalty, imprisonment or forfeiture, or making any appropriation to be published or printed in book or pamphlet form, published by authority of the corporate authorities, or be published at least once within **thirty (30) days** after passage, in **one (1)** or more newspapers published in the Village. **(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. Open meeting minutes shall be available to the Board of Trustees within **two (2) weeks** of Board meeting to be reviewed for the next meeting. **(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 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.

1-3-22 DELIVERY OF 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 deliver such plates, tags, or stickers to the person paying the license fee.

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 the office 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 Village and in the Treasurer's custody separate and distinct from the Treasurer's own money and shall not use, either directly or indirectly, the Village'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 or a designee 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 whataccount 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 publish the account at least once in one or more newspapers published 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 (15th) 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 Sec. 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) Germantown Trust & Savings Bank
(2) Bank of Hillsboro, IL
(3) First National Bank, Carlyle, IL
(4) Dietrich Bank, Breese, 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 the Mayor, 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 Utilities Systems, for the Plan Commission, for the Zoning Board of Appeals and for all other boards and commissions hereafter established by the Village Board. The Attorney shall perform all legal services as may be required for those boards and commissions.

1-3-50 PROSECUTOR'S FEE.

(A) For each complaint that is prosecuted on behalf of the Village to enforce the provisions of general ordinances of the Village and also to enforce provisions of State Statutes, statutes affecting the affairs of the Village, there shall be added as costs to be assessed against the defendant in each case the sum of **Fifty Dollars ($50.00)** to be known as the **"Village Prosecutor's Fee"**.

(B) Upon said defendant being found guilty of the charges as set up in the complaint that is filed on behalf of the Village in any of the two above named situations, it shall be the duty of the Court before whom such matter is heard to assess a Village Prosecutor's Fee in the sum of **Fifty Dollars ($50.00)**, which shall be paid directly to the Prosecutor by the Clerk of the Circuit Court, and that the fine or penalty as assessed by the Court for the violation of the complaint shall be paid to the Village Clerk.

1-3-51 - 1-3-59 RESERVED.

DIVISION V - SUPERINTENDENT OF PUBLIC WORKS

1-3-60 OFFICE CREATED. There is hereby created the office of Superintendent of Public Works, who shall be hired by the Mayor with the advice and consent of the Board of Trustees. **(See Section 38-1-4)**

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

(A) The operation and maintenance of the municipal water and sewer distribution systems as otherwise provided in this Code.

(B) The construction and care of all public streets, alleys and driveways in the Village.

(C) The cleaning and safekeeping of all public streets, alleys and driveways.

(D) The construction, repair, and maintenance of all gutters and drains located within or upon public streets, alleys and driveways and elsewhere by easement or right-of-way insuring that the same are kept free from defects.

(E) Supervise the lighting of public streets and alleys.

(F) Such other duties and responsibilities as may be otherwise defined in other chapters of this Code.

(G) Take custody of all Village property which is not otherwise assigned to the care and custody of any other Village officer or official.

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

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

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

DIVISION VI - CODE ENFORCEMENT OFFICER -- ZONING ADMINISTRATOR

1-3-66 CREATION OF POSITION. There is hereby created the position of Zoning Administrator. The Zoning Administrator shall be appointed under the provisions of **Section 1-3-5** of the Revised Code. The Zoning Administrator shall also serve as the flood plain inspector and as the code enforcement officer. Additional duties shall be outlined in the zoning administrator's job description and may be amended from time to time by the Village Administrator.

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

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

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

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

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

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

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

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

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

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

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

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

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

(M) The Zoning Administrator shall perform other duties as a Code Enforcement Officer as prescribed by Laws and the Village Code and as may be specifically assigned to him or her by the Village Board. Such Laws and Code may include, but not be limited to, the Mobile Home Code, Subdivision Code, and the Buidling 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 salary of **One Hundred Fifty Dollars ($150.00)** per regular meeting and **Fifty Dollars ($50.00)** per special meeting actually attended.

(B) **Clerk.** The Village Clerk shall receive a salary of **One Hundred Fifty Dollars ($150.00)** per meeting actually attended and **Fifty Dollars ($50.00)** per special meeting actually attended.

(C) **Trustees.** Each Trustee shall receive **One Hundred Dollars ($100.00)** for each regular Board meeting and **Thirty Dollars ($30.00)** for each special or committee meeting he or she actually attends. Trustees shall not receive compensation for more than **one (1)** regular, special, and/or committee meeting per week.

(D) **Treasurer.** The Village Treasurer shall receive a salary of **One Hundred Fifty Dollars ($150.00)** per meeting and **Fifty Dollars ($50.00)** per special meeting actually attended.

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

(Ord. No. 24-01; 02-12-24)

[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 attent 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 themembers of a public body held for the purpose of discussing public business" or such other definition as shall be contained within the state statutes.

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

1-6-14 REMOTE PARTICIPATION POLICIES. The Village hereby adopts the Remote Participation Policy, as outlined in Addendum "A" and in Addendum "C", 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"

GOVERNMENTAL UNIT
REMOTE ATTENDANCE POLICY

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

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

(1) the member must notify the recording secretary or clerk of the Covered Body at least **twenty-four (24) hours** before the meeting unless advance notice is impractical;

(2) the member must meet one of three reasons described herein why he or she is unable to physically attend the meeting, including either: (a) that the member cannot attend because of personal illness or disability; (2) the member cannot attend because of employment purposes or the business of the Village; or (3) the member cannot attend because of a family or other emergency; and

(3) a quorum of the Covered Body must be physically present.

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

(D) **Quorum and Vote Required.** A quorum must be established by members physically present at any meeting before it can be considered whether to allow a member to participate in the meeting remotely. A vote of a majority of a quorum shall be necessary to decide the issue. For the meeting the 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 is allowed to participate. The meeting minutes of the Village shall also reflect and state specifically whether each member is physically present, present by video, or present by audio means.

ADDENDUM "B"

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

NAME OF APPLICANT: _____

NAME OF COMPANION: _____

ADDRESS: _____

TELEPHONE: _____ CELL NO.: _____

DATE OF NEEDED AUXILIARY AID OR SERVICE: _____

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

_____

DATE: _____ SIGNED: _____

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

ADDENDUM "C"

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 BECKEMEYER, ILLINOIS

CLOSED SESSIONS – MINUTES

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

Inventory	Date	Purpose	Discussion	Proposed Action	Comments

Key

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

CHAPTER 3 - ANIMALS

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CHAPTER 3

ANIMALS

ARTICLE I - GENERAL REGULATIONS

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

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

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

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

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

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

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

"DANGEROUS DOG" means:

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

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

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

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

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

"FERAL CAT" means a cat that:

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

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

(510 ILCS 5/2.11b)

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

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

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

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

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

"OWNER". "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. **(See Section 3-3-1(A) for "vicious dog" definition.)**

"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 **five (5) dogs** or **cats** within the Village, with the exception that a litter of pups, a litter of kittens or a portion of a litter may be kept for a period of time not exceeding **five (5) months** from birth.

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

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

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

(A) **Certain Prohibitions.** It shall be unlawful and is hereby declared a nuisance for any person to keep or allow to be kept any animal of the species of horse, mule, swine, sheep, goat, cattle, poultry (with the exception of chickens, quail, pheasant, pigeons and rabbits as herein provided), skunks, or poisonous reptiles within the limits of the Village.

(1) It shall be unlawful to keep roosters within Village limits.

(2) Allowable animals shall be deemed Hobby Animals.

(3) The number of allowable fowl shall be no less than **two (2)**, and no more than **six (6)**.

(4) The number of rabbits shall not exceed **ten (10)**.

(5) Any structures housing hobby animals shall be termed an "accessory structure".

(6) 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) **Coop Requirements.**

(i) Coops will require a building permit.

(ii) Coops shall be required to comply with the Zoning Code setback requirements.

(iii) 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.

(iv) 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.

(v) Coop licenses shall not run with the land.

(vi) Permits 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 permit.

(vii) 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.

(viii) 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.

(ix) Applications shall be submitted to the Village Clerk's office.

(x) No person shall slaughter any Hobby Animal within Village limits in view of the public.

(xi) 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.

(xii) 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.

(xiii) 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.

(xiv) 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.

(xv) 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.

(xvi) Any person found to be in violation of this Section shall be fined not less than **One Hundred Dollars ($100.00)**, nor more than **Seven Hundred Fifty Dollars ($750.00)** for each offense. Each day an owner is not compliant with this Section shall constitute a separate offense.

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

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

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

ARTICLE II - DOGS

3-2-1 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.

(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". See Section 3-1-2**.

(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 3-3-1(A)** 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 3-3-1(A)** 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)

CHAPTER 4 – BOARDS AND COMMISSIONS

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CHAPTER 4

BOARDS AND COMMISSIONS

ARTICLE I – PLAN COMMISSION

4-1-1 ESTABLISHED. A Plan Commission is hereby created under authority of the **Illinois Compiled Statutes, Chapter 65, Sections 5/11-12-4 through 5/11-12-12.**

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 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 5/11-12)**

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CHAPTER 7

BUSINESS CODE

ARTICLE I - ADMINISTRATION

7-1-1 APPLICATIONS.

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

(B) Each application shall contain:

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

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

7-1-2 PERSONS SUBJECT TO LICENSE. Whenever a license or permit is required in this Code or in any municipal ordinance for the maintenance, operation, or conduct of any business or establishment, or for doing business or engaging in any activity or occupation, any person, firm, or corporation shall be subject to the requirement if by himself or itself, or through an agent, employee or partner, he or it is held forth as being engaged in the business, activity or occupation, or if he or it solicits patronage therefor actively or passively; or if he or it performs or attempts to perform any part of such business, activity or occupation in this Municipality.

7-1-3 FORM OF LICENSE. Every license shall be signed by the Mayor and attested by the Clerk under the corporate seal, and no license shall be valid until signed and countersigned as aforesaid, nor shall any person be deemed to be licensed until the same shall have been issued to him in due form.

7-1-4 INVESTIGATIONS.

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

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

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

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

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

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

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

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

7-1-6 TERMINATION OF LICENSES. All annual licenses shall be operative and the license year for this Municipality shall commence on **May 1st of each year** and shall terminate on **April 30th** 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) **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.

(B) **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.

(C) **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 INSPECTIONS.

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

(B) Whenever an analysis of any commodity or material is reasonably necessary to assure compliance with the provisions of any ordinance or regulation, or to detect violations thereof, it shall be the duty of the licensee or the person in charge of the premises to give to any duly authorized officer or employee of this Municipality requesting the same, sufficient samples of such material or commodity for such analysis upon official request.

(C) In addition to any other penalty which may be provided, the Mayor may revoke the license of any owner or operator of a licensed business in this Municipality who refuses to permit any

duly authorized officer or employee to make such inspection or to take adequate sample(s) of said commodity, or who interferes with such officer or employee while in the performance of his duties; provided, however, that no license shall be subject to revocation for such cause unless such officer or employee has been refused permission to enter upon the premises in the name of this Municipality after having first presented a warrant authorizing such entry.

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

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

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

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

(A) Any fraud, misrepresentation or false statement contained in the application for the license or permit;

(B) Any violation by the licensee or permittee of Code provisions relating to the license or permit, the subject matter of the license or permit, or the premises occupied;

(C) Conviction of the licensee or permittee of any felony or of a misdemeanor involving moral turpitude;

(D) Failure of the licensee or permittee to pay any fine or penalty owed to this Municipality;

(E) Refusal to permit an inspection or sampling, or any interference with a duly authorized officer or employee in the performance of his duties in making such inspections, as provided in **Section 7-1-11.**

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

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

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

7-1-13 APPEAL. Any person aggrieved by the decision of the Mayor regarding the denial of an application for a business license as provided in **Section 7-1-4** or in connection with the revocation of a license or permit as provided in Section **7-1-12** shall have the right to appeal to the Village Board. Such appeal shall be taken by filing with the Clerk, within **ten (10) days** after notice of a

denial of an application or a revocation of a license or permit, a written statement under oath setting forth specifically the grounds for appeal. The Mayor shall thereupon set the time and place for a hearing on such appeal and notice of such hearing shall be given to the applicant or licensee or permittee in the same manner as provided in **Section 7-1-12** hereof. The decision of the Village Board on such appeal shall be final.

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

ARTICLE II - SOLICITORS

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

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

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

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

(A) Seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs, services of any kind, character or description whatsoever, for any kind of consideration whatsoever or;

(B) Seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication or;

(C) Seeking to obtain gifts or contributions of money, clothing or any other valuable thing for the support or benefit of any charitable or non-profit association, organization, corporation or project.

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

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

(A) Name and address of present place of residence and length of residence at such address; also, business address if other than residence address; also, Social Security Number.

(B) Address of place of residence during the past **three (3) years** if other than present address.

(C) Age of applicant and marital status; and if married, the name of spouse.

(D) Physical description of the applicant.

(E) Name and address of the person, firm or corporation or association with whom the applicant is employed or represents; and the length of time of such employment or representation.

(F) Name and address of employer during the past **three (3) years** if other than the present employer.

(G) Description sufficient for identification of the subject matter of the soliciting in which the applicant will engage.

(H) Period of time for which the Certificate is applied.

(I) The date or approximate date of the latest previous application for a Certificate under this Chapter, if any.

(J) Has a Certificate of Registration issued to the applicant under this Chapter ever been revoked?

(K) Has the applicant ever been convicted of a violation of any of the provisions of this Code or the regulations of any other Illinois municipality regulating soliciting?

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

(M) The last **three (3) municipalities** 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 **9:00 A.M. or after 6:00 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:** **$100.00 per person per day.**

(B) **Annual License:** **$500.00 per person per year.**

(Ord. No. 17-11; 09-11-17)

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

ARTICLE III - PEDDLERS

7-3-1 **LICENSE REQUIRED.** It shall be unlawful for any person, firm or corporation to engage in the business of hawker or peddler of any merchandise, article or thing without having first secured a license therefor.

7-3-2 **DEFINITION.** **"Peddle"** shall mean the selling, bartering, or exchanging or the offering for sale, barter or exchange of any tangible personal property upon or along the streets, highways, or public places of this Municipality or from house-to-house, whether at one place thereon or from place-to-place, from any wagon, truck, pushcart, or other vehicle or from movable receptacles of any kind, but shall not include the delivery of any item previously ordered or the sale of items along delivery routes where the purchaser has previously requested the seller to stop and exhibit his items. Nor shall **'peddle'** be taken to include the solicitation of orders by sample where the goods are not delivered at the time the order is taken.

7-3-3 **APPLICATIONS.** A person desiring a license may obtain the same by making application with the Clerk and providing the following information:

(A) Name and physical description of applicant.
(B) Permanent home and address and local address if operating from such an address.
(C) A brief description of the business and of the goods to be sold.
(D) Name and address of the employer, if any.
(E) The length of time for which the right to do business is desired.
(F) Evidence that the agent is acting on behalf of the corporation he represents.
(G) Statement of the applicant's criminal record other than a traffic record.
(H) The last **three (3) municipalities** 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:** **$100.00 per person per day**

(B) **Annual License**: **$500.00 per person per year**

(Ord. No. 17-12; 09-11-17)

(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 therefore for the full period for which the license is to be issued.

(H) No license shall be issued under this Article within **one thousand (1,000) feet** of a school.

7-4-5 FEES. The annual fee for such license shall be **Fifty Dollars ($50.00) per year** or part thereof for each coin-operated amusement device set up for operation, leased or distributed to a proprietor.

(A) All operator's license fees shall be payable annually in advance and in no case shall any portion of said license fee be refunded to the licensee.

(B) The license period shall be for the fiscal year of the Municipality, and all applications for renewal shall be made to the Clerk not more than **thirty (30) days, but no less than fifteen (15) days** prior to the expiration of such license.

7-4-6 NON-ASSIGNABILITY OF LICENSE. The location of a license may be changed only upon the written permission of the Mayor. Any license issued hereunder shall be non-assignable and non-transferable.

7-4-7 GAMBLING REGULATIONS.

(A) All licensed devices shall, at all times, be kept and placed in plain view of any person or persons who may frequent or be in any place of business where such devices are kept or used.

(B) Nothing in this Article shall be construed to authorize, permit or license any gambling device of any nature whatsoever.

(C) **Prizes and Awards Prohibited.** It shall be unlawful for any person receiving a license pursuant to this Article to give or award a cash prize or equivalent to any person playing any of the tables, devices or machines enumerated hereinabove under tournament, league or any other individual or competitive play.

(D) **Permitting Gambling.** The gambling prohibition shall not apply to any game or gaming even for which a license or permit has been by the Illinois Gaming Board pursuant to the *Illinois Video Gaming Act,* **230 ILCS 40/1 et seq.**, provided that such game or gaming event is conducted in full and complete compliance with all requirements of such act and all rules and regulations of the Illinois Gaming Board. **(See Chapter 21 – Liquor Code)**

7-4-8 DISPLAY OF LICENSE. Every licensee shall frame and hang his license in a conspicuous place in the licensed premises.

7-4-9 RIGHT OF ENTRY. The Chief of Police has the power to and shall inspect any place, building or premises in which any licensed device or devices are operated or set up for operation at such times and intervals as he may deem necessary for the proper enforcement of this Article.

7-4-10 **CLOSING HOURS.** No establishment operating under a license issued under this Article shall be open for use of any such devices 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 – RAFFLES AND POKER RUNS

7-5-1 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 Village 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.

7-5-2 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".

7-5-3 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 villages 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 villages 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.

7-5-4 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.

7-5-5 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.

7-5-6 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.

7-5-7 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.

7-5-8 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.

7-5-9 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.**

7-5-10 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.

7-5-11 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.

VILLAGE OF BECKEMEYER

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 CLINTON) ss.
VILLAGE OF BECKEMEYER)

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 Beckemeyer, Illinois** in this behalf made and required license is, by authority of the **Village of Beckemeyer, Illinois** given and granted to the _____ to _____ at _____ _____ in the **Village of Beckemeyer, County of Clinton, 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 Beckemeyer, 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 Beckemeyer, County of Clinton, Illinois** and the seal thereof, this _____ day of _____, ____.

_____
MAYOR
VILLAGE OF BECKEMEYER

COUNTERSIGNED:

_____
VILLAGE CLERK
VILLAGE OF BECKEMEYER

(SEAL)

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.

APPLICATION FOR RAFFLE LICENSE

SWORN STATEMENT

The following officers attest to the not-for-profit character of the applicant organization.

_____

(NAME OF ORGANIZATION)

Dated this _____ day of _____, _____.

_____

PRESIDING OFFICER

_____

SECRETARY

STATE OF ILLINOIS)
) ss.
COUNTY OF CLINTON)

Signed and sworn to before me this _____ day of _____, _____.

_____ _____

PRESIDING OFFICER SECRETARY

_____

NOTARY PUBLIC

SINGLE 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 Beckemeyer and the Corporate Seal thereof, this _____ day of _____, _____.

_____
MAYOR
VILLAGE OF BECKEMEYER

_____
VILLAGE CLERK
VILLAGE OF BECKEMEYER

(SEAL)

APPLICANT/FIELD CHECK

INFORMATION CARD

Name			Location	Date Time
Residence Address			D.L.#	
Business Address			Vehicle Color Yr. Body License Info	
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 8 – CABLE TELEVISION

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CHAPTER 8

CABLE TELEVISION

ARTICLE I – CABLE/VIDEO SERVICE PROVIDER FEE

8-1-1 DEFINITIONS. As used in this Article, the following terms shall have the following meanings:

(A) ***"Cable Service"*** means that term as defined in 47 U.S.C. § 522(6).

(B) ***"Commission"*** means the Illinois Commerce Commission.

(C) ***"Gross Revenues"*** means all consideration of any kind or nature, including, without limitation, cash, credits, property, and in-kind contributions received by the holder for the operation of a cable or video system to provide cable service or video service within the holder's cable service or video service area within the Village.

(1) Gross revenues shall include the following:

(a) Recurring charges for cable or video service.

(b) Event-based charges for cable service or video service, including, but not limited to, pay-per-view and video-on-demand charges.

(c) Rental of set top boxes and other cable service or video service equipment.

(d) Service charges related to the provision of cable service or video service, including but not limited to activation, installation, and repair charges.

(e) Administrative charges related to the provision of cable service or video service, including but not limited to service order and service termination charges.

(f) Late payment fees or charges, insufficient funds check charges, and other charges assessed to recover the costs of collecting delinquent payments.

(g) A *pro* rata portion of all revenue derived by the holder or its affiliates pursuant to compensation arrangements for advertising or for promotion or exhibition of any products or services derived from the operation of the holder's network to provide cable service or video service within the Village. The allocation shall be based on the number of subscribers in the Village divided by the total number of subscribers in relation to the relevant regional or national compensation arrangement.

(h) Compensation received by the holder that is derived from the operation of the holder's network to provide cable service or video service with respect to commissions that are received by the holder as compensation for promotion or exhibition of any products or services on the holder's network, such as a "home shopping" or similar channel, subject to subsection (i).

(i) In the case of a cable service or video service that is bundled or integrated functionally with other services, capabilities, or applications, the portion of the holder's revenue attributable to the other services, capabilities, or applications shall be included in the gross revenue unless the holder can reasonably identify the division or exclusion of the revenue from its books and records that are kept in the regular course of business.

(j) The service provider fee permitted by 220 ILCS 5/21-801(b).

(2) Gross revenues do not include any of the following:

(a) Revenues not actually received, even if billed, such as bad debt, subject to 220 ILCS 5/21-801(c)(1)(vi).

(b) Refunds, discounts, or other price adjustments that reduce the amount of gross revenues received by the holder of the State-issued authorization to the extent the refund, rebate, credit, or discount is attributable to cable service or video service.

(c) Regardless of whether the services are bundled, packaged, or functionally integrated with cable service or video service, any revenues received from services not classified as cable service or video service, including, without limitation, revenue received from telecommunication services, information services, or the provision of directory or Internet advertising, including yellow pages, white pages, banner advertisement, and electronic publishing or any other revenues attributed by the holder to noncable service or non-video service in accordance with the holder's books and records and records kept in the regular course of business and any applicable laws, rules, regulations, standards, or orders.

(d) The sale of cable services or video services for resale in which the purchaser is required to collect the service provider fee from the purchaser's subscribers to the extent the purchaser certifies in writing that it will resell the service within the Village and pay the fee permitted by 220 ILCS 5/21-801(b) with respect to the service.

(e) Any tax or fee of general applicability imposed upon the subscribers or the transaction by a city, state, federal, or any other governmental entity and collected by the holder of the State-issued authorization and required to be remitted to the taxing entity, including sales and use taxes.

(f) Security deposits collected from subscribers.

(g) Amounts paid by subscribers to "home shopping" or similar vendors for merchandise sold through any home shopping channel offered as part of the cable service or video service.

(3) Revenue of an affiliate of a holder shall be included in the calculation of gross revenues to the extent the treatment of the revenue as revenue of the affiliate rather than the holder has the effect of evading the payment of the fee permitted by 220 ILCS 5/21-801(b) which would otherwise be paid by the cable service or video service.

(D) ***"Holder"*** means a person or entity that has received authorization to offer or provide cable or video service from the Commission pursuant to 220 ILCS 5/21-401.

(E) ***"Service"*** means the provision of "cable service" or "video service" to subscribers and the interaction of subscribers with the person or entity that has received authorization to offer or provide cable or video service from the Commission pursuant to 220 ILCS 5/21-401.

(F) ***"Service Provider Fee"*** means the amount paid under this Article and 220 ILCS 5/21-801 by the holder to a Village for the service areas within its territorial jurisdiction.

(G) ***"Video Service"*** means video programming and subscriber interaction, if any, that is required for the selection or use of such video programming services, and which is provided through wireline facilities located at least in part in the public right-of-way without regard to delivery technology, including Internet protocol technology. This definition does not include any video programming provided by a commercial mobile service provider defined in 47 U.S.C. § 332(d) or any video programming provided solely as part of, and via, service that enables users to access content, information, electronic mail, or other services offered over the public Internet.

8-1-2 CABLE/VIDEO SERVICE PROVIDER FEE IMPOSED.

(A) **Fee Imposed.** A fee is hereby imposed on any holder providing cable service or video service in the Village.

(B) **Amount of Fee.** The amount of the fee imposed hereby shall be **three percent (3%)** of the holder's gross revenues.

(C) **Notice to the Village.** The holder shall notify the Village at least **ten (10) days** prior to the date on which the holder begins to offer cable service or video service in the Village.

(D) **Holder's Liability.** The holder shall be liable for and pay the service provider fee to the Village. The holder's liability for the fee shall commence on the first day of the calendar month following **thirty (30) days** after receipt of the ordinance adopting this Article by the holder. The ordinance adopting this Article shall be sent by mail, postage prepaid, to the address listed on the holder's application notice sent pursuant to 220 ILCS 5/21-401(b)(6) to the Village.

(E) **Payment Date.** The payment of the service provider fee shall be due on a quarterly basis, **forty-five (45) days** after the close of the calendar quarter. If mailed, the fee is considered paid on the date it is postmarked. Each payment shall include a statement explaining the basis for the calculation of the fee.

(F) **Exemption.** The fee hereby imposed does not apply to existing cable service or video service providers that have an existing franchise agreement with the Village in which a fee is paid.

(G) **Credit for Other Payments.** An incumbent cable operator that elects to terminate an existing agreement pursuant to 220 ILCS 5/21-301(c) with credit to prepaid franchise fees under that agreement may deduct the amount of such credit from the fees that operator owes under Section 116.02(b).

8-1-3 APPLICABLE PRINCIPLES. All determinations and calculations under this Article shall be made pursuant to generally accepted accounting principles.

8-1-4 NO IMPACT ON OTHER TAXES DUE FROM HOLDER. Nothing contained in this Article shall be construed to exempt a holder from any tax that is or may later be imposed by the Village, including any tax that is or may later be required to be paid by or through the holder with respect to cable service or video service. A State-issued authorization shall not affect any requirement of the holder with respect to payment of the Village's simplified municipal telecommunications tax or any other tax as it applies to any telephone service provided by the holder. A State-issued authorization shall not affect any requirement of the holder with respect to payment of the local unit of government's 911 or E911 fees, taxes or charges.

8-1-5 AUDITS OF CABLE/VIDEO SERVICE PROVIDER.

(A) **Audit Requirement.** The Village will notify the holder of the requirements it imposes on other cable service or video service providers to submit to an audit of its books and records. The holder shall comply with the same requirements the Village imposes on other cable service or video service providers in its jurisdiction to audit the holder's books and records and to recomputed any amounts determined to be payable under the requirements of the Village. If all local franchises between the Village and cable operator terminate, the audit requirements shall be those adopted by the Village pursuant to the Local Government Taxpayers' Bill of Rights Act, 50 ILCS 45/1 *et seq.* found in Chapter 36. No acceptance of amounts remitted should be construed as an accord that the amounts are correct. **(See Chapter 36 - Taxation)**

(B) **Additional Payments.** Any additional amount due after an audit shall be paid within **thirty (30) days** after the municipality's submission of an invoice for the sum.

8-1-6 LATE FEES/PAYMENTS. All fees due and payments which are past due shall be governed by ordinances adopted by this municipality pursuant to the Local Government Taxpayers' Bill of Rights Act, 50 ILCS 45/1 *et seq.*

(See 220 ILCS 5/21-801)

ARTICLE II - CABLE AND VIDEO CUSTOMER PROTECTION LAW

8-2-1 CUSTOMER SERVICE AND PRIVACY PROTECTION LAW.

(A) **Adoption.** The regulations of 220 ILCS 5/70-501 are hereby adopted by reference and may be applicable to the cable or video providers offering services within the Village's boundaries.

(B) **Amendments.** Any amendment to the Cable and Video Customer Protection Law that becomes effective after the effective date of this Article shall be incorporated into this Article by reference and shall be applicable to cable or video providers offering services within the municipality's boundaries. However, any amendment that makes its provisions optional for adoption by municipalities shall not be incorporated into this Article by reference without formal action by the corporate authorities of the Village.

8-2-2 ENFORCEMENT. The Village does hereby pursuant to law declare its intent to enforce all of the customer service and privacy protection standards of the Cable and Video Protection Law with respect to complaints received from residents within the Village.

8-2-3 CUSTOMER CREDITS. The Village hereby adopts the schedule of customer credits for violations. Those credits shall be as provided for in the provisions of 220 ILCS 5/70-501(s) and applied on the statement issued to the customer for the next billing cycle following the violation or following the discovery of the violation. The cable or video provider is responsible for providing the credits and the customer is under no obligation to request the credit.

8-2-4 PENALTIES. The Village, pursuant to 220 ILCS 5/70-501(r)(1), does hereby provide for a schedule of penalties for any material breach of the Cable and Video Protection Law by cable or video providers in addition to the penalties provided in the law. The monetary penalties shall apply on a competitively neutral basis and shall not exceed **Seven Hundred Fifty Dollars ($750.00)** for each day of the material breach, and shall not exceed **Twenty-Five Thousand Dollars ($25,000.00)** for each occurrence of a material breach per customer.

(A) Material breach means any substantial failure of a cable or video provider to comply with service quality and other standards specified in any provision of the law.

(B) The Village shall give the cable or video provider written notice of any alleged material breaches of the law and allow such provider at least **thirty (30) days** from the receipt of the notice to remedy the specified material breach.

(C) A material breach, for the purposes of assessing penalties, shall be deemed to occur for each day that a material breach has not been remedied by the cable or video service provider after the notice in (B).

ARTICLE III – FRANCHISE

8-3-1 FRANCHISE AGREEMENT. The cable television franchise agreement by and between the Village of Beckemeyer and Spectrum Mid-America, LLC, which is attached hereto as **Addendum "A"**. **(Ord. No. 19-10; 11-18-19)**

ADDENDUM "A"

FRANCHISE AGREEMENT

This Franchise Agreement ("Franchise") is between the Village of Beckemeyer, Illinois, hereinafter referred to as the "Grantor" and Spectrum Mid-America, LLC, locally known as Charter Communications, hereinafter referred to as the "Grantee."

The Grantor hereby acknowledges that the Grantee has substantially complied with the material terms of the current Franchise under applicable law, and that the financial, legal, and technical ability of the Grantee is reasonably sufficient to provide services, facilities, and equipment necessary to meet the future cable-related needs of the community, and having afforded the public adequate notice and opportunity for comment, desires to enter into this Franchise with the Grantee for the construction and operation of a cable system on the terms set forth herein.

1. Definitions.

A. ***"Cable Act"*** means the Cable Communications Policy Act of 1984, P.L. 98-549, 47 U.S.C. § 521 Supp., as it may be amended or superseded.

B. ***"Cable System", "Cable Service," and "Basic Cable Service"*** shall be defined as set forth in the Cable Act.

C. ***"Franchise"*** means the authorization granted hereunder of a franchise, privilege, permit, license or otherwise to construct, operate and maintain a Cable System within the Service Area.

D. ***"Gross Revenues"*** means all revenues, as determined in accordance with generally accepted accounting principles, actually received by Grantee from Subscribers residing within the Service Area for Cable Services purchased by such Subscribers on a regular, recurring monthly basis. Gross Revenues shall not include (1) any taxes, fees or assessments collected by the Grantee from Subscribers for pass-through to a government agency, including, without limitation, the FCC user fee, franchise fee, or sales or utility taxes; (2) bad debt; (3) credits, refunds and deposits paid to Subscriber; and (4) any exclusion available under applicable state law.

E. ***"Service Area"*** shall mean the geographic boundaries of the Grantor.

F. ***"Streets"*** means the public streets, avenues, highways, boulevards, concourses, driveways, bridges, tunnels, parks, parkways, waterways, alleys, all other rights-of-way and easements, including but not limited to public utility easements, dedicated utility strips, or rights-of-way dedicated for compatible uses now or hereafter, and the public grounds, places or water within the geographic boundaries of Grantor.

G. ***"Subscriber"*** means any person lawfully receiving any Cable Service from the Grantee.

2. Granting of Franchise. The Grantor hereby grants to Grantee a non-exclusive Franchise which authorizes the Grantee to erect, construct, operate and maintain in, upon, along, across, above, over and under the Streets now in existence and as may be created or established during its terms; any poles, wires, cable, antennae, underground conduits, manholes, and other conductors, fixtures, equipment and other facilities used for the construction, operation and maintenance of the Cable System, upon the terms and conditions set forth herein. Nothing in this Franchise shall be construed to prohibit the Grantee from offering any service over its Cable System that is not prohibited by federal or state law.

3. Term. The Franchise shall be for a term of **five (5) years**, commencing on the Effective Date of this Franchise as set forth in Section 16. This Franchise will be automatically extended for an

additional term of **five (5) years**, unless either party notifies the other in writing of its desire to not exercise this automatic extension (and enter renewal negotiations under the Cable Act) at least **three (3) years** before the expiration of this Franchise. If such a notice is given, the parties will then proceed under the federal Cable Act renewal procedures.

4. Use of the Streets and Dedicated Easements.

A. Grantee shall have the right to use the Streets of the Grantor for the construction, operation and maintenance of the Cable System, including the right to repair, replace and enlarge and extend the Cable System, provided that Grantee shall utilize the facilities of utilities when available on reasonable terms and conditions.

B. The facilities of the Grantee shall be installed underground in those Service Areas where existing telephone and electric services are both underground at the time of system construction. In areas where either telephone or electric utility facilities are installed aerially at the time of system construction, the Grantee may install its facilities aerially with the understanding that at such time as the existing aerial facilities are required to be placed underground by the Grantor, the Grantee shall likewise place its facilities underground. In the event Grantor or any agency thereof directly or indirectly reimburses any utility for the placement of cable underground or the movement of cable, Grantee shall be similarly reimbursed.

C. Grantee shall have the right to remove, trim, cut and keep clear of the Cable System, the trees in and along the Streets of the Grantor.

5. Maintenance of the System.

A. Grantee shall at all times employ ordinary care in the maintenance and operation of the Cable System so as not to endanger the life, health or property of any citizen of the Grantor or the property of the Grantor.

B. All construction practices and installation of equipment shall be done in accordance with all applicable sections of the National Electric Safety Code.

C. The Cable System shall be designed, constructed and operated so as to meet those technical standards adopted by the FCC relating to Cable Systems contained in part 76 of the FCC's rules and regulations as may, from time to time, be amended.

6. Service.

A. The Grantee shall continue to provide Cable Service to all residences within the Service Area where Grantee currently provides Cable Service. Grantee shall have the right, but not the obligation, to extend the Cable System into any other portion of the Service Area, including annexed areas. Cable Service officer to Subscribers pursuant to this Franchise shall be conditioned upon Grantee having legal access on reasonable terms and conditions to any such Subscriber's dwelling unit or other units wherein such Cable Service is provided.

B. The Grantee agrees to provide, without charge, one outlet of Basic Service as required by 220 ILCS 5/22-501(f). The outlets of Basic Service shall not be used to distribute or sell services in or throughout such buildings, nor shall such outlets be located in areas open to the public. The Grantor shall take reasonable precautions to prevent any use of Grantee's Cable System in any manner that results in the inappropriate use thereof or any loss or damage to the Cable System.

C. The Grantor shall promptly provide written notice to the Grantee of its annexation of any territory which is being provided Cable Service by the Grantee or its affiliates. Such annexed area will be subject to the provisions of this Franchise upon **sixty (60) days'** written notice from the Grantor, subject to the conditions set forth below and subsection A. above. The Grantor shall also notify Grantee in writing of all new street address assignments or changes within the Service Area. Grantee shall within **ninety (90) days** after receipt of the annexation notice, pay the Grantor franchise fees on revenue received from the operation of the Cable System to provide Cable Services in any area annexed by the Grantor if the Grantor has provided a written annexation notice that includes the addresses that will be moved into the Service Area in an Excel format or in a format that will allow Grantee to change its billing system. If the annexation notice does not include the addresses that will be moved into the Service Area, Grantee shall pay franchise fees within **ninety (90) days** after it receives the annexed addresses as set forth above. All notices due under this Section shall be sent by electronic or certified

mail, return receipt requested to the addresses set forth in Section 13 with a copy to the Director of Government Relations. In any audit of franchise fees due under this Agreement, Grantee shall not be liable for franchise fees on annexed areas unless and until Grantee has received notification and information that meets the standards set forth in this Section.

7. Insurance/Indemnity.

A. The Grantee shall maintain throughout the term of the Franchise insurance in amounts at least as follows:

Workers' Compensation	Statutory Limits
Commercial General Liability	$1,000,000 per occurrence, Combined Single Liability (C.S.L.) $2,000,000 General Aggregate
Auto Liability including coverage on all owned, non-owned hired autos	$1,000,000 per occurrence C.S.L.
Umbrella Liability	$1,000,000 per occurrence C.S.L.

B. The Grantor shall be added as an additional insured, arising out of work performed by Grantee, to the above Commercial General Liability, Auto Liability and Umbrella Liability insurance coverage.

C. The Grantee shall furnish the Grantor with current certificates of insurance evidencing such coverage upon request.

D. Grantee hereby agrees to indemnify and hold the Grantor, including its agents and employees, harmless from any claims or damages resulting from the actions of Grantee in constructing, operating or maintaining the Cable System. Grantor agrees to give the Grantee written notice of its obligation to indemnify Grantor within **ten (10) days** of receipt of a claim or action pursuant to this Section. Notwithstanding the foregoing, the Grantee shall not be obligated to indemnify Grantor for any damages, liability or claims resulting from the willful misconduct or negligence of Grantor or for the Grantor's use of the Cable System.

8. Revocation.

A. Prior to revocation or termination of the Franchise, the Grantor shall give written notice to the Grantee of its intent to revoke the Franchise on the basis of a pattern of substantial noncompliance with a material provision of the Franchise. The notice shall set forth the exact nature of the noncompliance. The Grantee shall have **sixty (60) days** from such notice to either object in writing and to state its reasons for such objection and provide any explanation or to cure the alleged noncompliance. If Grantee has not cured the breach within such **sixty (60) day** time period or if the Grantor has not otherwise received a satisfactory response from Grantee, the Grantor may then seek to revoke the Franchise at a public hearing. The Grantee shall be given at least **thirty (30) days** prior written notice of such public hearing, specifying the time and place of such hearing and stating its intent to revoke the Franchise.

B. At the hearing, the Grantor shall give the Grantee an opportunity to state its position on the matter, present evidence and question witnesses, after which it shall determine whether or not the Franchise shall be revoked. The public hearing shall be on the record and a written transcript, and a certified copy of the findings shall be made available to the Grantee within **ten (10) business days**. The Grantee may appeal such determination to an appropriate court, which shall have the power to review the decision of the Grantor *de novo*.

C. Upon revocation of the Franchise, Grantee may remove the Cable System from the Streets of the Grantor or abandon the Cable System in place.

9. **Equal Protection.** If any other provider of cable services or video services (without regard to the technology used to deliver such service) is lawfully authorized by the Grantor or by any other state or federal governmental entity to provide such services using facilities located wholly or partly in the public rights-of-way of the Grantor, the Grantor shall, within **thirty (30) days** of a written request from Grantee, modify this Franchise to insure that the obligations applicable to Grantee are no more burdensome than those imposed on the new competing provider. If the Grantor fails to make modifications consistent with this requirement, Grantee's Franchise shall be deemed so modified **thirty (30) days** after the Grantee's initial written notice. As an alternative to the Franchise modification request, the Grantee shall have the right and may choose to have this Franchise with the Grantor be deemed expired **thirty (30) days** after written notice to the Grantor. Nothing in this Franchise shall impair the right of the Grantee to terminate this Franchise and, at Grantee's option, negotiate a renewal or replacement franchise, license, consent, certificate or other authorization with any appropriate government entity. Nothing in this Section 9 shall be deemed a waiver of any remedies available to Franchisee under federal, state or municipal law, including but not limited to Section 625 of the Cable Act, 47 U.S.C. § 545.

10. **Compliance with Laws.** Grantor and Grantee shall conform to all applicable state and federal laws and rules regarding cable television as they become effective. Grantee shall also conform with all generally applicable Grantor ordinances, resolutions, rules and regulations heretofore or hereafter adopted or established during the entire term of the Franchise. In the event of a conflict between Grantor ordinances, resolutions, rules or regulations and the provisions of this Franchise, the provisions of this Franchise shall govern.

11. **Change in Law.** Notwithstanding any other provision in this Franchise, in the event any change to state or federal law occurring during the term of this Franchise eliminates the requirement for any person desiring to provide video service or Cable Service to obtain a franchise from the Grantor, then Grantee shall have the right to terminate this Franchise and operate the system under the terms and conditions established in applicable law. If Grantee chooses to terminate this Franchise pursuant to this provision, this Franchise shall be deemed to have expired by its terms on the effective date of any such change in law, whether or not such law allows exiting franchise agreements to continue until the date of expiration provided in any existing franchise.

12. **Confidentiality.** If Grantee provides any books, records or maps to the Grantor, the Grantor agrees to treat as confidential such books, records or maps that constitute proprietary or confidential information. Until otherwise ordered by a court or agency of competent jurisdiction, the Grantor agrees that, to the extent permitted by state and federal law, it shall deny access to any of Grantee's books, records or maps marked confidential to any person.

13. **Notices, Miscellaneous.**

A. Unless otherwise provided by Federal, State or Local law, all notices, reports or demands pursuant to this Franchise shall be in writing and shall be deemed to be sufficiently given upon delivery to a Person at the address set forth below, or by U.S. certified mail, return receipt requested, nationally or internationally recognized courier service such as Federal Express or electronic mail communication to the designated electronic mail address provided below. Grantee shall provide **thirty (30) days** written notice of any changes in rates, programming services or channel positions using any reasonable written means. As set forth above, notice served upon the Grantor shall be delivered or sent to:

Grantor:	Village of Beckemeyer Attn: Mayor 191 East First Street PO Box 278 Beckemeyer, IL 62219
Email:	villageofbec@ezeeweb.com
Grantee:	Charter Communications Attn: Director of Government Affairs 3030 Roosevelt Avenue Indianapolis, IN 46218
Email:	Leeann.Herrera@charter.com
With a copy to:	Charter Communications Attn: Vice President, Government Affairs 12405 Powerscourt Drive St. Louis, MO 63131

B. All provisions of this Franchise shall apply to the respective parties, their lawful successors, transferees and assigns.

C. If any particular section of this Franchise shall be held invalid, the remaining provisions and their application shall not be affected thereby.

D. In the event of any conflict between this Franchise and any Grantor ordinance or regulation, this Franchise will prevail.

14. **Force Majeure.** The Grantee shall not be held in default under, or in noncompliance with the provisions of the Franchise, nor suffer any enforcement or penalty relating to noncompliance or default, where such noncompliance or alleged defaults occurred or were caused by circumstances reasonably beyond the ability of the Grantee to anticipate and control. This provision includes, but is not limited to, severe or unusual weather conditions, fire, flood, or other acts of God, strikes, work delays caused by failure of utility providers to service, maintain or monitor their utility poles to which Grantee's Cable System is attached, as well as unavailability of materials and/or qualified labor to perform the work necessary.

15. **Franchise Fee.**

A. Grantee shall pay to the Grantor quarterly an amount equal to **three percent (3%)** of the Gross Revenues for such calendar quarter, transmitted by electronic funds transfer to a bank account designated by Grantor. Franchise fees may be passed through to Subscribers as a line item on Subscriber bills or otherwise as Grantee chooses, consistent with federal law.

B. The amount of franchise fee and the method of calculation shall be competitively neutral when compared to the amount or method of calculation of the franchise fee in any other cable franchise or authorization to provide video service granted by Grantor. In the event any other cable franchise or authorization to provide video service provides for a lesser franchise fee than this Franchise, Grantee's obligation to pay a Franchise Fee under this Section 15 shall be reduced by an equivalent amount.

C. Each year during which the Franchise is in force, Grantee shall pay Grantor no later than **forty-five (45) days** after the end of each calendar quarter the franchise fees required by this Section. The City and Grantee acknowledge that the audit standards are set forth in the Illinois Municipal Code at 65 ILCS 5/11-42-11.05 (Franchise Fees Subject to Audit). Any audit shall be conducted in accordance with generally applicable auditing standards.

The City and/or its designee may be required to execute a non-disclosure agreement with the Grantee prior to inspection of the Grantee's financial records. Enforcement of such requirements and standards and the penalties for non-compliance with such standards shall be consistent with 65 ILCS 5/11-42-11.05.

16. **Effective Date.** The Franchise granted herein will take effect and be in full force from such date of acceptance by Grantee recorded on the signature page of this Franchise.

17. **Acceptance and Entire Agreement.** The Grantor and the Grantee, by virtue of the signatures set forth below, agree to be legally bound by all provisions and conditions set forth in this Franchise. The Franchise constitutes the entire agreement between the Grantor and the Grantee. No modifications to this Franchise may be made without an appropriate written amendment signed by both parties. Any determination by the Grantor regarding the interpretation or enforcement of this Franchise shall be subject to de novo judicial review. If any fee or grant that is passed through to Subscribers is required by this Franchise, other than the franchise fee, such fee or grant shall go into effect **sixty (60) days** after the Effective Date of this Franchise.

Considered and approved this 18th day of November, 2019.

Village of Beckemeyer

Signature: /s/ Josh Mensing

Name/Title: Josh Mensing, Village President

Accepted this _____ day of _____, 20___, subject to applicable federal and state law.

Spectrum Mid-America, LLC
By: Charter Communications, Inc., its Manager

_____

Print Name:
Title:

CHAPTER 9 – CEMETERY

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CHAPTER 9

CEMETERY

ARTICLE I - REGULATIONS

9-1-1 TRESPASSING. It shall be unlawful for any person to injure, deface, remove or injure any vault, tombstone, monument, gravestone, or curbing or any article placed by the owner or persons in control of any lot, or shall cut or break any tree or shrub or plant in the cemetery, or willfully disturb the contents of any vault or tomb or grave.

9-1-2 RIDING ON GRASS. No person shall ride any horse or drive upon any private lot in the cemetery.

9-1-3 FENCES. It shall be unlawful for any person or lot owner in the Cemetery to erect or construct any enclosure or fence on or around any lot in the Cemetery; provided that this shall not be so construed as to prevent any person from erecting any concrete or stone coping not over **eighteen (18) inches** in height.

9-1-4 GARBAGE AND REFUSE. It shall be unlawful to dispose or place any garbage or other refuse, such as papers, cans, boxes, or other non-food waste substances and materials in any area of the Cemetery at any time.

9-1-5 BURNING IN CEMETERIES. It shall be unlawful to burn any refuse, such as papers, boxes, waste building materials or any other waste substances and materials in the cemetery without first securing a permit from the Village Clerk.

9-1-6 FEES. A fee in an amount equal to the Perpetual Care Fee, plus the regular cost of opening a grave in any plot in the Cemeteries for which the Perpetual Care Fee has not been paid shall be paid before such grave is opened.

9-1-7 BURIALS. No deceased body shall be buried in the cemetery unless a permit therefor has been issued by the Superintendent or the Village Clerk.

9-1-8 RECORDS. The Superintendent shall keep a record of all permits issued, with the date of burial, name of deceased and upon what lot buried and such other information as may be required. **(See 65 ILCS 5/11-52.1-1 et seq.)**

9-1-9 APPLICATION OF VILLAGE CODE. All provisions of the Municipal Code now in force or hereafter enacted relating to and defining public offenses in the Village, insofar as the same shall be applicable, shall be in full force and effect in the Village Cemetery.

9-1-10 UNLAWFUL ENTRY. It shall be unlawful for any person or persons, other than duly authorized officers, officials or employees of the Village to enter or be upon the cemetery grounds during the time after sunset and before sunrise of any day without first obtaining the permission of the

Superintendent. It shall further be unlawful at all times for any person to enter or leave the grounds other than by the established and open entrances or gateways.

9-1-11 LOITERING; EXCEPTIONS. It shall be unlawful for any person to loiter upon lots and graves of the Village Cemetery or for the parent or guardian of any child under the age of **sixteen (16)** to permit such child to be within the cemetery grounds unless accompanied by an adult person; provided nothing herein shall be construed to prohibit any person having lawful business in the cemetery in connection with the improvement thereof or persons visiting the graves of relatives or friends from being in the cemetery in accordance with the rules.

9-1-12 SPEED OF VEHICLES. It shall be unlawful for any person to drive any vehicle in the cemetery faster than **ten (10) miles** per hour.

9-1-13 OPERATION OF VEHICLES AND PARKING.

(A) No person shall drive or move any vehicle within the cemetery except over a roadway open for vehicular traffic or obstruct any path or driveway within the cemetery open to vehicular traffic. No person shall use the cemetery grounds or any driveway therein as a public thoroughfare or drive any vehicle through said grounds except for purposes of making deliveries in the cemetery or visiting any grave site.

(B) It shall be the duty of the Superintendent and/or the police to direct all vehicular traffic and the Superintendent is authorized to direct the parking or standing of all vehicles in the cemetery. No person shall disobey or disregard the directions of the Superintendent relating to the movement or standing of all vehicles within the cemetery.

9-1-14 GRAVE DECORATIONS (FLOWERS). The placing of cut flowers or artificial flowers over individual graves shall be permitted; however, the Village shall not be responsible for the care of such flowers or the containers in which they are placed. Furthermore, the Village shall remove, without notice, all flowers, real or artificial which remain over **fifteen (15) days.** No flowers shall be allowed on the ground unless in a metal vase.

9-1-15 RUBBISH; DEBRIS. It shall be unlawful for any person to dispose of any rubbish, trash, waste materials, litter, or debris of any kind in the Cemetery.

9-1-16 PROPERTY DAMAGE. No person shall remove, molest, injure, mar, deface, throw down or destroy any headstone, monument, survey marker, corner marker, tomb, vault or mausoleum or decoration on any cemetery lot in the cemetery or open, disturb or molest any grave or place of burial therein. This shall not prohibit acts by cemetery officers and employees or public officials in carrying out their duties.

9-1-17 TREES, SHRUBS, AND FLOWERS. It shall be unlawful for any unauthorized person to plant any trees, shrub or other plant in the cemetery except those permitted by the general landscape plan approved by the governing body of the Village. It shall be unlawful for any unauthorized person to cut down, injure, break or destroy any tree, shrub or other plant growing in the cemetery or to pick, pluck or cut any flower or decorative plant, except as authorized by the cemetery rules.

9-1-18 LOT FEES. The fees for grave lots shall be **One Hundred Fifty Dollars ($150.00)** per lot or **Three Hundred Dollars ($300.00)** for a double lot. A cremation burial shall be **One Hundred Fifty Dollars ($150.00)** per lot.

(See 65 ILCS Sec. 5/11-52.1-1 et seq.)

CHAPTER 11 – EMPLOYEE PERSONNEL CODE

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CHAPTER 11

EMPLOYEE PERSONNEL CODE

ARTICLE I – PURPOSE

11-1-1 **PURPOSE.** The purpose of the Employee Code is to implement and maintain a uniform system of employment within all departments of the Village and shall hereinafter be referred to as the **"Code"**. The Code is designed to provide employees and management with information pertaining to the employment policies and procedures applicable to all Village employees.

All policies and procedures contained in this Code shall go into effect **January 1, 2012,** immediately upon passage by the Village Board and approved by the Mayor.

All employees shall be required to adhere to the policies and procedures as they are outlined in this Code.

Upon adoption by the Village Board, this Code shall be the nonexclusive policy of all departments of the Village concerning terms and/or conditions of employment.

In order to implement and carry out the express provisions and the intent of this Code, all Superintendents may pronounce policies consistent with this Code. A copy of any such policy shall be distributed to the Mayor and the Village Board.

Nothing in this Code shall in any way affect the Village's and Superintendent's right to develop and disseminate information concerning the operations of any department and employee's job functions, duties and job position description.

All employees shall sign the Employee Notification Letter found in **Appendix "A"** of this Chapter.

ARTICLE II - GENERALLY

11-2-1 **DEFINITIONS.** The following words shall have the following meanings when used in this Code:

(A) **Employer.** The term employer, as used in this Code, means the Village.

(B) **Employee.** The term employee, as used in this Code, means a person working as a volunteer or for remuneration for services rendered to the Village. For purposes of this Code, an Elected Official is not an employee whose personal rights are affected by the Code.

(C) **Full-Time.** Those employees scheduled to work a minimum of **thirty-two (32) hours** or more per work week on a continuous basis. Full-time employees are eligible for overtime pay and compensatory time.

(D) **Reserved.**

(E) **Part-Time.** Those employees scheduled to work less than **thirty-two (32) hours** per work week on a continuous basis. Part-time employees are eligible for overtime pay.

(F) **Department.** The term department, as used in this Personnel Code, shall mean the governmental unit for whom the employee is directly working for and rendering services.

(G) **Superintendent.** The term Superintendent, as mentioned in this Code, means the one individual ultimately responsible for all operations of the department.

(H) **Immediate Supervisor.** The term immediate supervisor, as used in this Code, shall mean the individual to whom the employee shall immediately report and be responsible for his work. An immediate supervisor may be the Mayor or the Superintendent.

(I) **Special Assignment, Professionals.** Professionals and those employees hired for a specific project for a limited period and may include those hired to fill in summer vacations, illness and the like. Such employees are hired with the understanding that their employment is to terminate

upon completion of the project or at the end of the period. Special Assignment may be either full-time or part-time as determined by the requirements of the job. Professional employees are not entitled to overtime and compensatory time but are entitled to other benefits.

(J) **Special Assignment, Nonprofessional.** Nonprofessional employees are like the special assignment, professional employees except that nonprofessional are entitled to overtime and compensatory time, but not to benefits.

(K) **Volunteers.** Those individuals who accept on an unpaid basis various work assignments for any department. These individuals receive no wages or benefits.

ARTICLE III – PRE-EMPLOYMENT VERIFICATION POLICY

11-3-1 PRE-EMPLOYMENT VERIFICATION POLICY. This policy is intended to serve as a guide relating to the hiring of permanent full and part-time employees.

11-3-2 GENERAL POLICY. The Village has elected to institute a pre-employment verification process. Other information may also be gathered as part of the pre-employment verification process. Each employee is subject to a **six (6) month** probationary period and results of the pre-employment verification process may impact permanent employment. Results of this process will remain completely confidential.

11-3-3 REQUIRED VERIFICATIONS.

(A) **Identity and Criminal Record Check.** The Mayor or a person designated by the Mayor shall verify the personal identity of each employee with the Social Security Administration to ensure valid social security numbers. Criminal record checks shall also be reviewed by the corporate authorities.

(B) **Motor Vehicle.** A motor vehicle check is required for all employees who driving during working hours or drive municipal vehicles. This check includes the verification that the employee has a valid driver's license and other accident and conviction history. Motor vehicle information shall be reviewed annually as long as the employee's job duties include operating a motor vehicle.

11-3-4 OPTIONAL VERIFICATIONS.

(A) **Employment.** The Mayor or a person designated by the Mayor shall verify past employment at the request of the Village Board. All information on the application MUST be LEGIBLE. The following fields are required: Employer name, address, city, state and Start Date.

(B) **Licenses, Certifications, Degrees.**

(1) **Education Verification.** To verify education, the following fields shall be completed: College name, address, city and state and degree received.

(2) **Transcript.** If needed, applicant must provide directly from the institution.

(C) **Certification Verification/Professional License.** If needed, applicant shall provide a copy of a professional license so it may be verified.

(D) **Credit Report.** A credit report shall be required for all employees involved in accounting or cashiering functions. Other employment positions susceptible to collusion or fraudulent activities may also be considered as a basis for a credit report. These positions requiring a credit report shall be documented and shall be filed with the Village Clerk. A credit report may also be requested if an employee changes their job duties to a position that requires a credit check.

A credit report request requires the approval of the employee or potential employee. *The Request, Consent and Authorization for Release of Personal Information* and the *Disclosure* document (all three) must include their signature.

If available, please submit a job description to accompany the application and verification request.

ARTICLE IV - HIRING POLICY

11-4-1 REQUIREMENTS. Employment is based on each applicant's qualifications as compared with the requirements of the available position. Consideration is given to ability, experience, education, training and character.

No consideration shall be given to the applicant's political party affiliation or support in regard to any decisions on hiring, promotion, transfer, or recall.

11-4-2 RESIDENCY REQUIREMENTS. All employees of the Village shall reside within Wade Township. All applicants for employment with the Village at the time of their initial interview with Village officials, shall be notified of this Village policy. All applicants shall become a resident as set forth therein within **one hundred eighty (180) days** of accepting employment with the Village and shall remain on probationary status with the Village until they have satisfied this requirement or condition of employment. Failure to satisfy this condition of employment shall be grounds for automatic dismissal from employment with the Village, unless waived by the Village Board.

11-4-3 APPLICATION FORMS. Applications for positions with the Village shall be filed on forms furnished by the Village Clerk. All successful applicants shall produce an original social security card. The Superintendent may require certificates of competency, licenses, medical examinations, post-offer medical examination, drug and alcohol tests, background investigations, references, police checks, motor vehicle reports/driving history, oral interviews, or other evidence of special qualifications. The Superintendent may reject applications of persons who are found to lack any of the requirements established for the position. The Mayor with the advice and consent of the Village Board shall appoint all employees. In considering applications of various individuals, length of service shall be used as a factor in the selection of applicants but will not be considered the sole or even the predominant factor. No employee shall be hired and placed on the payroll and receive fringe benefits until all employment related forms, including but not limited to the employment application form, are filled out and forwarded to the Village Clerk.

11-4-4 PROMOTIONS. Employees are encouraged to apply for job openings in higher classifications and will be considered for promotion for job openings upon written application. All full-time employees may be considered for promotions. Probationary employees may apply, but do not have to be considered, depending upon the discretion of the Superintendent.

When an employee is promoted, the employee will be placed on probation. At the end of the probationary period, the employee's performance will be formally evaluated and one of the following actions shall be taken by the Village or Superintendent based upon employee's performance and conduct:

(A) The employee may assume the new position having successfully completed the probationary period.

(B) The probationary period may be extended.

(C) The employee may be demoted to a position commensurate with the employee's ability, if the lower position is available.

11-4-5 **PROBATIONARY PERIOD.** All full-time employees of the Village shall be probationary employees for **six (6) months** commencing their first working day as full-time employees. The probationary period may be extended by the Village Board. During said probation period, such employees shall not be entitled to any sick or personal leave with pay. After the successful completion of the probationary period, said employees will be entitled to **five (5) sick** and **two (2) personal days.**

If an employee of the Village changes job classifications, then he or she shall be required to commence a subsequent **six (6) month** probationary period to commence the **first (1st) day** after all required off-site training has been completed. If off-site training is required, then the employee shall successfully complete the off-site training before the **six (6) month** probationary period shall commence.

ARTICLE V - COMPENSATION

11-5-1 **PAYCHECKS.** Employees shall receive their paycheck on a biweekly basis. Employees shall work at least **two (2) weeks** before being paid, creating a **two (2) week** lag, which will be paid upon termination of employment. The paycheck actually issued will be for the preceding pay period.

11-5-2 **COMPENSATION.** The basic rate of pay shall be set forth by the Village Board.

11-5-3 **OVERTIME.** Overtime at **one and one-half (1 1/2) times** the regular rate of pay is available to employees working in excess of a **forty (40) hour** work period.

11-5-4 **SALARY INCREASES.** Employees are eligible for a salary increase after the completion of the probationary period.

ARTICLE VI - HOURS OF WORK

11-6-1 **WORK WEEK.** The following shall be the parameters for the work week:

(A) **Street Department.** The work week for the employees of the Street Department shall be from **7:00 A.M.** to **3:30 P.M.** No person employed by the Street Department shall work for more than **sixteen (16) hours** in any **twenty-four (24) hour** period.

(B) **Water and Sewer Department.** The work week for the employees of the Water Department shall be from **7:00 A.M.** to **3:30 P.M.**

(C) **Continuous Operation.** Whenever necessary, each Superintendent shall provide for the continuous operation of the Department.

(D) No work shall be performed at home, without prior approval of the Superintendent.

(E) Prior approval of immediate supervisors is necessary for any employee to work early or stay late to do work related activity.

11-6-2 **LUNCH.** The following shall apply for lunches:

Each Superintendent shall establish the lunch schedule for their own department.

Travel time to and from any eating place is included in the lunch period. The lunch break cannot be used for compensatory time or as a substitute for tardiness. Lunch periods may not be taken at the end of the day or in conjunction with a rest period unless the employee has obtained written approval from his or her immediate supervisor.

11-6-3 TIME AND ATTENDANCE. Each Superintendent shall maintain accurate daily attendance records. An employee shall be at their places of work in accordance with the attendance rules. Tardiness or other abuse of regular attendance will not be tolerated. The attendance records will indicate information in order to properly pay employees for actual work performed. An employee shall have the right to review his attendance record on file in the department.

No one will be permitted to sign in or out for another employee.

An employee shall, whenever possible, provide advance notice of absence from work.

When Village offices and buildings are open, but inclement weather prevents employees from reaching the buildings, employees may account for such absences by using accrued time, such as vacation and compensatory time earned, or the employee may elect to be docked for time off. Sick leave may not be used to cover absence due to inclement weather.

11-6-4 HOLIDAY PAY. All full-time and salaried exempt employees shall have time off with full salary payment on the day designated as a holiday by the Village Board.

If a Holiday falls on an employee's regularly scheduled day off, the employee shall be entitled to an additional day off. Employees cannot use sick leave in lieu of scheduled holidays.

All full-time employees covered by this Code, who are required to work on an official Holiday, shall receive a rate of **one and one-half (1 1/2) times** the regular rate of pay for the hours work on such holiday. The Superintendent shall approve the use of time with pay.

The term "last schedule workday" means the employee's full day of work.

ARTICLE VII - LEAVES

11-7-1 VACATION PAY SCHEDULE. The following shall be the vacation benefits for full-time employees:

One (1) week vacation for employee after **one (1) year** of continuous work.

Two (2) weeks vacation for employee for service of **two (2) years** and up to **six (6) years** of service.

Three (3) weeks' vacation after employee has completed **six (6) years** or more of service.

Earned vacations must be taken during each calendar year, or otherwise with approval of the Village Board.

Part Time/Seasonal Employees. Part-time and seasonal employees shall earn paid leave at a rate of **one (1) hour** of paid leave for every **forty (40) hours** worked. Earned paid leave shall be taken during the calendar year earned.

(Ord. No. 23-06; 12-12-23)

11-7-2 PAID HOLIDAYS.

(A) New Year's Day plus previous day.
(B) Martin Luther King Day.
(C) President's Day.
(D) Good Friday.
(E) Memorial Day.
(F) Independence Day.
(G) Labor Day.
(H) General Election Day.
(I) Thanksgiving Day plus following day.
(J) Veteran's Day.
(K) Christmas Day plus previous day.

(J) If a paid holiday falls on a full-time employee's day off, that employee will be paid **eight (8) hours** straight time in the paid holiday category.

(K) If a full-time employee works on a paid holiday those hours worked, which are scheduled, or unscheduled, will be paid at **time and one-half (1 1/2).** The holiday will be paid at **eight (8) hours** straight time.

(L) If a paid holiday falls on a shift of a full-time employee of the Police Department, that employee will be allowed to take a vacation day on that holiday. The employee shall be paid **eight (8) hours** straight time for the vacation day and **eight (8) hours** straight time for the paid holiday.

(M) If a full-time employee must be called back to work, for an emergency situation, while on vacation or while taking a personal day, the vacation or personal day shall cease. That employee will be paid for the number of hours worked at their normal rate of pay. The employee's remaining vacation or personal time will be rescheduled.

11-7-3 BEREAVEMENT PAY. Each employee will be allowed **three (3) days** off with pay when a death occurs to a member of their immediate family. These members include mother, father, sister, brother, wife, children, or stepchildren, stepfather, stepmother, stepbrother, or stepsister, mother-in-law or father-in-law. These days must be workdays and they end at the day of the funeral, unless other arrangements are approved in advance.

11-7-4 PERSONAL LEAVE. Each employee will be allowed to take off **two (2) days** each calendar year for personal reasons, and the employee will be paid his regular pay for these days. However, personal days must be taken each year or forfeited.

11-7-5 SICK LEAVE.

(A) Each employee will be entitled to **twelve (12) sick days** per calendar year.

(B) After **three (3) consecutive days** off due to illness, a doctor's verification shall be obtained and provided to the Village in order for the employee to be credited for the sick days utilized.

(C) Each employee will be entitled to unlimited accumulated sick days.

Each employee is entitled to up to **three (3) weeks** (**fifteen (15) days**) recuperation leave with pay for confinement under doctor's care, in the hospital or at home, following release from the hospital under doctor's care. This benefit can be used only after all sick days, vacation and personal days an employee is otherwise entitled to have been used. Request for recuperation leave must be supported by a doctor's written permission or authorization to receive approval. After this benefit is used there will be no more paid days off excluding paid holidays.

(D) **Notification.** The Superintendent shall establish notification requirements for taking sick leave.

The employee shall state the nature of the illness or injury, location of confinement and the telephone number where the employee can be reached. The employee must also state whether the absence is claimed to be from a previous injury sustained while on duty. Supervisors are to be kept informed daily, whenever possible, of the employee's condition. Upon return to work, employees will inform their supervisor or Superintendent as to the cause of illness and indicate whether a continuing impairment might have occurred.

(E) **Resumption of Work.** In order to continue active work assignments or to resume work after an illness or injury or disability, employees shall provide the department with a written physician's statement releasing employee to assume activities within their position responsibility if:

(1) Upon returning to work after prolonged illness for **five (5) consecutive days** or more;

(2) Upon returning to work from an extended leave of absence;

(3) After the employee has a potentially disabling illness, injury or condition; or

(4) Upon returning to work after a diagnosed communicable disease.

11-7-6 MATERNITY. Pregnancy shall be considered the same as any short-term disability, and request for pregnancy leave shall be made through the disability leave clause. Request for parental leave following childbirth shall be made through the Leave of Absence clause, **Section 11-7-7(F)**, Family and Medical Leave Act.

11-7-7 LEAVE OF ABSENCE. No employee on leave of absence may earn vacation, or sick leave, except when the leave was for the purpose of accepting a temporary work assignment in another office.

All types of leave of absence do not earn vacations or sick leave while the employee is on leave of absence.

While the employee is on leave of absence, the length of service still continues to accumulate except for special leave situations under this Section (1) Special Leave, and for (7) Family and Medical Leave Act situations. Length of service is specifically prohibited from accumulating on Special Leave cases and on Family and Medical Leave Act situations. The prohibition on length of service accumulation is not contained in any other type of leave of absence situation. Therefore, the Code should be construed to allow accumulation of length of services while on leave of absence other than "special leave" and the "Family and Medical Leave Act".

Employee shall be granted an excused leave of absence for the following:

(A) **Special Leave.** All full-time and salary exempt employees who have completed **one (1) full year** of continuous service may request a special leave. Special leave will only be granted for personal reasons and must be approved by employee's Superintendent. Special leave shall be granted without pay. The period for special leave shall not exceed **six (6) months**. An extension may be granted up to a maximum of **six (6) months** for a total of **one (1) year**. In order to continue to receive medical and insurance benefits during a special leave, the employee shall contribute both the employee and the employer's share of IMRF and insurance costs. Length of service or benefits shall not accrue or accumulate during a special leave. A person either hired or promoted to fill the position vacated by the person on leave shall be considered in that position temporarily and shall relinquish it upon the employee's return.

If a special leave is approved by the Village Board, coverage under Illinois Municipal Retirement Fund may be maintained pursuant to IMRF rules and regulations. A request form for special leave is found in **Appendix "E"** at the conclusion of this Chapter.

(B) **Military.** Any full-time, salaried exempt, or part-time employee who is a member of a Reserve component of the Armed Services, the Illinois National Guard or the Illinois Naval Militia, shall be allowed annual leave with pay for **fifteen (15) days** and the Village shall pay the difference in salary and any additions or extensions thereof without pay as may be necessary for the employees to fulfill the military reserve obligation. Such leaves will be granted without loss of length of service or other accrued benefits.

In case of an emergency call up (or order to state active duty) by the Governor, the leave shall be granted for the duration of said emergency with pay and without loss of length of service or other accrued benefits.

Military earnings during the military reserve obligation or for the emergency call shall be submitted and assigned to the Village, and the Village shall return it to the payroll fund from which the employee's payroll check was drawn. If military pay exceeds the employee's earning for the period, the Village Board shall return the difference to the employee.

To be eligible for military reserve leave or emergency call up pay, the employee shall provide the Village with a certificate from the commanding officer of the employee's unit that the leave taken was for either such purpose.

Full-time employees entering into military service as a result of voluntary enlistment, induction into the service by draft, or conscription will be afforded all of the privileges provided by the **Illinois Compiled Statutes, Chapter 330, Section 60/1 et seq.**

(C) **Jury Duty.** An employee shall be excused from work for days in which the employee serves on Jury Duty. The employee shall receive his regular pay for jury service. The employee shall present proof of jury service and the amount of pay received shall be turned over to the Village Treasurer. The employee shall also turn over to the Village any expense allowances paid by the court, if

the jury duty is located at the County Courthouse. If an employee is given an early release from jury duty, the employee shall then report to his or her regular work assignment.

(D) **Witness.** An employee shall be excused from work when lawfully subpoenaed to serve as a witness. The employee must present written proof of the summons to testify to qualify for an excused absence. Notice to employee's supervisor should be made in advance of appearing in court. An employee's excused absence from work shall be on an unpaid basis, unless the employee's witness activity is work related and the witness activity is requested by the Village. The employee shall turn over to the Village any witness fee when the employee's witness activity is work related. The employee may choose to use a vacation day, if the witness activity is not work-related.

(E) **Village Disability Leave.** To be eligible for Village Disability Leave, the employee must submit to the Village Board a medical opinion that the employee cannot work in his normal job position, and a medical opinion that the employee may possibly be able to return to work within the next **six (6) months.** Employees are not eligible for disability benefits until they have been employed at least **one (1) year**. Employees may be required to use their accrued sick or vacation time to continue regular wages.

Employees shall submit a letter requesting disability leave to their Superintendent within a reasonable amount of time before disability leave is taken. Upon return to work, employees shall submit a release statement from their physician to the Superintendent. If the Superintendent has reason to believe that the employee is unable to perform the normal duties or the employee is able to perform duties and is still absent, they may seek and rely upon the decision of an impartial physician. The Village Board shall select a physician who is not a Village employee to act as an impartial physician.

(F) **Family and Medical Leave Act.** An employee is eligible for a leave of absence through the Family and Medical Leave Act of 1993. In order to be eligible for leave, an employee must have worked for the employer at least **twelve (12) months** and must have worked at least **one thousand two hundred fifty (1,250) hours** over the previous **twelve (12) months** prior to the leave. Eligible female and male employees are allowed up to **twelve (12) weeks** of leave per **twelve (12) month period** following the birth of a child, the placement of a child for adoption or foster care, or the serious health condition of the employee or an immediate family member (defined for purposes of this Family and Medical Leave Act situation as including the employee's child, spouse or parent). The leave for birth or placement must take place within **twelve (12) months** of the birth or placement of the child.

The employee's leave shall be unpaid. The employee may, upon approval of the Village Board, use accumulated sick leave and/or vacation leave. During the leave, the Village shall continue to provide coverage under its group health plan. Following return upon leave, the employee shall be returned to a position with equivalent pay, benefits and other terms and conditions of employment.

In order to utilize leave of absence pursuant to the Family Medical Leave Act, the employee should give **thirty (30) day** notice.

For leave based upon serious health conditions, the employer may require certification from the employee's health care provider for leave. Employer reserves the right to require a second medical opinion at the employee's own expense. The request form is found in **Appendix "D"** at the conclusion of this Chapter.

(H) **Expiration of Leave.** When an employee returns from a leave of **six (6) months** or less, the Superintendent shall return the employee to the same or similar position in the same class in which the employee was incumbent prior to commencement of such leave.

An employee's same or similar position will not be protected for reductions in force or where the position has been eliminated. Employees are subject to termination if they are absent from work for more than **six (6) months**. No employee may be absent without permission of the supervisor to which assigned. In the absence of extenuating circumstances, an employee who is absent from work for any reason and fails to notify his or her supervisor within **two (2) working days** will be considered to have resigned.

No employee on leave of absence may earn vacation, or sick leave, except when the leave was for the purpose of accepting a temporary working assignment in another office.

ARTICLE VIII - MISCELLANEOUS BENEFITS

11-8-1 **INSURANCE.** Insurance will be provided on the following basis:

(A) **Medical Care Insurance.** All full-time employees are covered by a medical plan funded by the Village.

A manual is provided to employees at the time of hiring which further explains the policy. The manual is obtained from the Village Clerk's Office.

The Village Clerk's Office shall be notified of a divorce or legal separation of the covered employee, and further must be notified when a child is no longer eligible as a covered dependent of the employee.

(B) **Legal Defense and Liability Insurance.** In any claim or action instituted against an employee, or former employee, where such claim or action arises out of any act or omission, made in good faith, occurring within the scope of employment of the employee, or former employee, the Village shall, upon written request of the employee or former employee, appear and defend the employee or former employee, against any such claim or action, including the process of appeal. The Village Attorney shall appear for and defend the employee. This Section excludes disciplinary proceedings or criminal proceedings.

(C) **Other Insurance Types.** All Village employees are additionally covered by the following:

(1) Social Security legislation and salary deductions shall be made for Social Security purposes in accordance with the law.

(2) Workers' Compensation Act, **(820 ILCS Sec. 305/1 et seq.)** Any work-related injury or illness must be reported to the employee's supervisor within **twenty-four (24) hours** of the injury or onset of illness.

(3) Unemployment Insurance, the costs of which shall be paid by the Village.

11-8-2 **TRAINING.** For meetings and seminars, employees may be granted leave with pay to attend meetings, seminars and conventions of professional and technical organizations, when such attendance would benefit the employee's ability to perform the job, and is approved in advance by the Village Board.

For any training programs conducted after regular working hours, such training shall be voluntary unless arrangements for such training includes the granting of overtime.

All employees shall be reimbursed for mileage expenses incurred while attending assigned schools outside the County. Upon receipt of a notice to attend the training school, the employee will request the use of a departmental vehicle to transport those attending to and from school. If a departmental vehicle is not available, reimbursement shall be made for the employee's use of their personal vehicle. When **two (2)** or more persons attend the same school at the same time the Superintendent may require that only **one (1) person** will be eligible to receive reimbursement for travel. The rate of reimbursement shall be established by the Village Board.

11-8-3 **DEATH BENEFITS.** Each employee shall fill out a designation of beneficiary form. Upon the death of an employee, the designated beneficiary shall be entitled to receive from the appropriation for personal services theretofore available for payment of the employee's compensation, such sums for any accrued vacation period to which the employee was entitled to at the time of death. Such payment shall be computed by multiplying the employee's daily rate of pay by the number of days of accrued vacation at the time of death.

Upon the death of an employee, the estate shall receive any unpaid compensation, accrued overtime, or other benefits the employee would have been allowed had the employee survived.

Family members of deceased employees should contact the Village Clerk's Office for explanation of any further benefits the family members or the estate of the deceased employee may be entitled to.

11-8-4 **TRAVEL.** Staff vehicles are to be used only for activities directly related to the conduct of business. Under no circumstances are the vehicles to be used for personal activities. Reimbursement is provided for the use of employee's private vehicles for official business at the rate designated by the State of Illinois for actual mileage traveled. Private vehicles will only be used when Department vehicles are not available and prior approval is given by the Mayor. Use of staff vehicles are restricted to employees who have a valid drivers' license with current liability insurance. Employees are not permitted to use Village vehicles without the knowledge of their supervisor or Superintendent. All employees using staff or private vehicles must record mileage on the expense log along with the destination and purpose of the trip. The log is to be returned with the vehicle's keys. Expense claims for private vehicle usage will be honored only if the listed trip is initialed by the immediate supervisor. Any malfunctions or damages must be reported to the immediate supervisor. Travel in any vehicle will always be by the most direct route unless otherwise approved by the Mayor or Superintendent.

If the most economical means of travel available is by some type of transportation other than an automobile, the mode selected shall be approved by the employee's supervisor and Mayor before departure. Travel by either airplane or train shall be by coach class.

Reimbursements for first class accommodations may be permitted only when coach class is not available.

Employees who take staff vehicles home are not considered on official business during the commute unless they must regularly perform duties during that commute.

11-8-5 **REIMBURSEMENT OF OTHER EXPENSES.**

(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 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 the following types of travel, meal, and lodging expenses incurred by its employees and officers up to the following maximum allowable amounts:

(1) **Entertainment Purposes.** No entertainment expenses may be reimbursed.

(2) **Maximum Reimbursement.** The maximum reimbursements allowed for expenses shall be:

(a) **Mileage.** The current rate for mileage set by the Internal Revenue Service.

(b) **Meals (Breakfast, Lunch, Dinner). Fifty Dollars ($50.00)** per day.

(c) **Lodging. Two Hundred Fifty Dollars ($250.00)** per night or government rate, whichever is less.

(d) **Other Travel. One Thousand Dollars ($1,000.00)** per round trip.

(3) **Emergencies.** In emergencies, amounts in excess of the above maximum limits may be permitted by the corporate authorities.

(C) Alcohol is specifically excluded from reimbursement.

(D) No reimbursement of travel, meal or lodging expenses incurred by a Village employee or officer shall be authorized unless the "Travel, Meal, and Lodging Expense Reimbursement Request Form", attached hereto and made a part hereof, has been submitted and approved. All

documents and information submitted with the form shall be subject to disclosure under the Freedom of Information Act **(5 ILCS 140/1 et seq.)**.

(E) Expenses for travel, meals, and lodging of: (1) any officer or employee that exceeds the maximum reimbursement allowed under the regulations adopted under paragraph (B) of this Section or (2) any member of the corporate authorities of the Village may only be approved by roll call vote at an open meeting of the corporate authorities of the Village. However, in the event of an emergency or other extraordinary circumstances, the corporate authorities may approve more than the maximum allowable expenses set forth above.

(F) 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.
(Ord. No. 17-01; 02-13-17)

11-8-6 ILLINOIS MUNICIPAL RETIREMENT FUND. The Village will participate in contributions for all eligible employees to the Illinois Municipal Retirement Fund. The Village shall follow all guidelines of IMRF in order to protect the benefits of the employees. **(See Section 1-2-34)**

ARTICLE IX - REGULATIONS AND RESTRICTIONS

DIVISION I - GENERAL

11-9-1 ACCIDENTS/INJURIES. Anytime an employee is involved in an automobile accident with a Village automobile or in a personal automobile while on Village business, the employee shall notify his or her Superintendent immediately with all pertinent information including whether personal injury is involved and whether any traffic citations were issued. All Superintendents shall within **twenty-four (24) hours** notify the Village Attorney if any traffic citations were issued to a Village employee and shall provide the Village Attorney with a copy of the citations. An employee is obligated to cooperate with the Village and any of the Village's legal representatives regarding the accident and any citations that may have been issued.

11-9-2 APPEARANCE. Neatness and good taste in dress, as well as care toward personal hygiene, are expected of all employees. For safety and hygienic purposes, employees may be required to comply with any appropriate dress code that is set forth by the Superintendent or Village Board during the performance of their duties.

Employees may be requested to change inappropriate dress, and work lost while doing so will not be compensated by the department. Employees may be evaluated on their dress and appearance. The Superintendent is the only individual of each department who may make exceptions to the dress code.

11-9-3 USE OF DEPARTMENT PROPERTY. All department property and equipment entrusted to any employee will be used in accordance with the property's prescribed function. All damage through recklessness, gross negligence, intentional act, deliberate misuse, or theft shall be replaced and paid for by the employee committing the violation. Such replacement of property by the employee shall not be considered the exclusive remedy against the employee, and the employee may still be subject to discipline. All department property, personal lockers, and personal offices are subject to search and seizure. All department property shall be inspected by the employee's immediate supervisor prior to issuance of the property.

No department property shall be used for private or unauthorized purposes. All employees are required to return all department property or equipment in their possession upon separation, promotion, and/or transfer.

11-9-4 TELEPHONE USAGE. Good telephone habits are an indication that the department is interested in serving the public. At all times, answer promptly and courteously. Identify yourself by name and section, be friendly and helpful. Write time and date of any message from the caller, transfer calls tactfully, give accurate information, do not keep the caller waiting and hang up carefully.

All personal telephone usage, including cellular telephones, whether incoming or outgoing, shall be kept to a minimum. Employees shall be charged and accountable for such usage. Employees shall also be responsible for the care of the cellular units to avoid misplacement and theft. All pagers assigned to the employees shall remain "on" during working hours.

Employees shall keep incoming and outgoing personal calls to a minimum.

(See Division II for computer usage.)

11-9-5 CORRESPONDENCE AND COMMUNICATIONS. No employee shall use their official position, engage in official transactions or business to harass any individual or to secure a benefit for himself or other individuals. Courtesy should be given in all communications and correspondence, and all employees should refrain from unnecessarily criticizing any individuals or agencies concerning official transactions or business.

11-9-6 SMOKING. Smoking by Village employees shall not be allowed during working hours.

11-9-7 SPEECH AND DISSEMINATION OF INFORMATION. Employees are encouraged to appear before civic organizations, fraternal organizations or any other group in an official capacity. Employees shall notify the Superintendent prior to accepting such speaking engagements.

Employees are cautioned against making statements or giving impressions regarding official agency policy or position without prior expressed authority being granted. Normally, the Village Board has the sole right to adopt and interpret the policies of the organization. If in doubt, it is always preferable to consult the Superintendent before making any statements that might possibly be misinterpreted or misconstrued by the general public or press.

The Superintendent shall make all news releases concerning the department.

The Village shall comply with the **Illinois Freedom of Information Act,** and employees are allowed to disseminate information pursuant to the Act. However, employees are not allowed to disclose any information that is exempted by **Illinois Freedom of Information Act** or prevented from disclosure by any other state statutes. Employees who receive Freedom of Information Act requests shall notify the Mayor, who may consult with the Municipal Attorney to ensure timely compliance. **(See Chapter 22, Article II - Freedom of Information)**

11-9-8 RELATIONS WITH CREDITORS. The Village shall charge employees any authorized costs when making wage deduction pursuant to court order or State or Federal statutes.

11-9-9 POSSESSION OF FIREARMS. Unless authorized by the Chief of Police, and unless authorized by the appropriate Superintendent, no employee of any department has legal authority to carry weapons while in the performance of their official duties.

11-9-10 ETHICS. Employees shall not recommend or promote the sale of any specific brand name product or equipment.

Many employees in the course of their work have access to medical information about patients, clients, employees, or other individuals. This may be medical, legal or job-related information. Such information is not to be repeated or discussed outside the department or with other personnel unless such information is a necessary part of the employee's assigned duty.

Employees shall inform the Superintendent or Mayor of any possible conflict of interest situations they may have.

Employees are prohibited from accepting gifts, gratuities, or any item of value for work performed on behalf of the Village. **(See Chapter 22, Article V - Ethics Code)**

11-9-11 OTHER EMPLOYMENT. Employees are prohibited from having conflicting employment while having a full-time position. An employee may not be paid by another employer for the same **forty (40) hour** period employee is being paid by the department. If a full-time employee performs outside services or employment, such services or employment shall be reported to the Superintendent for prior approval, and advance notification shall be given by the employee to the Village Clerk.

Fees earned by an employee for serving as an instructor for a class during other than normal working hours which is not sponsored by the Village in another village agency, shall be dealt with as follows:

(1) No overtime shall be earned and the fee retained, or;

(2) Overtime shall be earned and the fee surrendered to the Village Clerk and recorded as miscellaneous income.

Employees who are injured while engaging in other employment shall notify the Superintendent and the Village Clerk.

11-9-12 PHYSICAL EXAMINATIONS. Each applicant for employment may be required to successfully complete a post-offer physical examination by a doctor of the employer's choice, including a drug screen upon the request of the Village. At any time, employees may be required to submit to a physical examination. As a condition of their employment, the employees of the department shall authorize the release of medical testing information including drug screens to the Village for departmental use only.

Each employee authorized to carry and use a gun while at work for the Village, and all employees engaging in heavy manual labor as their principal form of job activity for the Village may be required to submit to an annual physical exam and/or drug screens by a doctor of the employer's choice.

Drug screens can be conducted on a random basis for any security personnel employed by the Village, except those under police personnel contract, for any employee authorized to carry and use a gun while performing work related activities for the Village and for any employee that is required to hold other than a Class A driver's license for work related purposes. For all other employees, drug screens shall be conducted upon probable cause.

The term "drug screens", as used throughout and disclose to the Superintendent, any drug or alcohol problem that the employee may currently have.

11-9-13 REIMBURSEMENT OF COST OF TRAINING. If an employee leaves the department's employment before the completion of **three (3) years** from the initial date of employment, that employee will be liable for all costs incurred in the employee's selection, background investigation, equipment issue and training, prorated over a **three (3) year** period. Incurred training costs will be deducted from any remaining paychecks.

11-9-14 - 11-9-19 RESERVED.

DIVISION II - DRUG FREE WORKPLACE POLICY

11-9-20 DRUG FREE WORKPLACE. All employees, as a condition of employment, shall comply with the Village's Drug Free Workplace Policy that is found in this Division.

11-9-21 PURPOSE OF POLICY. Drug abuse affects all aspects of our lives - it threatens the workplace as well as the home, the school, and the community. The Village must take a firm stance against illicit drug use. The use of drugs, which term for the purposes of this policy shall include alcohol in the workplace, is unacceptable since it can adversely affect health, safety, and productivity, as well as public confidence and trust. When drug use and/or involvement interferes with an employee's efficient and safe performance of work responsibilities and/or reduces the employee's dependability and accountability, it creates a problem for the whole organization.

Drug abuse inflicts notable human expense. Personal tragedies, feelings of anxiety and depression, and diminishing coping skills are reflected on an individual level. Dysfunctional and strained relationships mark the heavy burden felt by the families of the drug and alcohol abuser.

The cost of drug abuse, both on a personal and organizational level, is unacceptable. The rising incidence in substance abuse makes it imperative that the Village combat this issue by implementing a zero tolerance policy of drug use in the workplace.

11-9-22 DRUG FREE WORKPLACE STATEMENT. In order to ensure a safe work environment and compliance with the Drug Free workplace Act of 1988 (41 U.S.C. 8101 et seq.), Village of Beckemeyer maintains a drug-free workplace. Accordingly, the Village prohibits employees from engaging in the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance in accordance with the requirements of the Anti-Drug Abuse Act of 1988 (Public Law 100-690, 102 Stat. 4181), use of drugs, and use of alcohol in the workplace. The foregoing prohibition shall apply to Village property, including in Village vehicles and any private vehicles parked on Village premises or worksites.

For purposes of this policy, the term "drugs" includes, but shall not be limited to: (i) any non-prescribed controlled substance that the employee is not authorized to possess or consume by law; (ii) any substance listed in the Controlled Substances Act **(720 ILCS 570 et seq.)**; (iii) any substance listed in the Cannabis Control Act **(720 ILCS 550 et seq.)**; and (iv) drugs or substances which may not be listed in the Controll Substances Act or the Cannabis Control Act but which have adverse effects on perception, judgment, memory, or coordination. A non-exhaustive list of applicable drugs inclue, but is not limited to, the following:

Opium	Psilocybin-psilocin
Morphine	MDA
Codeine	PCP
Heroin	Chloral Hydrate
Meperidine	Methylphenidate
Cannabis	Hash
Barbiturates	Hash Oil
Glutethimide	Steroids
Methaqualone	Tranquilizers
Cocaine	Amphetamines
Phenmetrazine	LSD
Mescaline	

(A) **Prohibited Conduct.** The following conduct is prohibited:

(1) The unauthorized use, possession, manufacture, distribution, or sale of drugs, drug paraphernalia, or alcohol while on or in Village property, while conducting work-related business, or during working hours.

(2) Being under the influence of drugs or alcohol while on or in Village property, while conducting work-related business, or during working hours.

(3) Being under the influence of legal or prescribed drugs or chemicals used in excess of, or in non-conformity with, prescribed limits while on or in Village property, while conducting work-related business, or during working hours.

(4) The illegal use, possession, manufacture, distribution, or sale of drugs or drug paraphernalia (while on or off duty).

(5) Village prohibits its law enforcement officers, corrections officers, probation officers, firefighters and paramedics from the use, possession, manufacture, distributiojn or sale of cannabis while on or off duty.

(6) Storing any illegal drug, drug paraphernalia, cannabis or alcohol in or on Village property.

(7) Failing to notify an employee's supervisor prior to starting work of any known side effects of medications, prescription drugs, or other chemical compounds or supplements of any kind, including cannabis, that the employee is taking (or has taken) which might affect the performance of the employee's duties.

(8) Refusing to immediately submit to an alcohol and/or drug test when requested by a supervisor.

(9) Failing to provide, within **one (1) work day** following a request, documentation confirming a valid prescription for any drug or medication identified by a positive drug test.

(10) Failing to adhere to the requirements of any drug or alcohol treatment proram in which the employee is enrolled as a condition of continued employment.

(11) Failing to notify the employee's supervisor of any arrest, conviction, or relevant plea (including pleas of guilty and *nolo contendere*) relating to drugs or alcohol no later than the earlier of the next date the employee is scheduled to work or **two (2) calendar days** following the arest, conviction, or plea.

(12) Tampering with, adulterating, altering, substituting, or otherwise obstructing any testing process required pursuant to this policy.

(13) Performing any safety-sensitive duties while having a blood alcohol concentration of .02 or greater.

(14) Possessing or using drugs or alcohol while on duty or while operating a commercial vehicle.

(15) Operating a commercial vehicle within **four (4) hours** after using alcohol (an on-call employee who consumes alcohol within **four (4) hours** of being called in must acknowledge the use of alcohol and may not report for duty).

(16) Consuming alcohol or cannabis during the **eight (8) hour** period following an accident requiring a drug and alcohol test before a post-accident alcohol or drug test is given.

(17) Reporting for duty or remaining on duty requring the operation of a commercial vehicle when the employee has used a drug or drugs, except when the use is pursuant to instructions of a physician who has advised the employee that the substance does not adversely affect the employee's ability to safely operate a commercial vehicle.

(B) **Required Conduct.** The following conduct is required of all Village employees:

(1) Employees must notify their supervisor prior to starting work of any known side effects of medications, prescription drugs, or other chemical compounds or supplements of any kind, including cannabis, that they are taking (or have taken) which might affect the performance of their duties or threaten the safety of the employee or any other person.

(2) Employees must notify their supervisor of any arrest, conviction, or relevant plea (including pleas of guilty and *nolo contendere*) relating to drugs or alcohol no later than the earlier of the next date the employee is scheduled to work or **two (2) calendar days** following the arrest, conviction, or plea. In accordance with federal law, Village will notify any applicable federal contracting officer(s) of any relevant conviction(s) or plea(s) within **ten (10) days** of receiving notice of the conviction or plea.

(3) Employees must submit to drug testing in accordance with this policy and applicable law.

(C) **Voluntary Treatment for Abuse of Drugs and/or Alcohol.** The Village strongly encourages employees who believe or suspect that they may be abusing drugs and/or alcohol to voluntarily seek treatment before their job performance is affected. Any employee who notifies the Village of alcohol or drug abuse problems will be treated in the same manner as any other employee with an illness. Information and communications regarding an employee's voluntary treatment or counseling due to actual or suspected drug and/or alcohol abuse shall remain confidential in accordance with state and federal law.

Employees who voluntarily seek treatment for drug and/or alcohol abuse shall not be subject to discipline, discharge, or discrimination based solely on such voluntary treatment if the treatment is sought prior to:

(1) The employee testing positive for illegal drugs and/or alcohol;
(2) The employee being notified of an upcoming drug and/or alcohol test;
(3) The occurrence of an event that gives rise to reasonable suspicion that the employee is under the influence of drugs and/or alcohol;
(4) Any return to duty or related follow-up testin for drugs and/or alcohol; and/or
(5) The occurrence of an accident which requires the employee to submit to drug and/or alcohol testing.

Employees who seek voluntarily treatment for drug and/or alcohol abuse shall continue to be subject to appropriate disciplinary action up to and including termination for substandard job performance, unexcused absences, abuse of drugs and/or alcohol, or any other violations of this manual, whether such violations are directly or indirectly related to the employee's use of drugs and/or alcohol.

Furthermore, employees who voluntarily seek treatment for drug and/or alcohol abuse be excused from required drug and/or alcohol testing in accordance with this policy even when voluntary treatment was sought prior to the testing in question. No employee shall be permitted to use voluntary treatment for drug and/or alcohol abuse to avoid otherwise legitimate disciplinary action for failure to comply with this policy or other provisions of the manual.

Employees may request a medical leave of absence to obtain treatment for drug and/or alcohol abuse in accordance with the Family and Medical Leave Act of 1993 and other applicable law. Such leave requests shall be treated in the same manner as any other request for leave pursuant to this policy. The Village may also grant reasonable accommodations for employees being treated for drug and/or alcohol abuse so long as those employees are participating in a treatment program and are not currently abusing drugs and/or alcohol. The Village will not retaliate or discriminate against any employee for requesting leave or a reasonable accommodation to obtain treatment for drug and/or alcohol abuse.

(D) **Acknowledgement.** In accordance with applicable law, employees are required to acknowledge and agree to this policy as a condition of employment. Any employee violating this policy is subject to discipline, up to and including termination of employment.

11-9-23 DRUG AND ALCOHOL TESTING OF ALL EMPLOYEES.

(A) **Reasonable Suspicion.** All employees are required to submit to alcohol and/or drug testing if a supervisor determines that there is reasonabel suspicion to believe that an employee has been using illegal drugs, abusing prescribed drugs, is under the influence of alcohol or cannabis, or is consumig alcohol or cannabis while working.

For purposes of this policy, reasonable suspicion means a belief based on objective facts sufficient to lead a reasonable prudent person to find that an employee is using, or has used, drugs or alcohol in violation of this policy. Such a suspicion shall be drawn from specific, objective facts and reasonable inferences drawn from those facts in light of experience.

Some factors that may be considered in determining whether a finding of reasonable suspicion is appropriate may include, but are not limited to, any of the following, alone or in combination:

(1) Observable phenomena, such as direct observation of drug or alcohol use, the presence of the odor of drugs or alcohol on or about the employee and/or the physical symptoms or manifestations of being under the influence of drugs or alcohol;
(2) Abnormal conduct or erratic behavior;
(3) Excessive unexcused absenteeism, tardiness, or deterioration in work performance;
(4) Slurred speech or unsteady walking or movement;
(5) Illegal possession of drugs or controlled substances or an arrest for violation of a drug statute;
(6) Information obtained from a reliable and credible source with personal knowledge that has been independently corroborated;
(7) Testing for cannabis based on reasonable suspicion shall be supported by the good faith belief that there is some impairment of the employee while at the workplace, while engaged in work for the employer or while

on call subject to the definition of those terms in the Cannabis Regulation and Tax Act, **410 ILCS 705/10-50**.

Once reasonable suspicion has been determined, the employee shall be required to take the applicable drug and/or alcohol test. An order to submit to testing shall be in writing and signed by a supervisor. If an employee declines the test, it will be treated as a positive test and the employee will be subject to discipline up to and including termination. When an employee is ordered to submit to a drug and/or alcohol test as a result of a supervisor's reasonable suspicion, the employee will not be allowed to return to work pending the results of the drug and/or alcohol test.

(B) **Post-Accident Testing.** All accidents, including those involving a vehicle, must immediately be reported to an employee's supervisor. The supervisor shall investigate the circumstances of the accident and determine if there is reasonable suspicion to require a drug and/or alcohol test. If it is determined that the employee caused or contributed to occurrence of the accident or the employee was otherwise at fault, the employee may be required to submit to a drug and alcohol test regardless of the existence of reasonable suspicion.

Post-accident testing for cannabis shall be supported by the good faith belief that there is some impairment of the employee while at the workplace, while engaged in work for the employer or while on call subject to the definition of those terms in the Cannabis Regulation and Tax Act, **410 ILCS 705/10-50**.

If post-accident drug and/or alcohol testing is ordered, the employee involved must submit to a drug and/or alcohol test within **two (2) hours** of the accident. An employee who fails to remain readily available for post-accident testing or leaves the scene of an accident without a valid reason or permission by his or her supervisor will be deemed to have refused to submit to testing. The employee to be tested shall not be permitted to drive himself or herself to the collection site.

(C) **Types of Testing.** Any of the following methods may be utilized to test an employee for the presence of drugs and/or alcohol:

(1) Urine testing;
(2) Evidentiary breath testing device (Breathalyzer);
(3) Blood testing;
(4) Hair follicle testing; or
(5) Saliva testing.

(D) **Licensed Clinical Laboratory Only.** The Village shall use only licensed clinical laboratories for drug and/or alcohol testing. Such laboratories shall be responsible for maintaining a proper chain of custody of any samples. If an employee tests positive for drugs and/or alcohol, a confirming test shall be conducted. The laboratory will not submit a positive test result to the Village unless the confirming test result is also positive for the same sample. The laboratory shall retain a portion of the tested sample so the employee can arrange for another confirming test to be conducted by a licensed clinical laboratory of the employee's choice and at the employee's expense. Once the portion of the tested sample is delivered to the clinical laboratory selected by the employee, the employee shall be responsible for maintaining the proper chain of custody for that portion of the sample.

Employees who test positive for drugs may request a second test of the remaining portion of the split sample within **seventy-two (72) hours** of notification of a positive test result by a medical review officer. A medical review officer is a licensed physician responsible for receiving and interpreting laboratory results from applicable tests.

(E) **Records Relating to Drug and/or Alcohol Tests.** Records reflecting positive drug and/or alcohol tests will be kept in the employee's file and will be kept confidential in accordance with applicable law. Information regarding drug and/or alcohol tests and an employee's participation in a substance abuse rehabilitation program may be disclosed to supervisors only if such information relates to the employee's ability to perform his or her work duties or the employee's need for a reasonable accommodation under the Americans with Disabilities Act of 1990 or other applicable law.

For employees in safety sensitive positions, the following records shall be maintained for a minimum of **five (5) years**; (i) records of annual management information system reports; (ii) records regarding employee evaluations and referrals to substance abuse professionals; (iii) records relating to follow-up tests and follow-up schedules; (iv) records relating to refusals to submit to drug and/or alcohol tests; (v) records of alcohol test results indicating an alcohol concentration of .02 or greater; (vi) verified positive drug test results; and (vii) breath testing device calibration documentation.

(F) **Required Records from Prior Employment as Driver of a Commercial Vehicle.** In accordance with applicable law, any individual who is given an offer of employment for a safety-sensitive position requiring a commercial driver's license (CDL) and whbo has worked as a driver of a commercial vehicle during the **two (2) year** period immediately preceding the offer of employment, must authorize his or her prior employer(s) during the **two (2) year** period immediately preceding the offer of employment to release information to the Village regarding any positive alcohol or drug tests and/or any refusal to submit to an alcohol or drug test.

This information must be obtained before the individual can be hired by the Village. However, if the information has not arrived by the individual's anticipated start date and the individual has passed a pre-employment drug test, the individual may be hired, and the requested information can be obtained from the individual's prior employer(s) within **fourteen (14) calendar days** of the individual's date of hire. If the information has not been received within **fourteen (14) days** of the individual's date of hire, the individual will not be permitted to drive a commercial vehicle until the information has arrived. If the information obtained from any prior employer indicates that the individual tested positive for drugs or alcohol or refused to be tested during the past **two (2) years**, that individual will not be permitted to drive a commercial vehicle unless subsequent information indicates that the individual was evaluated by a substance abuse professional and successfully completed return to duty testing.

(G) **Compensation.** If an employee is ordered to submit to an involuntary post-employment drug and/or alcohol test, the time spent by the employee traveling to and from the test and waiting for and undergoing the test will be considered compensable working time unless otherwise provided by law or contract. Pre-employment drug and/or alcohol tests will not be compensated.

(H) **Cutoff Levels for Drugs and Drug Metabolites; Blood Alcohol Exceedances.** Cutoff levles for all drug and drug metabolite testing shall be consisten with the guidelines established by the U.S. Department of Health and Human Services (HHS). An employee shall be deemed to be under the influence of alcohol if the applicable blood alcohol test demonstrates a level of .02 or greater.

(I) **Policy Violations.** Any employee testing positive for drug usage, blooc alcohol levels greater than .02, or engaging in any other prohibited conduct concerning drug or alcohol shall be subject to disciplinary action up to and including immediate termination. Regardless of disciplinary action taken, all such employees will be advised of resources availale to evaluate and treat problems associated with drug and/or alcohol abuse.

Employees in safety-sensitive positions, including those that require a CDL, who are not terminated for violation of this policy shall be subject to the following conditions of continued employment:

(1) If an employee has a breath alcohol concentration of at least .02 but less than .04, he or she shall not drive a comemrcial vehicle or engage in any other safety sensitive actives for at least **twenty-four (24) hours**.

(2) If an employee tests positive for drugs, tests positive for a blood alcohol level of .04 or greater, and/or engages in any other conduct prohibited by this policy relating to drugs and/or alcohol, the employee will be immediately removed from duties requiring the driving of a commercial vehicle and will not be permitted to return to work unless the employee: (i) has been evaluated by a substance abuse professional; (ii) has complied with any rehabilitation prescribed by a substance abuse professional; and (iii) has successfully completed a return to duty test for drugs and/or alcohol.

(3) Upon completion of a recommended rehabilitation program and successful return to work, the employee will be subject to follow-up random testing for up to **sixty (60) months** as recommended by the substance abuse professional and the Village with a minimum of **six (6)** such unscheduled tests within the first **twelve (12) months** of returning to duty.

11-9-24 DRUG AND ALCOHOL TESTING OF SPECIFIC EMPLOYEES. In accordance with the Omnibus Transportation Employee Testing Act of 1994 and other applicable law, the Village requires employees in safety-sensitive positions and applicants for safety sensitive positions to submit to mandatory drug and alcohol testing pursuant to this policy. Applicants for non-safety-sensitive positions may be required to submit to pre-employment testing. All employees are subject to random drug and alcohol testing.

Safety-sensitive positions are those positions where there exists a high risk of injury to others with disastrous consequences if the employee has even a momentary lapse of attention. Some examples of safety-sensitive positions include law enforcement personnel, firefighters, paramedics, health care professionals responsible for direct patient care, employees who transport passengers, and employees who operate large or heavy equipment.

Under this policy, employees in safety-sensitive positions specifically include all employees whose positions may involve driving a commercial vehicle and that require the possession of a CDL. For purposes of this policy, a commercial vehicle means a vehicle that either: (i) has a gross weight of over **twenty-six thousand (26,000) pounds** (including combined weight if towed unit weighs over **ten thousand (10,000) pounds**); (ii) is designed to transport **sixteen (16)** or more persons, including the driver; or (iii) is used to transport hazardous materials.

An employee is considered to be "driving a commercial vehicle" under this policy if he or she is performing any safety sensitive function defined in 49 CFR 382.107, which includes all time working in a position requiring a CDL.

With respect to employees who work in a position requiring a CDL, alcohol testing for reasonable suspicion may be conducted just before, during, or after an employee operates a commercial vehicle.

(A) **Drug and Alcohol Testing for Safety-Sensitive Positions.** Employees in safety-sensitive positions are subject to drug and alcohol testing under different and additional circumstances than employees who are not in safety sensitive positions.

(1) **Reasonable Suspicion.** Any employee in a safety-sensitive position shall submit to a drug and/or alcohol test when any supervisor has reasonable suspicion to believe that an employee has been using illegal drugs, abusing prescribed drugs, is under the influence of alcohol or cannabis, or is consuming alcohol or cannabis while working or while on call.

Testing for cannabis based on reasonable suspicion shall be supported by the good faith belief that there is some impairment of the employee while at the workplace, while engaged in work for the employer or while on call subject to the definition of those terms in the Cannabis Regulation and Tax Act, **410 ILCS 705/10-50**. If an employee is removed from duty based on reasonable suspicion of alcohol use and an alcohol test is not administered within **eight (8) hours**, the employee will not be allowed to perform or continue to perform safety-sensitive functions until: (i) an alcohol test determines that the employee's breath alcohol concentration measures less than .02; and (ii) **twenty-four (24) hours** have elapsed following the determination that there is reasonable suspicion to believe that the employee has been using alcohol.

(2) **Post-Accident Testing Involving a Commercial Vehicle.** An employee is required by law and this policy to submit to an alcohol test whenever he or she is involved in an accident while driving a commercial vehicle on a public road which results in: (i) a fatality; (ii) bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; and/or (iii) one or more motor vehicles incurring disabling damage requiring the vehicle to be transported away from the scene by a tow truck or other vehicle.

Post-accident testing for cannabis shall be supported by the good faith belief that there is some impairment of the employee while at the workplace, while engaged in work for the employer or while on call subject to the definition of those terms in the Cannabis Regulation and Tax Act, **410 ILCS 705/10-50**.

(3) **Return to Duty Testing.** Any employee who has violated this policy and/or has tested positive on a drug or alcohol test and is subsequently permitted to return to work, must pass a drug and/or alcohol test in accordance with this policy prior to returning to duty.

(4) **Follow-Up Testing.** An employee in a safety-sensitive position who is referred for assistance related to alcohol and/or drug abuse is subject to unannounced follow-up testing for a period not to exceed **sixty (60) months** as directed by a substance abuse professional and the Village. The number and frequency of follow-up tests will be determined by the substance abuse professional and the Village but will not be less than **six (6)** tests in the first **twelve (12) months** following the employee's return to duty.

For purposes of this policy, a substance abuse professional is a licensed physician, or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drugt Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and drug-related disorders.

(B) **Pre-Employment Drug Testing.** Employees in safety-sensitive positions must pass a drug test as a post-offer condition of employment. Employees in non-safety sensitive positions may be required to take and pass a drug test as a post-offer condition of employment. Failure to successfully pass a post-offer pre-employment drug test may result in the offer of employment being revoked. An applicant who is denied employment because of a positive drug test may not reapply for employment with the Village for a period of **six (6) months**.

(C) **Random Drug and/or Alcohol Testing.** Employees may be randomly selected to submit to drug and/or alcohol testing. The process will be unannounced, and employee shall be selected in a non-discriminatory manner. After an employee is notified that he or she has been selected for random testing, the employee shall be required to report immediately to the testing location no later than **one (1) hour** after notification. Upon arrival at the testing location, the employee must identify him or herself by use of a photo identification card and present any applicable documentation. Upon completion of the drug and/or alcohol testing, the employee will, if his or her shift is not completed, immediately return to duty status.

11-9-25 DRUG AND ALCOHOL TESTING OF PUBLIC SAFETY EMPLOYEES. For purposes of this policy, public safety employees include law enforcement officers, corrections officers, probation officers, paramedics, and firefighters.

(A) **Prohibition.** The Village prohibits law enforcement officers, corrections officers, probation officers, paramedics, and firefighters from the consumption, possession, sale, purchase, or delivery of cannabis or cannabis-infused substances while on or off duty.

(B) **Collective Bargaining Agreements.** Any drug and alcohol testing procedures in the collective bargaining agreement shall remain in full force and effect.

(C) **Discipline.** Employee supervisors and their superiors, as applicable, are responsible for administering disciplinary measures, when in the sole discretion of the appropriate supervisor, based on the facts and circumstances of the situation, discipline is warranted. Prior to the administration of any disciplinary action, the applicable supervisor may give the employee the opportunity to respond to the allegations made against the employee. Employees subject to discipline for being under the influence of, in possession of or consuming cannabis shall be provided a reasonable opportunity to contest the basis for the imposition of discipline. The disciplinary procedures set forth in this Section apply to all employees, unless otherwise subject to a collective bargining agreement. These policies and procedures should not be construed as preventing, limiting, or delaying the Village from taking appropriate disciplinary action, including immediate dismissal without prior warning or notice, as the facts and circumstances warrant.

All discipline issued will be based on the applicable facts and circumstances, and at the level applicable in the sole and exlusive judgment of the applicable supervisor.

11-9-26 VIOLATIONS.

(A) Employees are subject to discipline, including discharge for violation of the above policy.

(B) Require the satisfactory participation and completion of a State licensed drug rehabilitation program, as sanctioned by the employer.

(C) The Village shall notify the appropriate State Agency from which grant funds were received of the employee's conviction within **ten (10) days** after receiving notice from an employee of any criminal drug statute conviction for a violation in the workplace.

11-9-27 EMPLOYEE ASSISTANCE. A referral network to assist those who may be experiencing problems with drugs and/or alcohol will be established for all Village employees.

11-9-28 STATUS OF EMPLOYMENT; REHAB COSTS. There is no requirement by the employer to keep an employee on active employment status who is receiving rehabilitative treatment if it is determined that the employee's current use of drugs prevents the individual from performing work related duties or whose continuance on active status could constitute a threat to the property and/or safety of others. **The employee shall pay for all costs of rehabilitation.** The employee may use accumulated paid leave, and take unpaid leave pending treatment, at the discretion of the employer, and so long as the employee advised the Superintendent of use or abuse of drugs prior to occurrence of reasonable suspicion.

11-9-29 RESERVED.

DIVISION III – COMPUTER USAGE POLICY

11-9-30 COMPUTER USAGE PROCEDURE. Routinely all personnel will have access to a computer. The following procedures must be adhered to:

(A) All employees will only use the "Log-in ID", "User ID" and "Passwords" assigned to them, i.e. use of a supervisor "User ID" and "Passwords" by a line officer is prohibited unless authorized by the Administration. Use is a privilege, not a right, which may be suspended or terminated by Mayor when, in his/her judgment, this policy has been violated by the user.

No employee is authorized to share their "password" with anyone except the Supervisor assigned to overlook all passwords in the department.

(B) It is not permissible to use village computers and equipment in any inappropriate manner, such as to disgrace the department or a fellow employee. It is forbidden to use profanity or vulgar language on any department computer equipment.

(C) No outside "portable storage device" will be authorized to be used except with permission from Administration.

(D) No employee shall be allowed to do personal work at his or her village computer. This is with or without the use of any portable storage device.

(E) No employee shall be allowed to copy any village or department document to a portable storage device and use it outside the office without permission from Administration.

(F) No employee shall be allowed to have any unauthorized programs, utilities, games or files on their village portable storage device.

(G) Any variance from the above procedures shall have prior Administration permission.

Information and data maintained in the electronic media on village computer system are protected by the same laws and policies, and are subject to the same limitations, as information and communications in other media. Said information and data are the property of the Village.

Before storing or sending confidential or personal information, users should understand that most materials on Village system are, by definition, public records. As such, they are subject to laws and policies that may compel the Village to disclose them. The privacy of the materials kept in electronic data storage and electronic mail is neither a right nor is it guaranteed.

11-9-31 - 11-9-34 RESERVED.

ARTICLE X - RIGHTS OF EMPLOYEES

11-10-1 PERSONNEL FILE. Employees are allowed to look at their own personnel files during normal business hours. Persons wishing to view their own file shall file a written request with the Mayor or the Village Clerk. A copy of the request shall be placed in the employee's personnel file. Nothing should be placed in an employee's personnel file nor shall anything be removed from the file without the consent of the Mayor and Village Board. Records of prior grievances and discipline action shall be maintained in the employee's personnel file. The final decision to remove items lies within the discretion of the Mayor and the Village Board.

11-10-2 REFERENCES. Employees or former employees have the right to obtain references or recommendations. Such references shall provide the applicable date of hire and the last date employed, and a general description of the applicable job duties. Additional comments concerning the employee or former employee's job performance dependabilities lies within the sound discretion of the Superintendent.

11-10-3 SAFETY. The Superintendent shall implement any safety procedures adopted by the Village, and employees shall comply with any of the safety procedures.

All employees are directed to report any hazardous conditions to their supervisor immediately.

Due to the open-office design of many department buildings, it is impossible to provide security for personal belongings left unattended. Employees are advised to keep their wallets, purses, etc. in their possession at all times. The Municipality cannot be responsible for losses due to theft.

ARTICLE XI - RIGHTS OF EMPLOYER

11-11-1 VILLAGE'S RIGHTS. The employee recognizes that the Village possesses the exclusive right to operate and direct the employees of the Village in all aspects, including, but not limited to, all rights and authority granted by law.

The employee further recognizes that this Code is not a binding contract between the Village and the employee. Nothing contained in this Code shall be construed as creating an employment agreement between the Village and its employees from time to time.

11-11-2 NEW REGULATIONS. The Village has the right to unilaterally create new employment policies and regulations not mentioned in this Code, and to change provisions of this Code without approval or consent of the employees of the Village.

11-11-3 MANAGEMENT RESPONSIBILITIES. The employer has the ultimate responsibility for proper management including but not limited to responsibilities and the right for the following:

(A) To maintain executive management and administrative control of the department and its property, facilities and staff.

(B) To hire all employees and to determine their qualifications and the conditions for their continued employment or their dismissal or demotion.

(C) To direct, supervise, promote, suspend, discipline, terminate, assign and schedule employees.

(D) To relieve employees from duties because of a lack of work or funds, or under conditions where continued work would be inefficient or nonproductive or under conditions as may be deemed necessary or advisable by the department.

(E) To determine services to be rendered, operations to be performed, utilization of technology and budgetary matters.

(F) To determine the methods, processes, means, job classifications and personnel by which the operations of the department are to be conducted.

It is recognized that the employer normally exercises most of the powers, rights, authorities, duties and responsibilities through and with the cooperation of the administrative staff.

11-11-4 LENGTH OF SERVICE. Length of service is defined as the length of continuous service of an employee since the employee's last date of hire with the Village within the employee's department. In the event an employee is transferred from or to another department of the Village, the employee's total continuous employment with the Village will be used as the basis for vacation and sick leave only.

An employee's continuous service record shall be broken by voluntary resignation or discharge. If such continuous service is broken due to curtailment of operation, said employee shall be considered on layoff.

11-11-5 EXEMPTIONS TO LABOR AGREEMENTS. All sections and subsections of this Code shall not apply to the employees governed by a collective bargaining agreement provided the subject matter in the Collective Bargaining Agreement sections are the same.

ARTICLE XII – RESERVED
(Ord. No. 17-16; 12-18-17)

ARTICLE XIII - SEXUAL MISCONDUCT POLICY

11-13-1 SEXUAL MISCONDUCT POLICY STATEMENT. The Village will not tolerate and will seek to eradicate any behavior by its employees, volunteers or students which constitutes sexual misconduct toward another employee, volunteer or student. "Sexual misconduct" means any actual, attempted or alleged sexual molestation, assault, abuse, sexual exploitation or sexual injury. "Sexual misconduct" does not include "sexual harassment".

11-13-2 REPORTING PROCEDURES AND DESIGNATED SEXUAL ABUSE COORDINATOR. It is the express policy of the Village to encourage victims of sexual misconduct, and their parents or guardians in the case of minors, to come forward with such claims. The Village shall designate a Sexual Abuse Coordinator, who hereinafter shall be referred to as "Coordinator", who shall remain accountable for the implementation and monitoring of this policy. The identity of the Sexual Abuse Coordinator shall remain on file with the Village. In order to conduct an immediate investigation, any incident of sexual misconduct shall be reported as quickly as possible in confidence, as follows:

(A) **Employees and Volunteers.** Employees and volunteers are required to report any known or suspected incidents of sexual misconduct. They must also report to their supervisor or the Coordinator. If the person to whom an employee or volunteer is directed to report is the offending person, the report should be made to the next higher level of administration or supervision.

(B) **Investigation and Confidentiality.** All formal complaints will be given a full impartial and timely investigation. During such investigation, while every effort will be made to protect the privacy rights of all parties' confidentiality cannot be guaranteed.

(C) **Discipline.** Any Village employee or volunteer who is determined, after an investigation, to have engaged in sexual misconduct in violation of this policy will be subject to disciplinary action up to and including discharge.

False accusations regarding sexual misconduct will not be tolerated, and any person knowingly making a false accusation shall likewise be subject to disciplinary action up to and including discharge, with regard to employees or volunteers.

The Village shall discipline any individual who retaliates against any person who reports alleged sexual misconduct or who retaliates against any person who testifies, assists or participates in an investigation, a proceeding or a hearing relating to a sexual misconduct complaint. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

11-13-3 CHILD ABUSE. Sexual abuse of a minor is a crime.

(A) **Child Abuse Incident Reporting and Follow-Up.** Any case of known or suspected child abuse of a minor must be reported immediately in compliance with Illinois mandatory reporting guidelines and to the Coordinator and the Village Attorney's Office.

In the event that the Coordinator is first notified of an incident of known or suspected child abuse, the Coordinator shall immediately notify the child's parent or legal guardian as the case be, and the appropriate legal authorities as required by state or local law. The Coordinator shall prepare a Suspected Child Abuse Standard Report and immediately follow-up to investigate the incident and to ascertain the condition of the child. The Coordinator shall communicate any questions or concerns about any incident with the State's Attorney.

Any employee or volunteer involved in a reported incident of sexual misconduct or child abuse shall be immediately relieved of responsibilities that involve interaction with minors or shall be suspended, as determined by the employee's supervisor. Reinstatement of employees or volunteers involved in a reported incident of child abuse shall occur only after all allegations of child abuse have been cleared by the County.

(B) **Maintenance of Records and Documents.** The Coordinator shall maintain all records and documentation required by law or otherwise required by this and other such related policies of the Village including all documents related to procedures for hiring-screening, employee/volunteer code of conduct, training, sign-in/sign-out, pick-up and release procedures, incident reporting follow-up and disciplinary action.

ARTICLE XIV - DISCIPLINE

11-14-1 PROCEDURE. The formal disciplinary process is a five step procedure, but dismissal may occur at any step in the process. Superintendents may use the Discipline Form attached as **Appendix B** for documentation purposes. Under normal circumstances, these steps are outlined in the following sections.

11-14-2 VERBAL REPRIMAND. A verbal reprimand informs an employee of unsatisfactory conduct, attitude or performance, and acknowledges that continued such actions will result in more severe disciplinary actions. The reprimand should be done in private and should be documented with the date and nature of the problem and placed in the employee's personnel file.

11-14-3 WRITTEN REPRIMAND. A written reprimand informs an employee of unsatisfactory conduct, attitude or performance. Written reprimand is more severe than a verbal reprimand but serves the same purpose to acknowledge further unsatisfactory conduct, attitude, or performance will result in more severe disciplinary action. A copy of the written reprimand will be sent to the employee, the Superintendent, Mayor and employee's personnel file.

11-14-4 PROBATION. Employee may be placed on probation by the Superintendent and/or the Mayor if the employee's performance is substandard and/or the employee's conduct and behavior are inappropriate and not condoned by management. Employee may be placed on probation not to exceed **six (6) months.** At the end of **three (3) months,** an informal evaluation of the employee's performance will be conducted. At the end of the probationary period, the employee's performance will be formally evaluated. Evaluations will determine if the employee should be retained. If the employee violates the conditions of the probation, the employee may be subject to termination. Removal from probationary status is based upon satisfactory completion of the probationary period, recommendation from the employee's immediate superintendent, and approval of the Mayor.

11-14-5 ADMINISTRATIVE LEAVE. An Employee may be placed on administrative leave by the Mayor with or without pay and benefits pending an investigation based on alleged violation of the municipal policies and procedures. The administrative leave may be extended for the period of time the investigation continues but no longer than **thirty (30) days**.

11-14-6 SUSPENSION. Suspension of an employee would be at the discretion of the Superintendent. The suspension will result in a loss of salary for the period of the suspension. Upon return to work the suspended employee will be placed on probationary status for a period not to exceed **six (6) months.** If the employee violates the conditions of the probation, the employee may be subject to termination. Removal from probationary status is based upon satisfactory completion of a probationary period, a recommendation from the employee's immediate superintendent, and the approval the Mayor and Village Board. The period of suspension may be up to but not exceeding **thirty (30) days** off without pay in one calendar year. The suspension may include demotion and is within the discretion of the Superintendent.

11-14-7 DISMISSAL. Dismissal shall be used as a disciplinary action of last resort at the discretion of the Mayor and the Village Board. All employees are subject to discharge by the Mayor with the advice and consent of the Village Board during any of the disciplinary steps.

11-14-8 CODE OF CONDUCT. Disciplinary action may be brought against an employee for the following, including but not limited to:

(A) Violating any provisions of this Personnel Code.

(B) Knowingly falsifying a report.

(C) Being insubordinate to or showing disrespect towards superiors.

(D) Neglecting to perform the job or performing the job inefficiently.

(E) Engaging in any conduct unbecoming of a Village employee or that discredits the Village.

(F) Leaving the assigned job without permission.

(G) Absence from work without leave or permission.

(H) Willfully destroying or damaging any property of the Village.

(I) Taking or giving bribes.

(J) Being under the influence of intoxicating beverages while at work.

(K) Using, manufacturing, distributing, dispensing, or possessing any statutorily defined illegal drugs, narcotics, or controlled substances, or failing to report to the employee's Superintendent any arrest or conviction for using, manufacturing, distributing, dispensing, or possessing any statutorily defined illegal drugs, narcotics, or controlled substance.

(L) Failure of any employee to notify their Superintendent within **five (5) days** after an arrest or conviction of a violation of any local, state, or federal criminal drug statute.

(M) Using a Village vehicle without the knowledge of the immediate supervisor.

(N) Improperly operating a Village vehicle or permitting an unauthorized person to operate a Village vehicle.

(O) Excessive unexcused absence from work or tardiness.

(P) Possession of explosives, firearms or other dangerous weapons on Village premises, unless otherwise permitted.

(Q) Use of overtime for other than work purposes.

(R) Failure to follow any safety rules, regulations, or manuals.

(S) Gambling during working hours around Village premises.

(T) Sleeping on the job.

(U) Being discourteous to the public.

(V) Engaging in or instigating or causing an interruption or impeding work.

(W) Substantial misrepresentation of facts in obtaining employment with the Village.

(X) The use or consumption of Village property for personal or private purposes, or the use of Village employees during working hours for such purposes.

(Y) Disorderly conduct during working time or on Village premises, including fighting, interfering with work of another, or threatening or abusing any person by word or act.

(Z) Unauthorized use of Village property such as Village owned vehicles, equipment and materials.

(AA) Abuse of sick leave by misrepresentation of the leave request

(BB) Violation of a written order of a Superintendent.

(CC) Failure to pay legitimate debts, thus exposing the Village to harassment by creditors.

(DD) Using profanity on the job.

(EE) Releasing confidential information.

(FF) Using or attempting to use an official position to secure special privileges, exemptions, or personal gain except as may be otherwise provided by law.

(GG) Engaging in disreputable acts and not conducting themselves with "good moral character".

(HH) Abuse of telephone usage.

(II) Theft of any Village or employee property.

(JJ) Discriminating against any person, individual, entity, co-employee, on the basis of race, color, religion, sex, national origin, age, handicap or disability, ancestry, marital status, sex harassment or any other prohibited form of discrimination under federal or state law or government contract or grantee regulations.

(KK) Failure to perform essential functions of his/her position.

(LL) Abusing Village computer equipment.
(MM) Charged with misdemeanor or felony.
(NN) Allowing drug and/or alcohol in or on machinery and/or vehicles.

11-14-9 POLITICAL ACTIVITIES. No form of discipline can occur because of any employee's political activity or political beliefs. This prohibition on discipline does not apply to individuals in policy making or confidential positions or where an overriding interest or vital importance exists which requires that an employee's political beliefs and activities conform to those of the Superintendent or the Corporate Authorities.

The Village also recognizes that false accusations can have serious affects on innocent men and women. We trust that all employees will continue to act in a responsible and professional manner to establish a pleasant working environment free of discrimination.

ARTICLE XV - MISCELLANEOUS

11-15-1 GRIEVANCE PROCEDURE. The purpose of a grievance procedure is to establish and maintain harmonious and cooperative working relationships between the Village and its employees, to assure equitable treatment of employees, and to provide expeditious means of resolving employee dissatisfaction over circumstances or conditions of employment.

Strict adherence to the grievance procedures and time limits is mandatory, except that the time limits may be extended for good cause.

A grievance is defined as a dispute, disagreement, complaint, or any matter concerning any terms or conditions of employment, or concerning the application of any departmental policy, or concerning any employee relationship, or work-related issue.

As used in this Article, the term days shall mean working days of the employee filing the grievance.

At any step, if a written response is not provided to the grieving employee within the **ten (10) day** time frame, the grievance will be considered denied at that step, and the employee may proceed to the next step.

If any Superintendent is disciplined and/or discharged by the Mayor with the advice and consent of the Village Board, the discipline and/or discharge shall constitute the final resolution of the matter and there shall be no access in this instance to the various steps of the grievance procedure. The failure of a reappointment of a Superintendent by the Mayor shall not be interpreted to constitute discipline and/or discharge of an ongoing employment relationship with the Village.

Steps:

(A) A grieving employee shall within **five (5) days** after he learns of the circumstances or conditions which prompted the grievance, submit the grievance to the employee's Superintendent, in writing, informing such Superintendent of the grievance and the particulars concerning the same. The Superintendent shall provide a written response to the grieving employee within **ten (10) days** after receiving the grievance.

(B) If the grievance is not resolved to the employee's satisfaction, the employee may submit the grievance to the Mayor by summarizing the grievance in writing.

The grievance must be submitted to the Mayor within **five (5) days** of the decision of the Superintendent.

For all other employees, the grievance shall be before the Mayor.

(See Appendix "C" for Disability Act Procedure.)

11-15-2 LAYOFFS. In the event it becomes necessary to layoff employees for any reason, employees will be laid off based on the following criteria: Employee's knowledge, skills, and abilities in relation to positions available, lack of work, lack of funds, the employee's length of service, the employee's work record including commendations as well as disciplinary action, the employee's attitude and relations with other employee's as well as other agencies and change in duties of the department. The employee shall receive **two (2) weeks'** notice.

11-15-3 RESIGNATION. Sick leave, vacation, and retirement fund benefits cease at midnight on the date of termination. Health insurance will cease at the end of the month of the termination. Employees may elect to continue participation in the plan on a self-pay basis as provided by federal statutes. The employee will be paid for each day of accrued and unused vacation time. Monies accumulated in the employee's retirement account may be refundable, according to IMRF Rules. Forms required to request this refund are available from the Village Clerk's office.

ARTICLE XVI – SOCIAL MEDIA POLICY

11-16-1 MISSION STATEMENT. It shall be the mission of the Village to ensure its employees maintain professional conduct in their on and off work lives. This shall include the image an employee portrays of themselves on the internet and computer related media.

11-16-2 PURPOSE. The purpose of this policy is to outline the expectations of employees with respect to their use of social media and social networking and the direct effect such use has upon the reputation and perception of the Village.

11-16-3 POLICY. Employees shall not use any form of social media or social networking, including but limited to: Facebook, Twitter, MySpace, LinkedIn, Tumblr, YouTube, Google+, Pinterest, Instagram, Foursquare, The Squad Room, UseNet groups, online forums, message boards or bulletin boards, blogs, and other similarly developed formats, in any way so as to tarnish the Village's reputation. Employees of the Village are embodiments of our mission. It is vital that each employee accept their role as ambassadors of the department, striving to maintain public trust and confidence, in not only their professional actions but also in their personal and online actions. Any online activity that has the effect of diminishing the public's trust and/or confidence in the Village will hinder the efforts of the Village to fulfill its mission. Any online actions taken that detract from the mission of the Village, or reflects negatively on the position of the Village will be viewed as a direct violation of this policy. For police officers: by virtue of the position of peace officer, they are held to a higher standard than general members of the public and their online activities should reflect such professional expectations and standards.

11-16-4 RULES AND REGULATIONS.

(A) Employees are prohibited from using Village computers or cell phones/devices for any unauthorized purpose, including the participating in social media or social networking.

(B) Employees are prohibited from using any social media or social networking platform while at work. Police officers may seek permission from the Mayor to use social media or networking for investigative or for public information purposes.

(C) Unless granted explicit permission, employees including police officers of the Village are prohibited from posting any of the following in any social networking platform, either on their

own sites, the sites of others known to them, the sites of others unknown to them, news media pages, or other information exchange forums:

(1) Any text, photograph, audio, video, or any other multimedia file related to any investigation of the police department, both current and past.

(2) Any text, photograph, audio, video, or any other multimedia file related to any past or current action of the Village police department, either in homage or critique.

(3) Any text, photograph, audio, video, or any other multimedia file that is related to any Village department business or event.

(D) Employees who choose to maintain or participate in social media or social networking platforms while off work shall conduct themselves professionally and in such a manner that will not reflect negatively upon the Village or its mission. In the course of operating or participating in such venues, the following rules shall apply:

(1) Employees will be held responsible for the content that appears on their maintained social media or social networking sites and will be obligated to remove any posting or material contributed by others that reflects negatively upon the Village.

(2) Sexually graphic or explicit material, of any kind, shall not be posted by the employee on any form of social media or social networking sites.

(3) Sexually graphic or explicit material posted by others to the employee's social media or social networking sites shall be immediately removed.

(4) Weaponry, owned by the Village, shall not be displayed or referenced to, in any multimedia format, on social media or social networking sites.

(5) Weaponry, privately owned by any police officer, shall not be displayed or referenced to, in any multimedia format, on social media or social networking sites if such displays or depictions promote a disparaging image to the Village.

(6) Any text, photograph, audio, video, or any other multimedia file included on a social media or social networking site that infers, implies, states, opines or otherwise expresses the employee's views on the public shall not be detrimental to the Village's mission now shall it, in any way, undermine the public's trust or confidence of the Village departments.

(7) Any text, photograph, audio, video, or any other multimedia file included on a social media or social networking site that infers, implies, states, opines or otherwise expresses the employee's views on the legal, judicial or criminal systems shall not, in any way, undermine the public's trust and confidence of the Village departments.

(8) Any posting that detracts from the Village department's mission will be considered a direct violation of this policy.

(E) Employees who are brought under administrative or internal investigation related to their performance, functionality or duties may be ordered to provide the Village, or its designated investigator, with access to the social media and social networking platforms in which they participate or maintain.

(F) Employees who are brought under administrative or internal investigation related to the Village's operation, productivity, efficiency, morale or reputation, may be ordered to provide the Village, or its designated investigator, with access to the social media and social networking platforms in which they participate or maintain.

(G) If requested, any employee shall complete an affidavit attesting to all the social media and social networking platforms in which they mail or participate.

(H) Any candidate seeking employment with the Village shall complete an affidavit attesting to all the social media and social networking platforms in which they maintain or participate.

ARTICLE XVII – ANTI-BULLYING POLICY

11-17-1 APPLICATION OF POLICY. The Village finds a safe work environment is beneficial for employees and promotes productivity. Workplace bullying has been linked to absenteeism, drug and alcohol use, and sexual violence. The Village considers workplace bullying unacceptable and will not tolerate it. The anti-bullying policy shall apply to all individuals who are employees, volunteers and contractors. For purposes of this policy:

(A) ***"Employee"*** is defined as an individual working for the Village for remuneration;

(B) ***"Volunteer"*** is defined as an individual who volunteers services to the Village without remuneration;

(C) ***"Contractor"*** is defined as an individual who contracts with the Village to provide services, or an individual who works for a contractor of the Village.

11-17-2 DEFINITION. Bullying is defined as any severe or pervasive physical or verbal act or conduct, including communications made in writing or electronically, directed toward a person that has or can be reasonably predicted to have the effect of one or more of the following:

(A) placing the person in reasonable fear of harm to the person or the person's property;

(B) causing a substantially detrimental effect on the person's physical or mental health;

(C) substantially interfering with the person's productivity; or

(D) substantially interfering with the person's ability to participate in or benefit from the opportunities offered by the employer.

Bullying may be intentional or unintentional. The Village considers the following types of behavior illustrative examples of bullying: harassment, threats, intimidation, stalking, physical violence, sexual harassment, sexual violence, pushing; shoving; kicking; poking; tripping; assault, or threat of physical assault; theft, public humiliation, destruction of property, or retaliation for asserting or alleging an act of bullying.

11-17-3 BULLYING PROHIBITED. Bullying on the basis of actual or perceived race, color, religion, sex, national origin, ancestry, age, marital status, physical or mental disability, military status, sexual orientation, gender-related identity or expression, unfavorable discharge from military service, association with a person or group with one or more of the aforementioned actual or perceived characteristics, and any other distinguishing characteristic is prohibited in all places of employment, and an employer shall prevent bullying in its place of employment.

(A) No person shall be subjected to bullying:

(1) during any period of employment activity;

(2) while working, on property of the employer, or at employer-sponsored or employer-sanctioned events or activities; or

(3) through the transmission of information from an employment utilized telephone, computer, computer network, or other similar electronic employer-utilized equipment.

(B) Nothing in this policy is intended to infringe upon any right to exercise free expression or the free exercise of religion or religiously based views protected under the First Amendment of the United States Constitution.

11-17-4 DISCIPLINARY ACTION. Any employee or volunteer who is determined, after an investigation, to have engaged in bullying in violation of this policy shall be subject to disciplinary action up to and including immediate discharge. Any contractor found to be in violation of this policy may be subject to contract cancellation.

(A) **False Accusations.** False accusations regarding bullying against employees, volunteers, contractors, or elected officials shall not be tolerated, and any person knowingly making a false accusation shall be subject to disciplinary action up to and including immediate discharge.

(B) **Retaliation for Reporting Bullying.** The Village shall discipline any employee or volunteer who retaliates against any person who reports who reports alleged bullying, or who retaliates against any person who testifies, assists or participates in an investigation, a proceeding or a hearing relating to bullying complaint. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment. Contractors are likewise prohibited from retaliating.

11-17-5 REPORTING AND COMPLAINT PROCEDURE. The Village encourages all employees, volunteers or contractors to promptly report any instance of bullying behavior. Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of bullying. Therefore, while no fixed reporting period has been established, prompt reporting of complaints or concerns is encouraged so that rapid and constructive action can be taken. The Village shall make every effort to stop alleged workplace bullying before it becomes severe or pervasive, but can only do so with the cooperation of its employees.

Reports of bullying will be treated seriously, and investigated promptly and impartially. The Village further encourages all individuals to whom this policy applies to formally report any concerns of assault, battery, or other bullying behavior of a criminal nature to the Village Attorney's office. The Village Board requires any supervisor who witnesses bullying, irrespective of reporting relationship or his/her responsibility to address it, to promptly report this conduct to the Police Chief or the Mayor.

Individuals who believe they have experienced conduct that they believe violates this policy, or who have concerns about such matter, should report their complaints or concerns verbally or in writing to his or her supervisor, or the Village Attorney, before the conduct becomes severe or pervasive. If a verbal report is made, it shall be documented in writing by the official to whom it is reported. Individuals should not feel obligated to report their complaints to their immediate supervisor first before bringing the matter to the attention of one of the other designated Village representatives identified above.

The availability of this complaint procedure does not preclude individuals who believe they are being subjected to bullying conduct from promptly advising the offender that his or her behavior is unwelcome and requesting that such behavior immediately stop.

ARTICLE XVIII – DOMESTIC AND SEXUAL VIOLENCE POLICY

11-18-1 PURPOSE OF POLICY. Domestic violence can permeate the lives and compromise the safety of employees with tragic, destructive and often fatal results. Domestic violence occurs within a wide spectrum of relationships, including married and formerly married couples, couples with children in common, couples who live together or have lived together, gay, lesbian, bisexual and transgender couples, and couples who are dating or who have dated in the past. Domestic violence represents a pattern of coercive tactics which can include physical, psychological, sexual, economic and emotional abuse perpetrated by one person against another in an intimate relationship or in the same household, with the goal of establishing and maintaining power and control over the victim. In addition to exacting a tremendous toll from the individuals it directly affects, domestic violence often spills over into the workplace, compromising the safety of both victims and co-workers and resulting in lost productivity, increased health care costs, increased absenteeism, and increased employee turnover. The Village will take appropriate actions to promote safety in the workplace and respond effectively to the needs of victims of domestic violence.

11-18-2 DEFINITION. For purposes of this policy and pursuant to the Illinois Victims' Economic Security and Safety Act (VESSA), the following terms are defined as follows:

(A) ***"Abuser":*** A person who perpetrates a pattern of coercive tactics which can include physical, psychological, sexual, economic, and emotional abuse against an adult intimate partner, with the goal of establishing and maintaining power and control over the victim.

(B) ***"Domestic Violence":*** Domestic violence means abuse by a family or household member, as defined by this policy pursuant to Section 103 of the Illinois Domestic Violence Act of 1986. Domestic violence includes sexual assault or stalking.

(C) ***"Employee":*** A person working for the Village for remuneration for services.

(D) ***"Family or Household Member":*** For employees with a family or household member who is a victim of domestic or sexual violence, this means spouse, parent, son, daughter, other person related by blood or by present or prior marriage, another person who shares a relationship through a son or daughter, and persons jointly residing in the same household.

(E) ***"Parent"*** means biological parent of an employee or an individual who stood in loco parentis to an employee when the employee was a son or daughter as defined herein.

(F) ***"Son or Daughter"*** means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is under **eighteen (18) years** of age, or is **eighteen (18) years** of age or older and incapable of self-care because of a mental or physical disability.

11-18-3 VICTIMS' ECONOMIC SECURITY AND SAFETY ACT (VESSA). The person against whom an abuser directs coercive and/or violent acts, including an employee who is a victim of domestic or sexual violence, or an employee's family or household member who is a victim of domestic or sexual violence, and whose interests are not adverse to the employee as it related to domestic or sexual violence.

11-18-4 POLICY.

(A) **Employee Awareness.** The Village shall take reasonable actions to educate employees regarding the effects of domestic violence and methods to report such violence to authorities. It is the policy of the Village that information on domestic violence and available resources shall be available to employees through the Village Board and by this written policy, which shall be disseminated to employees.

(B) **Non-Discriminatory Policy.** Non-Discriminatory and Responsive Personnel Policies for Victimized Employees of the Village shall ensure that personnel policies and procedures do not

discriminate against victims of domestic violence and are responsive to the needs of victims of domestic violence.

(1) Illinois law prohibits employers from interfering with, restraining, or denying the exercise of any right provided under VESSA. This law requires employers, when given **forty-eight (48) hours** prior notification, to allow time off for employed victims of domestic or sexual violence and employees with a family or household member who is a victim of domestic or sexual violence, to take unpaid leave to seek medical help, legal assistance, counseling, safety planning, and other assistance without penalty from the employer for the employee or the family or household member who is a victim.

(2) Illinois law prohibits employers from discriminating against any employee who is a victim of domestic or sexual violence or any employee who has a family or household member who is a victim of domestic or sexual violence.

(3) An employee who is a victim of domestic or sexual violence, or has a family or household member who is a victim of domestic or sexual violence and whose interests are not adverse to the employee as it relates to domestic or sexual violence, may take unpaid leave from work to address domestic or sexual violence by:

(a) seeking medical attention for, or recovering from, physical or psychological injuries caused by domestic or sexual violence to the victim;

(b) obtaining services from a victim services organization for the victim;

(c) obtaining psychological or other counseling for the victim;

(d) participating in safety planning, temporarily or permanently relocating, or taking other actions to increase the safety of the victim;

(e) seeking legal assistance or remedies to ensure the health and safety of the victim, including preparing for or participating in any civil or criminal legal proceeding related to or derived from domestic or sexual violence.

(4) The employee shall be entitled to a total of **twelve (12) workweeks** of leave during any **twelve (12) month** period. This policy does not create a right for an employee to take an unpaid leave that exceeds the unpaid leave time allowed under, or is in addition to, the unpaid leave time permitted by the federal Family Medical Leave Act. Leave may be taken intermittently or on a reduced work schedule. An employee may substitute accumulated paid leave for unpaid leave; however, the paid leave will count toward the number of workweeks used for purposes of this policy. The employee shall provide at least **forty-eight (48) hours** advance notice of the employee's intention to take leave, unless providing such notice is not practicable. No action will be taken against an employee for failing to provide **forty-eight (48) hours** advance notice if the employee provides certification that leave was used for the purposes outlined in **Section 11-18-4(B)(2)** of this Section and can demonstrate that advance notice was not practicable.

(5) During a leave taken pursuant to this policy, the Village shall maintain coverage under its group health plan for the duration of such leave at the level and under the conditions coverage would have been provided if the employee had continued in employment for the duration of such leave. If the employee fails to return from leave, however, the Village may recover any premium costs it paid for such coverage if the reason

for the employee not returning is other than the continuation, recurrence, or onset of domestic or sexual violence or circumstances beyond the control of the employee. Neither seniority nor leave benefits will accrue to the employee during unpaid leave.

(6) The Village, upon request, will assist the employee in determining the best use of his/her attendance and leave benefits when an employee needs to be absent as a result of being a victim of domestic violence. If an employee requests time off to care for and/or assist a family or household member who has been a victim of domestic violence, the employee's supervisor or the Village Board (or their designee) will evaluate the employee's request for leave for eligibility under existing law and collective bargaining agreements applicable to the employee and the attendance rules.

(7) The Village requires certification from an employee for leave under this policy. The employee shall certify that the leave is for one of the purposes enumerated in **Section 11-18-4(B)** of this Section. Certification shall be provided to the employer within a time period set by the employer.

(8) The Village understands that victims of domestic violence may lack the required documentation or have difficulty obtaining the required certification to justify absences without compromising their safety. Therefore, the Mayor or his designee shall consult with the employee to identify what documentation she/he might have, or be able to obtain, that will not compromise his/her safety-related needs and will satisfactorily meet the documentation requirement of the employer.

(9) All information provided to the employer pursuant to notification and certification requirements of this policy, and the purposes for which leave may be requested pursuant to this policy, shall be retained in strictest confidence by the employer, except to the extent that disclosure is requested or consented to in writing by the employee, or otherwise required by applicable federal or State law. Reported information shall be kept private to the greatest extent possible by Federal law, State law, and Village policy; however, information may have to be disclosed pursuant to a subpoena, Illinois Supreme Court Rules, a court of law, or where otherwise required by law. Where medical information is received by the Village from an employee who is the victim of domestic violence, such medical information shall be kept confidential.

(10) Employees who are victims of domestic violence and who are legally separated from a covered spouse or civil-union partner, shall be allowed to make reasonable changes in benefits at any time during the calendar year, provided the change is requested within **thirty (30) days** of the separation and is in accordance with the Village policies, rules, and regulations.

(11) The Village will not make inquiries about a job applicant's current or past domestic violence victimization, and employment decisions will not be based on any assumptions about or knowledge of such exposure.

(C) **Accountability for Employees Who are Abusers.** The Village will hold employees, individuals who volunteer services to the Village without remuneration (hereafter "volunteers"), and individuals who contract with the Village or work for contractors of the Village (hereafter "contractors"), accountable for engaging in the following behavior: (i) using Village resources to commit an act of domestic violence; (ii) committing an act of domestic violence from or at the workplace or from any other location while on official Village business; or (iii) using their job-related authority and/or Village resources in order to negatively affect victims and/or assist perpetrators in locating a victim and/or in perpetrating an act of domestic violence.

Any physical assault or threat made by an employee, volunteer, or contractor, while on Village premises, during working hours, while representing the Village, or at a Village-sponsored event, is a serious violation of this policy. This policy applies no only to acts against employees, but to acts against all other persons. Those found to have violated this policy will be subject to corrective or disciplinary action, up to and including discharge.

(1) In cases in which the Village has found that an employee, volunteer, or contractor, has threatened, harassed, or abused an intimate partner at the workplace using Village resources such as work time, workplace telephones, facsimile machines, mail, e-mail or other means, said employee shall be subject to corrective or disciplinary action.

(2) In cases in which the Village has verification that an employee, volunteer, or contractor is responsible for a domestic violence-related offense, or is the subject of any order of protection, including temporary, final or out-of-state order, as a result of domestic violence, and said employee, volunteer or contractor has job functions that include the authority to take actions that directly impact victims of domestic violence and/or actions that may protect abusers from appropriate consequences for their behavior, the Mayor shall determine if corrective action is warranted.

(3) In cases in which any employee, volunteer, or contractor intentionally uses his/her job-related authority and/or intentionally uses Village resources in order to negatively impact a victim of domestic violence, assist an abuser in locating a victim, assist an abuser in perpetrating acts of domestic violence, or protect an abuser from appropriate consequences for his/her behavior, said individual may be subject to corrective or disciplinary action.

TRAVEL, MEAL AND LODGING EXPENSE REIMBURSEMENT REQUEST FORM

Before an expense for travel, meals, or lodging may be approved under Village Ordinance No. 17-01, the following minimum documentation must first be submitted, in writing, to the corporate authorities of the Village:

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

_____
Name of Employee or Officer

_____
Job Title/Office

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

_____	_____
Name of Event or Program	Date(s) of Event or Program
_____	_____
Location of Event or Program	Purpose of Event or Program

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

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

_____	_____
Employee/Officer Signature	Date

APPENDIX A

EMPLOYEE NOTIFICATION OF PERSONNEL CODE
DRUG FREE WORKPLACE POLICY, SEXUAL MISCONDUCT POLICY AND DISCLAIMER OF EMPLOYMENT

The Employee Code of the Village is not intended to create any employment relationship with any employees that is contractual in nature. All employees are employed at the will of the Village, and employees can be terminated at will. All employment policies of the Village are subject to change without notice and/or approval of any employee. Any and all discipline and/or discharge procedures contained in this Code are illustrative in nature, and only provide examples of the manner in which employees may be disciplined or terminated. Any and all such procedures are not meant to be the sole or exclusive way in which discipline or discharge could occur.

By signing this disclaimer, the employee understands that the employment relationship between the employee and the Village is NOT contractual in nature; that employment can be terminated at the will of the Village, that all employment policies are subject to change without notice and/or approval of the employee; and that any and all discipline and/or discharge procedures contained in the Code are merely illustrative in nature, and are not meant to be the sole or exclusive manner in which discipline and/or discharge could occur.

I have been given a copy of the Village's Employee Code, originally adopted _____ _____, 20___.

I understand that contained without the Employee Code is the Drug Free Workplace Policy. I have read and understood the Drug Free Workplace Policy, and agree to abide by its terms and conditions.

Name _____

Date _____

This form is to be retained by the Village Clerk.

APPENDIX B

EMPLOYEE CODE: DISCIPLINE FORM

Date _____

Employee Name _____

Employee's Job Position _____

Village Department _____

Superintendent _____

Type of Discipline (Check One):

_____ Verbal Reprimand
_____ Written Reprimand
_____ Probation
_____ Suspension
_____ Dismissal

State the Section of the Employee Code violated:
Section _____ Subsection _____ Page Number _____

State any Code of Conduct violation, listing the Code of Conduct Subparagraph Number

_____

State the facts which support the violation _____

_____

_____

_____

DATE _____ _____
Superintendent/Mayor

DATE _____ _____
(Signature of Employee)

APPENDIX C

AMERICANS WITH DISABILITY ACT GRIEVANCE PROCEDURE

1. All complaints regarding access or alleged discrimination should be submitted in writing to the American Disabilities Act Coordinator for resolution. A record of the complaint and action taken will be maintained. A decision by the ADA Coordinator will be rendered promptly.

2. If the complaints cannot be resolved to the satisfaction of the complainant by the ADA Coordinator, then for building accessibility issues, the matter shall be turned over to the Village Board for consideration. For employment and public service issues, the matter will be forwarded to the Village Board for consideration.

3. If the complaint cannot be resolved to the complainant's satisfaction by the Village Board, the complaint will be reviewed and decided upon by the Mayor. The decision of the Mayor shall be considered final.

4. A record of action taken on each request or complaint shall be maintained as a part of the records or minutes at each level of the grievance process.

5. The individual's right to prompt and equitable resolution of the complaint shall not be impaired by his/her pursuit of other remedies, such as the filing of a complaint with the U.S. Department of Justice or any other appropriate federal agency. Furthermore, the filing of a lawsuit in state or federal district court can occur at any time. The use of this grievance procedure is not a prerequisite to the pursuit of other remedies.

APPENDIX D

REQUEST FOR FAMILY OR MEDICAL LEAVE

Request for Family or Medical Leave must be made, if practical, at least **thirty (30) days** prior to the date the requested leave is to begin.

Name _____ Date _____

Department _____ Title _____

Status [ ] Full-Time [ ] Part-Time [ ] Temporary

Hire Date: _____ Length of Service _____

I request Family or Medical Leave for one or more of the following reasons:

[ ] Because of the birth of my child and in order to care for him or her*

Expected date of birth _____ Actual date of birth _____

Leave start _____ Expected return date _____

[ ] Because of the placement of a child with me for adoption or foster care**

Leave start _____ Expected return date _____

[ ] In order to care for my spouse, child, or parent who has a serious health condition*

Leave start _____ Expected return date _____

[ ] For a serious health condition that makes me unable to perform by job*

Describe: _____

_____

_____

Leave start _____ Expected return date _____

* A physician's certification will be required for leave due to a serious health condition.

** Certification will be required for leave due to adoption or foster care.

[ ] For other reasons. Describe: _____

_____

_____

Leave start _____ Expected return date _____

[ ] Requested intermittent leave schedule (if applicable; subject to employer's approval).

_____

_____

Have you taken a Family or Medical Leave in the past **twelve (12) months**?
[ ] Yes [ ] NoIf yes, how many workdays? _____

I understand and agree to the following provisions:

I have worked for the Village of _____ at least **one (1) year** and at least **one thousand two hundred fifty (1,250) hours** in the previous **twelve (12) months**.

If I fail to return to work after the leave for reasons other than the continuation, recurrence, or onset of a serious health condition that would entitle me to Medical Leave or other circumstances beyond my control, I may be financially responsible for the medical insurance premiums the Village paid while I was on leave.

This leave will be unpaid, unless under the Village Policy, I would be eligible for sick leave or have accrued vacation or comp time; or in the case of my own disability, payment will occur under a disability program with IMRF, if I am so covered.

I may be required to exhaust my vacation, comp time, or sick leave as part of my **twelve (12) weeks** of leave.

After **twelve (12) weeks** of leave, if I do not return to work or contact my supervisor or Mayor on the date intended, it will be considered that I abandoned my job.

Employee Signature _____ Date _____

Address _____ Phone _____

LEAVE APPROVAL

For full day leave:

Superintendent/Mayor _____ _____
Signature Date

For intermittent or reduced day leave:

Superintendent/Mayor _____ _____
Signature Date

Notes: _____

_____

_____

PAYROLL INSTRUCTIONS

[ ] With pay from _____ to _____ Employee #_____

[ ] Without pay from _____ to _____

Comments: _____

PLEASE FORWARD COMPLETED REQUEST TO THE VILLAGE CLERK FOR FURTHER PROCESSING.

APPENDIX E

REQUEST FOR SPECIAL LEAVE

Request for Special Leave must be made at least **thirty (30) days** prior to the date the requested leave is to begin.

Name _____ Date _____

Department _____ Title _____

Hire Date: _____ Length of Service _____

All full-time and salary exempt employees who have completed **one (1) full year** of continuous service may request a special leave. Special leave will only be granted for personal reasons, and shall be recommended by employee's Superintendent and approved by the corporate authorities. Special leave shall be granted without pay. The period for special leave shall not exceed **six (6) months**. An extension may be granted up to a maximum of **six (6) months** for a total of **one (1) year**. In order to continue to receive medical and insurance benefits during a special leave, the employee shall contribute both the employee and the employer's share of IMRF and insurance costs.

I wish to request a Special Leave for the following reasons:

_____
_____
_____
_____
_____

Employee Signature _____ Date _____

Address _____ Phone _____

LEAVE APPROVAL

Superintendent _____ _____
Signature Date

PLEASE FORWARD COMPLETED REQUEST TO THE MUNICIPAL CLERK FOR FURTHER PROCESSING.

VILLAGE OF BECKEMEYER

CONFIDENTIALITY AGREEMENT

This agreement is made between _____ _____ (Employee), and the Village of Beckemeyer, Illinois on _____ _____, 20___.

Employee will perform services for the Village of Beckemeyer which may require the Village of Beckemeyer to disclose confidential and proprietary information (confidential information) to Employee. Confidential information is any information of any kind, nature, or description concerning matters affecting or related to business or operations of the Village of Beckemeyer. This can include but is not limited to data, village board minutes, open or closed session discussions, police business and any information pertaining to other employees, trustees, the mayor or residents of the Village of Beckemeyer.

Accordingly, to protect the Village of Beckemeyer's confidential information, the employee agrees as follows:

A. Employee will hold the confidential information received from the Village of Beckemeyer in strict confidence and shall exercise a reasonable degree of care to prevent disclosure to others.
B. Employee will not disclose or divulge either directly or indirectly the confidential information to others unless first authorized to do so in writing by the Village of Beckemeyer.
C. Employee will not reproduce the confidential information or use this information commercially or for any purpose other than the performance of his/her job.
D. Employee will, upon request or upon his/her termination, with the Village of Beckemeyer, deliver to the Village of Beckemeyer any data, notes, notebooks, photos, drawings, recordings, equipment and materials from his/her activities for the Village of Beckemeyer.
E. Village of Beckemeyer reserves the right to take any disciplinary action, up to and including termination of employment for violation of this agreement.

Signing below signifies that the employee agrees to the terms and conditions of this agreement.

_____ _____

Employee Signature Date

VILLAGE OF BECKEMEYER

DESIGNATION OF BENEFICIARY

Upon the death of an employee of the Village of Beckemeyer, the designated beneficiary(s) shall be entitled to receive from the appropriation of personal services therefore available for payment of the employee's compensation, such sums for any accrued vacation period to which the employee was entitled to at the time of death. Such payment shall be computed by multiplying the employee's daily rate of pay by the number of days accrued vacation at the time of death.

The designated beneficiary(s) shall receive, in addition to vacation compensation, any unpaid compensation, accrued overtime, sick leave, or other benefits the employee would have been allowed had the employee survived.

Hereto forth, on this date, I assign the following person(s) as my beneficiary to receive any death benefits from the Village of Beckemeyer:

Beneficiary(s): _____

_____

Date: _____

Signature of Employee: _____

CHAPTER 14 – FLOOD PLAIN CODE

ARTICLE			***TITLE***	***PAGE***
I	***GENERALLY***			
	Section 14-1-1	-	*Purpose*	*14-1*
	Section 14-1-2	-	*Definitions*	*14-1*
	Section 14-1-3	-	*Permit Requirements*	*14-2*
	Section 14-1-4	-	*Permit Application*	*14-2*
	Section 14-1-5	-	*Duties of the Zoning Administrator*	*14-2*
	Section 14-1-6	-	*Review of Proposed Development*	*14-2*
	Section 14-1-7	-	*Review of Permit Application*	*14-3*
	Section 14-1-8	-	*Reviews of Subdivision Proposals*	*14-3*
	Section 14-1-9	-	*Water Supply Systems*	*14-3*
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CHAPTER 14

FLOOD PLAIN CODE

ARTICLE I – GENERALLY

14-1-1 PURPOSE. This Code is enacted pursuant to the police powers granted to the Village by the Illinois Municipal Code (65 ILCS 5/1-2-1, 5/11-12-12, 5/11-30-2, 5/11-30-8, and 5/11-31-2) in order to accomplish the following purposes:

(A) To prevent unwise developments from increasing flood or drainage hazards to others;

(B) To protect new buildings and major improvements to buildings from flood damage;

(C) To lessen the burden on the taxpayer for flood control, repairs to public facilities and utilities, as well as flood rescue and relief operations;

(D) To maintain property values and a stable tax base by minimizing the potential for creating blight areas;

(E) To make federally subsidized flood insurance available; and

(F) To preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.

14-1-2 DEFINITIONS. Unless specifically defined below, word or phrases used in this Chapter shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this Chapter its most reasonable application.

DEVELOPMENT: Any man-made change to real estate including, but not necessarily limited to:

(A) Demolition, construction, reconstruction, repair, placement of a building, or any structural alteration to a building;

(B) Substantial improvement of an existing building;

(C) Installation of a manufactured home on a site, preparing a site for a manufactured home, or installing a travel trailer on a site for more than **one hundred eighty (180) days** per year;

(D) Installation of utilities, construction of roads, bridges, culverts or similar projects;

(E) Construction or erection of levees, dams, walls, or fences;

(F) Drilling, mining, filling, dredging, grading, excavating, paving, or other alterations of the ground surface;

(G) Storage of materials including the placement of gas and liquid storage tanks; and

(H) Channel modifications or any other activity that might change the direction, height, or velocity of flood or surface waters.

"Development" does not include routine maintenance of existing buildings and facilities; resurfacing roads; or gardening, plowing, and similar practices that do not involve filling, grading, or construction of levees.

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.

FLOODPLAIN: Any land area susceptible to being inundated by water from any source (See "Flood").

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.

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.

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**.

SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed **fifty percent (50%)** of the market value of the structure before the damage occurred regardless of actual repair work performed. Volunteer labor and materials must be included in this determination.

SUBSTANTIAL IMPROVEMENT: Any reconstruction, rehabilitation, addition, or improvement of a structure, the cost of which equals or exceeds **fifty percent (50%)** of the market value of the structure before the improvement or repair is started. "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 project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or (2) any alteration of a structure listed on the National Register of Historic Places or the Illinois Register of Historic Places.

14-1-3 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 Zoning Administrator.

14-1-4 PERMIT 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 Zoning Administrator.

14-1-5 DUTIES OF THE ZONING ADMINISTRATOR. The Zoning Administrator shall be responsible for the general administration of this Code and ensure that all development activities under the jurisdiction of the Village meet the requirements of this Code. The Zoning Administrator shall be responsible for receiving applications and examining the plans and specifications for the application, he shall require any additional measures which are necessary to meet the minimum requirements of this Code.

14-1-6 REVIEW OF PROPOSED DEVELOPMENT.

(A) The Zoning Administrator 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."

14-1-7 REVIEW OF PERMIT APPLICATION. The Zoning Administrator 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 manufactured 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.

14-1-8 REVIEWS OF SUBDIVISION PROPOSALS. The Zoning Administrator 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.

14-1-9 WATER SUPPLY SYSTEMS. The Zoning Administrator 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.

14-1-10 SANITARY SEWAGE AND WASTE DISPOSAL SYSTEMS. The Zoning Administrator shall require within flood prone areas:

(A) new and replacement sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and

(B) on-site waste disposal systems to be located to avoid impairment to them or contamination from them during flooding.

14-1-11 VARIANCES. Whenever the standards of this Code place undue hardship on a specific development proposal, the applicant may apply to the Zoning Board of Appeals for a variance. The President of the Zoning Board of Appeals shall review the applicant's request for a variance and shall submit its recommendation to the Village Board. The Board of Trustees may attach such conditions to granting of a variance as it deems necessary to further the intent of this Code.

(A) No variance shall be granted unless the applicant demonstrates that all of the following conditions are met:

(1) The development activity cannot be located outside the floodplain;

(2) An exceptional hardship would result if the variance were not granted;

(3) The relief requested is the minimum necessary;

(4) There will be no additional threat to public health, safety or creation of a nuisance;

(5) There will be no additional public expense for flood protection, rescue or relief operations, policing, or repairs to roads, utilities, or other public facilities;

(6) The applicant's circumstances are unique and do not establish a pattern inconsistent with the intent of the NFIP; and

(7) All other state and federal permits have been obtained.

(B) The Zoning Board of Appeals shall notify an applicant in writing that a variance from the requirements of the building protection standards of **Section 14-1-7** would lessen the degree of protection to a building will:

(1) Result in increased premium rates for flood insurance up to **Twenty-Five Dollars ($25.00)** per **One Hundred Dollars ($100.00)** of insurance coverage;

(2) Increase the risks to life and property; and

(3) Require that the applicant proceed with knowledge of these risks and that the applicant acknowledge in writing the assumption of the risk and liability.

14-1-12 PENALTY. Any person who violates this Code shall upon conviction thereof be fined not less than **Seventy-Five Dollars ($75.00)** nor more than **Seven Hundred Fifty Dollars ($750.00)**. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

14-1-13 DISCLAIMER OF LIABILITY. The degree of protection required by this Code is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes. This Code does not imply that development either inside or outside of the floodplain will be free from flooding or damage. This Code does not create liability on the part of the Village or any officer or employee thereof for any flood damage that results from proper reliance on this Code or any administrative decision made lawfully thereunder.

14-1-14 SEVERABILITY. The provisions and sections of this Code shall be deemed separable and the invalidity of any portion of this Code shall not affect the validity of the remainder.

(Ord. No. 2007-02; 04-09-07)

(See 65 ILCS 5/1-2-1; 5/11-12-12; 5/11-30-2; 5/11-30-8 and 5/11-31-2)

CHAPTER 15 – FRANCHISES

ARTICLE			***TITLE***	***PAGE***
I	***GAS FRANCHISE***			
	Section 15-1-1	-	*Ameren Illinois: Gas Utility System*	*15-1*
II	***ELECTRIC FRANCHISE***			
	Section 15-2-1	-	*Ameren Illinois: Electric Utility Franchise*	*15-1*
	Addendum "A"	-	*Natural Gas Franchise*	*15-2*
	Addendum "B"	-	*Electric Franchise*	*15-5*

CHAPTER 15

FRANCHISES

ARTICLE I – GAS FRANCHISE

15-1-1 AMEREN ILLINOIS: GAS UTILITY SYSTEM. The Ameren Illinois gas utility system franchise is hereby included as **Addendum "A"**. **(Ord. No. 13-03; 05-13-13)**

ARTICLE II – ELECTRIC FRANCHISE

15-2-1 AMEREN ILLINOIS: ELECTRIC UTILITY FRANCHISE. The Ameren Illinois electric utility franchise is hereby included as **Addendum "B"**. **(Ord. No. 15-02; 02-09-15)**

ADDENDUM "A"

NATURAL GAS FRANCHISE

AN ORDINANCE RENEWING AN EXISTING FRANCHISE AND GRANTING FOR A PERIOD OF 20 YEARS TO AMEREN ILLINOIS, A CORPORATION, ITS SUCCESSORS AND ASSIGNS, THE FRANCHISE, RIGHT, PERMISSION AND AUTHORITY TO CONSTRUCT, RECONSTRUCT, EXCAVATE FOR, PLACE, REMOVE, EXTEND, MAINTAIN, AND OPERATE A GAS UTILITY SYSTEM IN THE VILLAGE OF BECKEMEYER, COUNTY OF CLINTON AND STATE OF ILLINOIS.

BE IT ORDAINED BY THE PRERSIDENT AND THE BOARD OF TRUSTEES OF THE VILLAGE OF BECKEMEYER, COUNTY OF CLINTON, AND THE STATE OF ILLINOIS, AS FOLLOWS:

Section 1. It is the intent of the parties by this Ordinance to extend for an additional term, subject to the terms and conditions here stated, the authorization to Ameren Illinois, its successors and assigns, to construct, operate and maintain a gas utility system within the Village as originally authorized by an Ordinance No. 226 approved on May 12, 1958. The parties acknowledge that by so doing they are continuing an existing relationship authorizing the services of a utility for the provision of gas energy and other purposes within the Village for the benefit of its citizens and residents as well as other consumers of gas energy located within its corporate limits.

Section 2. There is hereby given and granted to Ameren Illinois, its successors and assigns (hereinafter referred to as the "Company"), the right, privilege and authority to construct, operate, maintain and/or extend within the corporate limits, as the same now exists or may hereafter be extended, of the Village of Beckemeyer (hereinafter referred to as "Municipality"), a gas utility system for the transmission, distribution and/or sale of gas energy and other purposes (the "System"), together with the right, privilege and authority to lay, erect, construct, install, operate and/or maintain all necessary mains, pipes, valves, equipment and/or other apparatus as may be necessary or convenient for the System, in, upon, along, over, under, through and/or across each and all of the streets, avenues, alleys, bridges, easements, rights of way and/or other public places as agreed upon by both parties.

Section 3. All mains, pipes, valves and apparatus shall, so far as practicable, be placed underground and shall be so located and laid as not to interfere unnecessarily with any pipes, conduits, sewers, drains, pavements, public places, or right-of-way existing at the time of such location, and said Company shall forthwith repair any damage caused to such improvements to the satisfaction of the official or officials of said Municipality having charge of the supervision thereof. There shall be no unnecessary obstruction to the streets, avenues, alleys, public places and right-of-way of said Municipality in the laying, installation, operation or maintenance of any of said mains, pipes, valves or other equipment. All facilities of Company in said Municipality shall be installed and maintained in accordance with the applicable rules and regulations of the Illinois Commerce Commission.

When any roadway within a right-of-way shall be graded, curbed, paved or otherwise changed or when there is a relocation of such right-of-way, so as to make the resetting or relocation of any mains, pipes, valves or other equipment placed or installed under this Ordinance necessary, the Company shall make such resetting or relocation, at the Company's

cost and expense. Municipality shall provide the Company with a suitable location for the resetting or relocation of such mains, pipes, valves or other equipment, and the Company's obligation shall be limited to resetting or relocating mains, pipes, valves or other equipment of the same type and configuration as the displaced mains, pipes, valves or other equipment. Company shall make such resetting or relocation within a reasonable time after receiving written notice of the need for the same from the authorized representative of the Municipality, and the establishment by the Municipality of the permanent grade at the new location. Except as expressly stated, nothing in this Section requires the Company to bear responsibility for any costs or expenses to relocate its mains, pipes, valves or other equipment for any other reason or cause.

Section 4. When any street, avenue, alley, bridge, easement, right of way and/or other public place, upon which or in which any facilities of Company have been placed, shall be graded, curbed, paved or otherwise changed by the Municipality so as to make the resetting or reconstruction of such facilities necessary, Company shall make such necessary change in construction at no cost to Municipality. Should it become necessary or should the Company desire to use conduits or other similar fixtures, Company shall make application to the Municipality for the establishment of permanent grades and such conduits or other similar fixtures shall not be installed until such permanent grades have been established. The Municipality agrees to establish promptly such permanent grades upon such application.

Section 5. The rates to be charged by the Company for gas service rendered under this Ordinance shall be such as are approved from time to time by the Illinois Commerce Commission of the State of Illinois and/or such other duly constituted governmental authority as shall have jurisdiction thereof. All Rules and Regulations of the Illinois Commerce Commission of the State of Illinois applicable to the rights, privileges and authority granted by this Ordinance, in the event of conflict herewith, shall govern.

Section 6. As a further consideration for the rights, privileges and authorities granted by this Ordinance, the Company shall, in Year 1 of the agreement, furnish Municipality compensation in the amount of **$3,025**, payable within **thirty (30) days** of the acceptance of this Ordinance by the Municipality. In subsequent years, payment will be made within **thirty (30) days** of the anniversary date of the Ordinance on the following graduated scale: Year 2 - **$2,805**; Year 3 - **$2,585**; Year 4 - **$2,365**; and Year 5 and all remaining years - **$2,150**. Municipality may request a revision to the compensation amount after **five (5) years** from the date of passage of this Ordinance if Municipality has a reasonable belief that its population has increased or decreased by **three percent (3%)** or more. Municipality must request the revision at least **sixty (60) days** prior to the next anniversary date. If Company confirms that the number of customers served by the System within Municipality's corporate limits has increased or decreased by **three percent (3%)** or more, the compensation amount will be revised by that percentage for the next and succeeding payments. Municipality may request similar revisions to compensation amounts under these criteria in additional **five (5) year periods** throughout the term of this Ordinance.

Section 7. The rights, privileges and authority hereby granted shall inure to and be vested in Company, its successors and assigns, successively, subject to all of the terms, provisions and conditions herein contained, and each of the obligations hereby imposed upon Company shall devolve and be binding upon its successors and assigns, successively, in the same manner.

Section 8. This Ordinance shall confer no right, privilege or authority on Company, its successors or assigns, unless Company shall within **ninety (90) days** after due notice to the Company of the enactment of this Ordinance, file with the Village Clerk an acceptance of the terms and provisions hereof; provided, however, that if such acceptance be not so filed within said period of **ninety (90) days**, all rights, privileges, and authority herein granted shall become null and void.

Section 9. All rights, privileges and authority given and granted by this Ordinance are granted for a term of **twenty (20) years** from and after the acceptance of this Ordinance as hereinafter provided (the "Initial Term"), and thereafter on a year-to-year basis (each a "Subsequent Term") unless either the Company or Municipality notifies the other in writing of its desire to terminate this Ordinance at least **six (6) months** prior to the expiration of the Initial Term or any Subsequent Term.

Section 10. The Municipality acknowledges that Company is vested in rights, permissions and authority independent of this Ordinance. Neither acceptance of this Ordinance nor compliance with its provisions shall impair in any way or waive any right, permission or authority which Company may have independent of this Ordinance. In addition, neither use by Company of public property or places as authorized by this Ordinance nor service rendered by Company in said Municipality shall be treated as use solely of the rights, permission and authority provided for by this Ordinance and in no way shall indicate non-use of any right, permission or authority vested in the Company independent of this Ordinance. In the event the Municipality vacates any streets, avenues, alleys, easements, rights of way, bridges or other public places during the term of this Ordinance, Municipality agrees to reserve unto Company the rights, privileges and authority herein given and granted to the Company in, upon, under, along, over and across each and all of such vacated premises which are at that time in use by the Company.

Section 11. All ordinances and parts of ordinances in conflict with this Ordinance or with any of its provisions are, to the extent of such conflict, hereby repealed.

Section 12. This Ordinance shall not relieve Company of the obligation to comply with any ordinance now existing in the Municipality or enacted in the future requiring Company to obtain written permits or other approval from the Municipality prior to commencement of construction of facilities within the streets thereof, except Company shall not be required to obtain permits or other approval from the Municipality for the maintenance, upgrading and repair of its facilities. Except in cases of emergency, prior to engaging in any excavation activity that is expected to create an obstruction or other hazardous condition in any street avenue, alley or public place, the Company shall notify Municipality of the location and extent of the planned excavation. In cases of emergency, Company shall notify Municipality of the location and extent of any such activity as soon as practicable after the emergency has been abated.

Section 13. If any provision of this Ordinance, or the application of such provision to particular circumstances, shall be held invalid, the remainder of this Ordinance, or the application of such provision to circumstances other than those as to which it is held invalid, shall not be affected thereby.

Section 14. If, at any time, during the term of this contract, Municipality permits another entity or person to provide gas distribution or similar services, and Company reasonably believes the other entity or person is granted more favorable treatment, terms, or conditions, then Company shall notify Municipality of such treatment, terms, or conditions. Alternatively, if Municipality reasonably believes the other entity or person grants Municipality more favorable treatment, terms, or conditions, then Municipality shall notify Company of such treatment, terms, or conditions. Upon receipt of such notice, Municipality and Company shall negotiate in good faith to amend this Ordinance to provide Company or Municipality such more favorable treatment, terms or conditions on an equivalent basis. Such amendment shall take into consideration all circumstances that distinguish between Company and the entity or person receiving the more favorable or less favorable treatment, terms, or conditions.

Section 15. The Company shall be exempt from any special tax, assessment, license, rental or other charge during the term of this Ordinance, on all mains, pipes, valves, equipment and other apparatus placed under the streets, alleys, avenues, bridges, easements, rights of way or other public places within the corporate limits of Municipality.

Section 16. This Ordinance shall take effect and the rights, privileges and authority hereby granted and renewed shall vest in Company upon its filing of an acceptance with the Village Clerk according to the terms prescribed herein. This Ordinance shall be in full force from and after its passage, approval and **ten (10) day period** of publication in the manner provided by law.

(Ord. No. 13-03; 05-13-13)

ADDENDUM "B"

AN ORDINANCE RENEWING AN EXISTING FRANCHISE AND GRANTING FOR A PERIOD OF 20 YEARS TO AMEREN ILLINOIS, A CORPORATION, ITS SUCCESSORS AND ASSIGNS, THE FRANCHISE, RIGHT, PERMISSION AND AUTHORITY TO CONSTRUCT, RECONSTRUCT, EXCAVATE FOR, PLACE, REMOVE, EXTEND, MAINTAIN, AND OPERATE AN ELECTRIC UTILITY SYSTEM IN THE VILLAGE OF BECKEMEYER, COUNTY OF CLINTON AND STATE OF ILLINOIS.

BE IT ORDAINED BY THE PRERSIDENT AND THE BOARD OF TRUSTEES OF THE VILLAGE OF BECKEMEYER, COUNTY OF CLINTON, AND THE STATE OF ILLINOIS, AS FOLLOWS:

Section 1. It is the intent of the parties by this Ordinance to extend for an additional term, subject to the terms and conditions here stated, the authorization to Ameren Illinois, its successors and assigns, to construct, operate and maintain a utility system within the Village as originally authorized by an Ordinance No. 246 approved on January 11, 1965. The parties acknowledge that by so doing they are continuing an existing relationship authorizing the services of a utility for the provision of electric energy and other purposes within the Village for the benefit of its citizens and residents as well as other consumers of electric energy located within its corporate limits. For purposes of construing the terms, rights and obligations of the parties this authorization is granted pursuant to Section 14 of the Electric Supplier Act, **220 ILCS 30/14**, and the Illinois Municipal Code, **65 ILCS 5/1-1-1 et seq.**

Section 2. There is hereby given and granted to Ameren Illinois, its successors and assigns (hereinafter referred to as the "Company"), the right, privilege and authority to construct, operate, maintain and/or extend within the corporate limits, as the same now exists or may hereafter be extended, of the Village of Beckemeyer (hereinafter referred to as "Municipality"), an electric utility system for the transmission, distribution and/or sale of electric energy and other purposes (the "System"), together with the right, privilege and authority to erect, construct, install, operate and/or maintain all poles, conductors, wires, cables, conduits, equipment and/or other apparatus as may be necessary or convenient for the System, in, upon, along, over, under, through and/or across each and all of the streets, avenues, alleys, bridges, easements, rights of way and/or other public places.

Section 3. All poles and other equipment placed or installed under this Ordinance in streets, alleys, avenues, public places, or right-of-way, shall be so placed as not to interfere unnecessarily with travel on such streets, alleys, avenues, public places, or right-of-way. 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, pavement or other like public improvements, and said Company shall forthwith repair any damage caused to such improvements to the satisfaction of the official or officials of said Municipality having charge of the supervision thereof and in default thereof said Municipality may repair such damage and charge the cost thereof to, and collect the same from, the Company. All facilities of Company in said Municipality shall be installed and maintained in accordance with the applicable rules and regulations of the Illinois Commerce Commission.

When any roadway within a right-of-way shall be graded, curbed, paved or otherwise changed or when there is a relocation of such right-of-way, so as to make the resetting or relocation of any poles or other equipment placed or installed under this Ordinance necessary, the Company shall make such resetting or relocation, at the Company's cost and expense. Municipality shall provide the Company with a suitable location for the resetting or relocation of such poles or other equipment, and the Company's obligation shall be limited to resetting or relocating poles or other equipment of the same type and configuration as the displaced poles or other equipment. Company shall make such resetting or relocation within a reasonable time after receiving written notice of the need for the same from the authorized representative of the Municipality, and the establishment by the Municipality of the permanent grade at the new location. Except as expressly stated, nothing in this Section requires the Company to bear responsibility for any costs or expenses to relocate its poles or other equipment for any other reason or cause.

Section 4. In order for Company to render efficient, safe, and continuous services, it will be necessary for Company to conduct vegetation management activities, including the trimming or pruning and cutting down of the trunks and branches of trees and/or vines and shrubs along or over the streets, sidewalks, alleys, avenues, squares, bridges and other public places in said Municipality, and areas dedicated to the Municipality for public utility use, wherever the same are likely to interfere with its equipment; therefore, Company is hereby granted the right to conduct such vegetation management activities so as to enable it to erect, operate and maintain its equipment in a regular and consistent form and manner and to enable it to provide the most efficient, safe, and continuous service that the circumstances will permit; provided, however, that Company shall exercise proper care and discretion in its vegetation management activities. Company shall conduct its vegetation management activities in accordance with applicable law, including without limitation, **220 ILCS 5/8-505.1**, and any amendments thereto. Notwithstanding the foregoing, to the extent applicable law may be superseded or modified by an agreement between Municipality and Company, Municipality and Company reserve the right to enter into such an agreement.

Section 5. The rates to be charged by the Company for electric service rendered under this Ordinance shall be such as are approved from time to time by the Illinois Commerce Commission of the State of Illinois and/or such other duly constituted governmental authority as shall have jurisdiction thereof. All Rules and Regulations of the Illinois Commerce Commission of the State of Illinois applicable to the rights, privileges and authority granted by this Ordinance, in the event of conflict herewith, shall govern.

Section 6. As a further consideration for the rights, privileges and authorities granted by this Ordinance, the Company shall, in Year 1 of the agreement, furnish Municipality compensation in the amount of **$17,100**, payable within **thirty (30) days** of the acceptance of this Ordinance by the Municipality. In subsequent years, payment will be made within **thirty (30) days** of the anniversary date of the Ordinance on the following graduated scale: Year 2 - **$14,025**; Year 3 - **$10,950**; Year 4 - **$7,875**; and Year 5 and all remaining years - **$4,800**. Municipality may request a revision to the compensation amount after **five (5) years** from the date of passage of this Ordinance if Municipality has a reasonable belief that its population has increased or decreased by **three percent (3%)** or more. Municipality must request the revision at least **sixty (60) days** prior to the next anniversary date. If Company confirms that the number of customers served by the System within Municipality's corporate limits has increased or decreased by **three percent (3%)** or more, the compensation amount will be revised by that percentage for the next and succeeding payments. Municipality may request similar revisions to compensation amounts under these criteria in additional **five (5) year periods** throughout the term of this Ordinance.

Section 7. If, at any time, during the term of this contract, Municipality permits another entity or person to provide electric distribution or similar services, and Company reasonably believes the other entity or person is granted more favorable treatment, terms, or conditions, then Company shall notify Municipality of such treatment, terms, or conditions. Alternatively, if Municipality reasonably believes the other entity or person grants Municipality more favorable treatment, terms, or conditions, then Municipality shall notify Company of such treatment, terms, or conditions. Upon receipt of such notice, Municipality and Company shall negotiate in good faith to amend this Ordinance to provide Company or Municipality such more favorable treatment, terms or conditions on an equivalent basis. Such amendment shall take into consideration all circumstances that distinguish between Company and the entity or person receiving the more favorable or less favorable treatment, terms, or conditions.

Section 8. The Company shall be exempt from any special tax, assessment, license, rental or other charge during the term of this Ordinance, on all poles, conductors, wires, cables, conduits, equipment and other apparatus placed in the streets, alleys, avenues, bridges, easements, rights of way or other public places within the corporate limits of Municipality.

Section 9. The Company shall indemnify and save harmless the Municipality and all contractors, officers, employees and representatives thereof from all claims, demands, causes of action, liability, judgements, costs and expenses or losses for injury or death to persons or damage to property owned by, and Worker's Compensation claims against any parties indemnified herein, arising out of, caused by, or as

a result of the Company's construction, erection, maintenance, use or presence of, or removal of any poles, wires, lines, cables, conduit, appurtenances thereto, or equipment or attachments thereto. The foregoing indemnification shall not apply to the extent any such claim, demand, cause of action, liability, judgment, cost, expense or loss arises out of, is caused by, or results from the negligent or wrongful willful act or omission of the Municipality or any contractor, officer, employee or representative thereof.

Section 10. The rights, privileges and authority hereby granted shall inure to and be vested in Company, its successors and assigns, successively, subject to all of the terms, provisions and conditions herein contained, and each of the obligations hereby imposed upon Company shall devolve and be binding upon its successors and assigns, successively, in the same manner.

Section 11. This Ordinance shall confer no right, privilege or authority on Company, its successors or assigns, unless Company shall within **ninety (90) days** after due notice to the Company of the enactment of this Ordinance, file with the Village Clerk an acceptance of the terms and provisions hereof; provided, however, that if such acceptance be not so filed within said period of **ninety (90) days**, all rights, privileges, and authority herein granted shall become null and void.

Section 12. All rights, privileges and authority given and granted by this Ordinance are granted for a term of **twenty (20) years** from and after the acceptance of this Ordinance as hereinafter provided (the "Initial Term"), and thereafter on a year-to-year basis (each a "Subsequent Term") unless either the Company or Municipality notifies the other in writing of its desire to terminate this Ordinance at least **six (6) months** prior to the expiration of the Initial Term or any Subsequent Term.

Section 13. The Municipality acknowledges that Company is vested in rights, permissions and authority independent of this Ordinance. Neither acceptance of this Ordinance nor compliance with its provisions shall impair in any way or waive any right, permission or authority which Company may have independent of this Ordinance. In addition, neither use by Company of public property or places as authorized by this Ordinance nor service rendered by Company in said Municipality shall be treated as use solely of the rights, permission and authority provided for by this Ordinance and in no way shall indicate non-use of any right, permission or authority vested in the Company independent of this Ordinance. In the event the Municipality vacates any streets, avenues, alleys, easements, rights of way, bridges or other public places during the term of this Ordinance, Municipality agrees to reserve unto Company the rights, privileges and authority herein given and granted to the Company in, upon, along, over and across each and all of such vacated premises which are at that time in use by the Company.

Section 14. All ordinances and parts of ordinances in conflict with this Ordinance or with any of its provisions are, to the extent of such conflict, hereby repealed.

Section 15. This Ordinance shall not relieve Company of the obligation to comply with any ordinance now existing in the Municipality or enacted in the future requiring Company to obtain written permits or other approval from the Municipality prior to commencement of construction of facilities within the streets thereof, except Company shall not be required to obtain permits or other approval from the Municipality for the maintenance, upgrading and repair of its constructed facilities. Company shall provide notice of excavation hereunder in accordance with the Illinois Underground Utility Damage Prevention Act **(220 ILCS 50/1 et seq.)**

Section 16. If any provision of this Ordinance, or the application of such provision to particular circumstances, shall be held invalid, the remainder of this Ordinance, or the application of such provision to circumstances other than those as to which it is held invalid, shall not be affected thereby.

Section 17. Any conflict between the Franchise Ordinance and the provisions contained in the Electric Service Customer Choice and Rate Relief Law of 1997 (Public Act 90-561) will be resolved by giving the state statute mandatory priority over any contrary language contained in the Franchise Ordinance.

Section 18. This Ordinance shall take effect and the rights, privileges and authority hereby granted and renewed shall vest in Company upon its filing of an acceptance with the Village Clerk according to the terms prescribed herein and as provided for in Section 13 and in **35 ILCS 645/5-4**. This Ordinance shall be in full force from and after its passage, approval and **ten (10) day period** of publication in the manner provided by law.

(Ord. No. 15-02; 02-09-15)

CHAPTER 21 - LIQUOR

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CHAPTER 21

LIQUOR

ARTICLE I - GENERALLY

21-1-1 DEFINITIONS. Unless the context otherwise requires, the words and phrases herein defined are used in this Chapter in the sense given them in the following definitions:

"ALCOHOL" means the product of distillation of any fermented liquid, whether rectified or diluted, whatever may be the origin thereof, and includes synthetic ethyl alcohol. It does not include denatured alcohol or wood alcohol.

"ALCOHOLIC LIQUOR" includes alcohol, spirits, wine and beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer, and capable of being consumed as a beverage by human beings. The provisions of this Chapter shall not apply to alcohol used in the manufacture of denatured alcohol produced in accordance with **Acts of Congress** and regulations promulgated thereunder, nor to any liquid or solid containing **one-half of one percent** or less of alcohol by volume. **(See 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. **(See 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. **(See 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. **(See 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. **(See 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. **(See 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. **(See 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. **(See 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. **(See 235 ILCS 5/1-3.18)**

"SPECIAL EVENT" means an event conducted by an educational, fraternal, political, civic, religious or non-profit organization. **(See 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. **(See 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. **(See 235 ILCS 5/1-3.02)**

"TO SELL" includes to keep or expose for sale and to keep with intent to sell. **(See 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. **(See 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. **(See 235 ILCS 5/4-1) (See Sec. 8.02)**

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. **(See 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. **(See 235 ILCS 5/4-5)**

21-2-4 PROHIBITED LICENSEES. Except as otherwise provided in paragraph (U) of this Section, no license of any kind 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 **three (3) month period** upon the payment of the license fee as hereinafter set forth unless sooner revoked or suspended.

All licenses expire on the **first (1st) day of May**, **first (1st) day of August**, **first (1st) day of November**, and the **first (1st) day of February** in the municipal year in which the license is granted.

The license fee shall be payable in advance by the applicant for a license at the time the application for a license is submitted to the Mayor as hereinbefore provided. In the event the license is

denied, the license fee shall be returned to the applicant. The fees shall be deposited in the Municipal General Fund. The application for a license shall be filed with the Municipal Clerk.

Licenses shall state thereon the names of the licensees and the address and description of the premises for which they are granted and the dates of their issuance and expiration.

With respect to a corporation operating an establishment for which a liquor license has been issued, should the manager of said establishment change after the issuance of said liquor license, the corporation **must submit** the new manager's name and shall be submitted within **thirty (30) days.** Continuation of the license will be contingent upon a background check of the new manager as set out in this Chapter, and all fees shall be waived should the license be changed only as a result of a change of managers. If, for some reason, the manager is not acceptable, the licensee shall have **thirty (30) days** to submit a new name before revocation. Failure to provide new information shall be grounds for suspension or revocation of said license. **(See 235 ILCS 5/4-1)**

21-2-7 CLASSIFICATION - FEES. There shall be **three (3) classes** of licenses which shall be referred to as:

(A) **Class "A" Licenses: Taverns.** A Class "A" liquor license shall permit the owner to sell at retail whiskey, wine, beer, and other alcoholic liquors by the drink or package in accordance with all other applicable state statutes and local ordinances. The annual fee for such license shall be **Three Hundred Dollars ($300.00)**. There shall be a limit of **three (3) licenses** issued.

(B) **Class "B" Licenses: Restaurants.** A Class "B" liquor license shall permit the owner to sell at retail draft beer only. No whiskey, wine, or other alcoholic liquors, and no package sales are permitted. No beer is to be taken from the premises by customers. A Class "B" license requires that a meal be available to customers on the premises. The annual license fee shall be **Three Hundred Dollars ($300.00)**.

(C) **License By the Hour - Civic Organizations.**

(1) Upon application the Local Liquor Control Commissioner is authorized to issue a Class "B" liquor license for a period of **twelve (12)** or **twenty-four (24) hours** to any person who 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 Class "B" license shall be the sum of **Five Dollars ($5.00)** for each **twelve (12) hours**; or for more than **twelve (12) hours**, and not more than **twenty-four (24) hours**, within any **one (1) day**, the fee shall be **Ten Dollars ($10.00)**, subject to the provisions of this Chapter.

(2) Such person shall give the bond required by law and this Chapter governing the sale or giving away of alcoholic liquors.

(3) No such license shall be transferable.

(D) **Class "D" Licenses: Caterer Retailer.** There is hereby created a Class "D" liquor license which shall authorize the sale of alcoholic liquor for consumption at a catered event. The annual fee shall be **Three Hundred Dollars ($300.00)**.

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. A refund shall be made for any period in which the licensee shall be prevented from operating under such license in accordance with the provisions of this Section. **(See 235 ILCS 5/6-1) (See Attorney General's Report No. 703; 01-08-48)**

21-2-9 RENEWAL AND ASSIGNMENT. The owner of a license to keep a place where alcoholic liquor as sold or offered for sale has the right to a renewal or reissue of such license at the same or different place of business, in compliance with the laws of Illinois, and upon compliance with the provisions of this Chapter. Such licensee may assign or convey his right to the renewal of reissue thereof to any person who, upon compliance with the laws of Illinois, relating thereto, and this Chapter shall be entitled to a renewal or reissue of such license in his own name. Each holder of a license in turn may assign or convey such right of renewal or reissue upon the same terms and conditions as the original owner thereof could do. The privileges of renewal or reissue shall continue so long as the license is kept in force continuously and uninterruptedly, in the name of the licensee, or his successor in interest. No license to keep a place where liquor is sold or given away shall be hereafter issued to a firm except to the individual members of the firm. Nothing in this Chapter shall be construed to deny a new license to the owner, tenant or lessee of any premises lawfully occupied, provided the licensee complies with all terms of the State statutes and this Chapter.

21-2-10 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. **(See 235 ILCS 5/4-1)**

21-2-11 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. **(See 235 ILCS 5/6-21)**

21-2-12 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. **(See 235 ILCS 5/6-24)**

21-2-13 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. (See 235 ILCS 5/4-1)**

21-2-14 DISPLAY OF LIQUOR. No licensee shall display or permit to be displayed alcoholic liquors, wines or beer of any kind or character, nor advertisements thereof in the display window or windows of any licensed premises.

ARTICLE III - REGULATIONS

21-3-1 CLOSING HOURS.

(A) All business premises normally used for the retail sale or distribution of alcoholic beverages and holding a Class "A" liquor license shall remain closed from **2:00 A.M.** local time and **6:00 A.M.** local time of each and every day. All business premises normally used for the retail sale or distribution of alcoholic beverages and holding a Class "B" liquor license shall remain closed from **2:00 A.M.** local time until **6:00 A.M.** local time of each and every day.

(B) The following provisions are enacted to effectuate paragraph (A) above:

(1) **Remaining in Tavern After Closing.** It shall be a violation of this subsection for any customer or patron to remain or be in any such business premises normally used for the retail distribution of alcoholic beverages during any time said premises is required to be closed by paragraph (A) of this Section.

(2) **Consuming Alcoholic Beverages in a Tavern After Closing.** It shall be a violation of this subsection for any person to consume any alcoholic beverage within or on the premises of any business normally engaged in the retail sale or distribution of alcoholic beverages during any time said premises is required to be closed by paragraph (A) of this Section.

(3) **Distribution of Alcoholic Beverages After Closing.** It shall be a violation of this subsection for any person to sell or distribute alcoholic beverages within any business premises normally used for the retail sale or distribution of alcoholic beverages during ay time said premises is required to be closed by paragraph (A) of this Section.

(4) **Owner, Manager, Bartender Responsibility After Closing.** The owner or owners of any business premises normally used for the sale or distribution of alcoholic beverages and the holder of the liquor license for any such business premises and all bartenders, managers, or other persons having actual control of said premises shall have the express duty to empty or remove from the premises or cause to be emptied or removed from the premises, all open beer cans, beer bottles, all beverage glasses, and all other individual serving containers for alcoholic beverages by **fifteen (15) minutes** after the closing time specified elsewhere in this Code on each day and to remove all patrons, customers, employees and any other persons from said premises, turn off all juke boxes, stereos, radios, and other sources of music and reproduced or broadcast sounds, and lock all exterior doors within **fifteen (15) minutes** after said closing times on each day. Except as stated in subparagraphs (a) and (b) below, no one including patrons, customers, owners, employees, or any other persons shall be allowed inside the premises thereafter until **6:00 A.M.** of the same day.

(a) The following described persons may be inside such premises from **2:15 A.M.** until **6:00 A.M.** of each day subject to the conditions stated below:

(i) If the liquor license is held in the name of one natural person only such person may be inside the premises.

(ii) If the liquor license is held by a corporation, partnership, or multiple parties only one owner, resident manager, or agent of the entity may be present inside the premises. The name and address of such one resident manager, agent, or owner must be reported in writing to the Village prior to such occasion.

(iii) While one such individual designated in subparagraphs (i) or (ii) is inside the premises during such times such individual is responsible to see that all of the other requirements of this Code are complied with including without limitation the provisions concerning individual beverage containers, music devices, doors locked, etc.

(b) If on the date of passage of this amendment to this Code the premises includes a separate living quarters used strictly as a private residence, this Section shall not prohibit occupancy of the residential portion of the premises for purely private residential purposes. No residential area may be added or incorporated into any tavern hereafter. If any residential area in any existing tavern is abandoned or not used for residential purposes for a consecutive period of **four (4) months** or longer, such area may not be used as a residential area thereafter.

(C) Each holder of a liquor license from the Village shall keep posted at all times within any premises normally used for the retail sale or distribution of alcohol pursuant to said license, a legible copy of Section 8.21 of the 1990 Revised Code, as amended from time to time, including all sections and subsections thereof. The posted copies shall be posted in such a manner as to be readily accessible to and readable by patrons and customers of said licensee.

(D) **Penalty.**

(1) Each person convicted of a violation of subsection (B)(1) or (B)(2) above shall be fined not less than **Seventy-Five Dollars ($75.00)** nor more than **Seven Hundred Fifty Dollars ($750.00)**.

(2) Each person convicted of a violation of Section (B)(3), (B)(4), or (C) above or any subsection thereof shall be fined not less than **Seventy-Five Dollars ($75.00)** nor more than **Seven Hundred Fifty Dollars ($750.00)** for the first such offense and not less than **One Hundred Dollars ($100.00)** nor more than **Seven Hundred Fifty Dollars ($750.00)** for each subsequent offense.

(Ord. No. 97-2; 03-10-97) (See 235 ILCS Sec. 5/4-1)

21-3-2 HAPPY HOUR RESTRICTIONS.

(A) All retail licensees shall maintain a schedule of the prices charged for all drinks of alcoholic liquor to be served and consumed on the licensed premises or in any room or part thereof. Whenever a hotel or multi-use establishment which holds a valid retailer's license operates on its premises more than one establishment at which drinks of alcoholic liquor are sold at retail, the hotel or multi-use establishment shall maintain at each such establishment a separate schedule of the prices charged for such drinks at the establishment.

(B) No retail licensee or employee or agent of such licensee shall:

(1) Sell more than **one (1) drink** of alcoholic liquor for the price of **one (1) drink** of alcoholic liquor;

(2) Sell, offer to sell or serve to any person an unlimited number of drinks of alcoholic liquor during any set period of time for a fixed price, except at private functions not open to the general public or as provided by **235 ILCS 5/6-28.5**;

(3) Increase the volume of alcoholic liquor contained in a drink, or the size of a drink of alcoholic liquor, without increasing proportionately the price regularly charged for the drink on that day;

(4) Encourage or permit, on the licensed premises, any game or contest which involves drinking alcoholic liquor or the awarding of drinks of alcoholic liquor as prizes for such game or contest on the licenses premises; or

(5) Advertise or promote in any way, whether on or off the licensed premises, any of the practices prohibited under paragraphs (1) through (4).

(C) Permitted happy hours and meal packages, party packages, and entertainment packages.

(1) As used in this Section:

(a) **"Dedicated event space"** means a room or rooms or other clearly delineated space within a retain 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))**

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. **(See 235 ILCS 5/7-14)**

21-3-5 STORES SELLING SCHOOL SUPPLIES, LUNCHES, ETC. No license shall be issued to any person for the sale at retail of any alcoholic liquor at any store or other place of business where the majority of customers are minors of school age or where the principal business transacted consists of schoolbooks, school supplies, food, lunches, or drinks for such minors. **(See 235 ILCS 5/6-12)**

21-3-6 TRANSPORTING, ETC., IN MOTOR VEHICLES. No person shall, within this municipality, transport, carry, possess, or have any alcoholic liquor in, upon, or about any motor vehicle in or on any public street, alley or place, except in the original package and with the seal unbroken.

21-3-7 OPEN LIQUOR - CUP-TO-GO PROHIBITED. The licensee shall not knowingly permit any person to leave his premises with open liquor or in a **"cup-to-go".**

21-3-8 LIQUOR IN VEHICLES; UNDERAGE. The presence in a vehicle other than a public vehicle of any alcoholic liquor shall be prima facie evidence that it is in the possession of and is being carried by all persons occupying such vehicle at the time of which such alcoholic liquor is found, except under the following circumstances:

(A) If such liquor is found on the person of one of the occupants therein; or

(B) If such vehicle contains at least one occupant over **twenty-one (21) years of age.**

21-3-9 RESTRICTED RESIDENTIAL AREAS. It shall be unlawful to establish a retail liquor business within the municipality in violation of the restrictions of the Zoning Code.

21-3-10 ELECTION DAYS. All such licensees may sell alcoholic liquor at retail, by the drink or in the original package for consumption either on or off the premises licensed on the day of any national, state, county or municipal election, including primary elections during the hours the polls are open within the political area in which such election is being held and on Sundays; subject to all the remaining terms, conditions and opening hours and closing hours as set forth in this Code.

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. **(See Sec. 8.19)**

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. **(See 410 ILCS 650/1, et seq.)**

21-3-14 DISEASED EMPLOYEES. It shall be unlawful to employ in any premises used for the retail sale of alcoholic liquor, any person who is afflicted with or who is a carrier of any contagious disease, infectious or venereal disease; and it shall be unlawful for any person who is afflicted with or a carrier of any such disease to work in or about any premises or to engage in any way in the handling, preparation or distribution of such liquor. **(See 410 ILCS 650/10)**

21-3-15 HEALTH PERMIT. Every licensee shall have, at all times, a valid operating permit from the County Health Department which regulates health standards.

21-3-16 PEDDLING. It shall be unlawful to peddle alcoholic liquor in this municipality. **(See 235 ILCS 5/4-1)**

21-3-17 GAMBLING. It is unlawful to keep, place, maintain or operate any gambling device or instrument in and upon the premises used or occupied as a place where alcoholic liquor is sold or given away. However, placement and use of a video gaming terminal, if done is accordance with the Illinois Video Gaming Act **(230 ILCS 40)** as currently enacted and hereafter amended, shall not be a violation of this Code.

(A) There is established, a **Fifty Dollar ($50.00)** annual fee for the operation of each individual video gaming terminal. **(See 230 ILCS 40/65)**

(B) The annual video gaming terminal fee is to be paid to the Village on, or before, the initial date of operation, on or before, **April 30th** thereafter. The annual fee shall not be prorated for periods of less than **twelve (12) months**.

(See 230 ILCS 40/5)

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. **(See 235 ILCS 5/4-1)**

21-3-19 PROHIBITED SALES - GENERALLY. No licensee, nor any officer, associate, member, representative, agent or employee of such licensee shall sell, give or deliver alcoholic liquor to any person under the age of **twenty-one (21) years,** or to any intoxicated person or to any person known by him to be a habitual drunkard, spendthrift, insane, or mentally ill. No person, after purchasing or otherwise obtaining alcoholic liquor shall sell, give or deliver such alcoholic liquor to another person under the age of **twenty-one (21) years,** except in the performance of a religious ceremony or service. **(See 235 ILCS 5/6-16)**

21-3-20 PERSONS SELLING LIQUOR. It shall be unlawful for any person under the age of **eighteen (18) years** to bartend any bar or to sell, draw, pour or mix any alcoholic liquor in any licensed retail premises. **(See 235 ILCS 5/4-1)**

21-3-21 UNDERAGED; ENTRY ON LICENSED PREMISES. It shall be unlawful for any person under the age of **sixteen (16) years** to enter upon premises where alcoholic liquors, spirits, beer or wine are sold by the holder of a Class "A" or a Class "B" license unless accompanied by a parent or legal guardian. No holder of a Class "A" or Class "B" license, nor any officer, associate, member, representative, agent or employee of such licensee shall permit any person under the age of **sixteen (16) years** not accompanied by a parent or legal guardian to enter the licensed premises or with the permission of the licensee. For the purpose of preventing the violation of this section, any holder of a Class "A" or a Class "B" license, or his agent or employee, may refuse to permit entry onto the licensed premises of any person under the age of **sixteen (16) years** who is unable to produce adequate written evidence of the fact that the person accompanying such person under the age of **sixteen (16) years** is that person's parent or legal guardian. **(See 235 ILCS 5/4-1)**

21-3-22 UNLAWFUL PURCHASE OF LIQUOR. Any person to whom the sale, gift or delivery of any alcoholic liquor is prohibited because of age shall not purchase or accept a gift of such alcoholic liquor or have such alcoholic liquor in his possession. **(See 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. **(See 235 ILCS 5/6-20)**

21-3-24 TRANSFER OF IDENTIFICATION CARD. No person shall transfer, alter or deface such an identification card; use the identification card of another; carry or use a false or forged identification card; or obtain an identification card by means of false information. No person shall purchase, accept delivery, or have possession of alcoholic liquor in violation of this Chapter.

The consumption of alcoholic liquor by any person under the age of **twenty-one (21) years** is forbidden. **(See 235 ILCS 5/6-20)**

21-3-25 POSTING WARNING. In every licensed business where alcoholic liquor is sold, there shall be displayed at all times in a prominent place, a printed card which shall be supplied by the Municipal Clerk, and which shall read as follows:

UNDERAGE LIQUOR WARNING

"YOU ARE SUBJECT TO A FINE UP TO $750 UNDER THE ORDINANCES OF THIS MUNICIPALITY IF YOU PURCHASE ALCOHOLIC LIQUOR OR MISREPRESENT YOUR AGE FOR THE PURPOSE OF PURCHASING OR OBTAINING ALCOHOLIC LIQUOR."

21-3-26 EXCLUSIONARY PROVISION. The possession and dispensing or consumption by an underaged person of alcoholic liquor in the performance of a religious service or ceremony, or the consumption by an underaged person under the direct supervision and approval of the parent or parents of such underaged person in the privacy of a home is not prohibited by this Chapter. **(See 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. **(See 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. **(See 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. **(See 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. **(See 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. **(See 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. **(See 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. **(See 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. **(See 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. **(See 235 ILCS 5/6-16)**

21-3-32 UNDERAGED DRINKING ON STREETS. Any person under the age of **twenty-one (21) years** who has any alcoholic beverage in his possession on any street or highway or in any public place, or in any place open to the public is guilty of violating this Code. This section does not apply to possession by a person under the age of **twenty-one (21) years** making a delivery of an alcoholic beverage in pursuance of the order of his or her parent or in pursuance of his or her employment. **(See 235 ILCS 5/6-16)**

21-3-33 RESIDENTIAL DRINKING. Any person shall be guilty of a violation of this Code where he or she knowingly permits a gathering at a residence which he or she occupies of **two (2) or more persons** where any one or more of the persons is under **twenty-one (21) years** of age and the following factors also apply:

(A) the person occupying the residence knows that any such person under the age of **twenty-one (21)** is in possession of or is consuming any alcoholic beverage; and

(B) the possession or consumption of the alcohol by the person under **twenty-one (21)** is not otherwise permitted by this Code and

(C) the person occupying the residence knows that the person under the age of **twenty-one (21)** leaves the residence in an intoxicated condition.

For the purposes of this section where the residence has an owner and a tenant or lessee, there is a rebuttable presumption that the residence is occupied only by the tenant or lessee. **(See 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 "B" 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 photocopy of certificate of completion for all owners, managers, employees, or agents required by this Section to have BASSET training shall be maintained, by the establishment, in manner that will allow inspection, upon demand, by any designee of both the state or local liquor control authorities.

(E) The Village will honor all State of Illinois Liquor Control Commission (ILCC) BASSET approved programs.

21-3-36 NON-ALCOHOLIC MALT BEVERAGES SALES RESTRICTED.

(A) **Definitions.** For the purpose of this Section, the following definition shall apply unless the content clearly indicates or requires a different meaning.

Non-Alcoholic Beverages. Any and all non-alcoholic beverages having an alcohol content of 0.5% or less and having the taste, smell and general appearance of beer, and other malt liquors.

(B) **Sale Unlawful.** It shall be unlawful for any person, firm, or entity to sell those non-alcoholic malt beverages hereinabove defined to persons under the age of **twenty-one (21) years**.

(C) **Distribution Unlawful.** It shall be unlawful for any person, firm or entity to distribute those non-alcoholic malt beverages hereinabove defined to persons under the age of **twenty-one (21) years**.

(D) **Consumption or Possession Unlawful.** It shall be unlawful for any person under the age of **twenty-one (21) years** to consume or to have in his possession any non-alcoholic malt beverages as hereinabove defined.

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. **(See 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. **(See 235 ILCS 5/10-3)**

21-4-3 REVOCATION 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. **(See 235 ILCS 5/10-4)**

21-4-4 REVOCATION 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. **(See 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. **(See 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. **(See 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. **(See 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. **(See 235 ILCS 5/4-4) (In Part 1990 Code; Sec. 8.23)**

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. **(See 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. **(See 235 ILCS 5/7-5)**

21-4-11 APPEALS FROM ORDER OF LIQUOR COMMISSIONER. Except as provided in this section, any order or action of a Local Liquor Control Commissioner levying a fine or refusing to levy a fine on a licensee, granting or refusing to grant a license, revoking or suspending or refusing to revoke or suspend a license or refusing for more than **thirty (30) days** to grant a hearing upon a complaint to revoke or suspend a license may within **twenty (20) days** after notice of such order or action by appealed by any resident of the municipality under the jurisdiction of the Liquor Commissioner or any person interested, to the State Commission.

In any case where a licensee appeals to the State Commission from an order or action of the Liquor Commissioner having the effect of suspending or revoking a license, denying a renewal application, or refusing to grant a license, the licensee shall resume the operation of the licensed business pending the decision of the State Commission and the expiration of the time allowed for an application for rehearing. If an application for rehearing is filed, the licensee shall continue the operation of the licensed business until the denial of the application or, if the rehearing is granted, until the decision on rehearing. **(See 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**. **(See 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. **(See 235 ILCS 5/7-9)**

VILLAGE OF BECKEMEYER

APPLICATION FOR LIQUOR RETAILER'S LICENSE

TO: _____
_____
_____

The undersigned hereby make(s) application for the issuance of a retailer's license for the sale of alcoholic liquor for the term beginning _____, 20____, and ending _____, 20____, and hereby certify(ies) to the following facts:

1) Applicant's full name _____
(If a partnership or corporation give names of all owners of more than 5%)
Name under which business is to be conducted:
_____

2) Location of place of business for which license is sought _____
A) _____
Exact address by street and number/zip code
B) _____
(Full description of location, place or premises, specifying floor, room, etc.)

3) State principal kind of business _____

4) Class of license applied for _____

5) Does applicant seek a license to sell alcoholic liquor upon the premises as a restaurant? _____
If so, are premises:
A) Maintained and held out to the public as a place where meals are actually and regularly served?
_____
B) Provided with adequate and sanitary kitchen and dining room equipment and capacity with sufficient employees to prepare, cook and serve suitable food? _____

6) Does applicant own premises for which this license is sought? _____

7) Has applicant a lease on such premises covering the full period for which the license is sought? _____
_____ If so, attach copy.

8) Is applicant licensed as a food dispenser? _____

9) Is the location of applicant's business for which license is sought within 100 feet property line to property line, of any school, hospital, home for aged or indigent persons, or for veterans, their wives or children, or any military or naval station, or 100 feet building to building from a church? _____

10) Is any law enforcing public official, mayor, alderman, member of the city council or commission, or any president or member of a county board directly interested in the business for which this license is sought? _____

11) Has any manufacturer, importing distributor or distributor directly or indirectly paid or agreed to pay for this license, advanced money or anything of value, or any credit (other than merchandising credit in the ordinary course of business for a period not to exceed 30 days), or is such person directly or indirectly interested in the ownership, conduct or operation of the place of business? _____

12) Is the applicant or any affiliate, associate, subsidiary, officer, director or other agent engaged in the manufacture of alcoholic liquors? _____
If so, at what location or locations? _____

13) Is the applicant engaged in the business of an importing distributor or distributor of alcoholic liquors? _
_____
If so, at what location or locations? _____

14) Will the business be conducted by a manager or agent? _____
If so, give name and residence address of such manager or agent:
Name _____
Address _____

15) Do you hold any other current business licenses issued by the Village? _____ If so, what type of license do you currently hold and what is the address of the licensed premises?
(Type) _____
(Address) _____

Individual Applicant:

16) A) Name _____
Date of birth _____
Month/Day/Year

B) Residence address _____
(give street and number)
Telephone number _____

C) Place of birth _____

D) Are you a citizen of the United States? _____
If a naturalized citizen, when naturalized? _____
Month/Day/Year
Where naturalized? _____
(City and State)
Court in which (or law under which) naturalized
_____

E) Have you ever been convicted of any felony under any Federal or State law?
_____
If so, give date and state offense _____

F) Have you ever been convicted of being the keeper of a house of ill fame; or of pandering or other crime or misdemeanor opposed to decency and morality? _____
If so, give dates and state offense _____

G) Have you ever been convicted of a violation of a Federal or State liquor law since February 1, 1934?
_____
If so, give dates and state offense _____

H) Have you ever permitted an appearance bond forfeiture for any of the violations mentioned in paragraph (G)? _____

I) Have you made application for other similar license for premises other than described in this application? _____
If so, give date, location of premises and disposition of application _____
_____

J) Has any license previously issued to you by State, Federal or local authorities been revoked, suspended or fined? _____
If so, state reasons therefor and date(s) _____

Co-partnership/Corporate Applicant:

17) A) Name of partner, or corporate officers and directors and shareholders, if any: (attached separate sheet if necessary)
Date of birth _____
Month/Day/Year

B) Residence address _____
(City and State)
Telephone number _____

C) Place of birth _____
Month/Day/Year

D) Are you a citizen of the United States? _____
If a naturalized citizen, when naturalized? _____
Month/Day/Year
Where naturalized? _____
(City and State)
Court in which (or law under which) naturalized _____

E) Have you ever been convicted of any felony under any Federal or State law? _____
If so, give date and state offense _____

F) Have you ever been convicted of being the keeper of a house of ill fame; or of pandering or other crime or misdemeanor opposed to decency and morality? _____
If so, give dates and state offense _____

G) Have you ever been convicted of a violation of a Federal or State liquor law since February 1, 1934?
_____
If so, give dates and state offense _____

H) Have you ever permitted an appearance bond forfeiture for any of the violations mentioned in paragraph (G)? _____

I) Have you made application for other similar license for premises other than described in this application? _____
If so, give date, location of premises and disposition of application _____
_____

J) Has any license previously issued to you by State, Federal or local authorities been revoked, suspended or fined? _____
If so, state reasons therefor and date(s) _____

APPENDIX IV

AFFIDAVIT

STATE OF ILLINOIS)
) 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 Beckemeyer 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)

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CHAPTER 22

MANDATED POLICIES

ARTICLE I – IDENTITY THEFT PREVENTION POLICY

DIVISION I - PREVENTION POLICY

22-1-1 PROGRAM ADOPTION. The Village developed this Identity Theft Prevention Program pursuant to the Federal Trade Commission's Red Flags Rule, which implements Section 114 of the Fair and Accurate Credit Transactions of 2003. 16 C.F.R. § 681.2. This Program was developed with oversight and approval of the Village. After consideration of the size and complexity of the Utility's operations and account systems, and the nature and scope of the Utility's activities, the Village Board determined that this Program was appropriate for the Village, and therefore approved this Program on February 9, 2009.

22-1-2 PROGRAM PURPOSE AND DEFINITIONS.

(A) **Fulfilling Requirements of the Red Flags Rule.** Under the Red Flag Rule, every financial institution and creditor is required to establish an "Identity Theft Prevention Program" tailored to its size, complexity and the nature of its operation. Each program must contain reasonable policies and procedures to:

(1) Identify relevant Red Flags for new and existing covered accounts and incorporate those Red Flags into the Program;

(2) Detect Red Flags that have been incorporated into the Program;

(3) Respond appropriately to any Red Flags that are detected to prevent and mitigate Identity Theft; and

(4) Ensure the Program is updated periodically, to reflect changes in risks to customers or to the safety and soundness of the creditor from Identity Theft.

(B) **Red Flags Rule Definitions Used in this Program.** The Red Flags Rule defines "Identity Theft" as "fraud committed using the identifying information of another person" and a "Red Flag" as "a pattern, practice, or specific activity that indicates the possible existence of Identity Theft."

According to the Rule, a municipal utility is a creditor subject to the Rule requirements. The Rule defines creditors "to include finance companies, automobile dealers, mortgage brokers, utility companies, and telecommunications companies. Where non-profit and government entities defer payment for goods or services, they, too, are to be considered creditors."

All the Utility's accounts that are individual utility service accounts held by customers of the utility whether residential, commercial or industrial are covered by the Rule. Under the Rule, a "covered account" is:

(1) Any account the Utility offers or maintains primarily for personal, family or household purposes, that involves multiple payments or transactions; and

(2) Any other account the Utility offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the Utility from Identity Theft.

"Identifying information" is defined under the Rules as "any name or number that may be used, alone or in conjunction with any other information, to identify a specific person," including: name, address, telephone number, social security number, date of birth, government issued driver's license or identification number, alien registration number, government passport number, employer or taxpayer identification number, unique electronic identification number, computer's Internet Protocol address, or routing code.

22-1-3 IDENTIFICATION OF RED FLAGS. In order to identify relevant Red Flags, the Utility considers the types of accounts that it offers and maintains, the methods it provides to open its accounts, the methods it provides to access its accounts, and its previous experiences with Identity Theft. The Utility identifies the following red flags, in each of the listed categories:

(A) **Notifications and Warnings From Credit Reporting Agencies; Red Flags.**

(1) Report of fraud accompanying a credit report;

(2) Notice or report from a credit agency of a credit freeze on a customer or applicant;

(3) Notice or report from a credit agency of an active duty alert for an applicant; and

(4) Indication from a credit report of activity that is inconsistent with a customer's usual pattern or activity.

(B) **Suspicious Documents; Red Flags.**

(1) Identification document or card that appears to be forged, altered or inauthentic;

(2) Identification document or card on which a person's photograph or physical description is not consistent with the person presenting the document;

(3) Other document with information that is not consistent with existing customer information (such as if a person's signature on a check appears forged); and

(4) Application for service that appears to have been altered or forged.

(C) **Suspicious Personal Identifying Information; Red Flags.**

(1) Identifying information presented that is inconsistent with other information the customer provides (example: inconsistent birth dates);

(2) Identifying information presented that is inconsistent with other sources of information (for instance, an address not matching an address on a credit report);

(3) Identifying information presented that is the same as information shown on other applications that were found to be fraudulent;

(4) Identifying information presented that is consistent with fraudulent activity (such as an invalid phone number or fictitious billing address);

(5) Social security number presented that is the same as one given by another customer;

(6) An address or phone number presented that is the same as that of another person;

(7) A person fails to provide complete personal identifying information on an application when reminded to do so (however, by law social security numbers must not be required); and

(8) A person's identifying information is not consistent with the information that is on file for the customer.

(D) **Suspicious Account Activity or Unusual Use of Account; Red Flags.**

(1) Change of address for an account followed by a request to change the account holder's name;

(2) Payments stop on an otherwise consistently up-to-date account;

(3) Account used in a way that is not consistent with prior use (example: very high activity);

(4) Mail sent to the account holder is repeatedly returned as undeliverable;

(5) Notice to the Utility that a customer is not receiving mail sent by the Utility;

(6) Notice to the Utility that an account has unauthorized activity;

(7) Breach in the Utility's computer system security; and

(8) Unauthorized access to or use of customer account information.

(E) **Alerts From Others; Red Flag.**

(1) Notice to the Utility from a customer, identity theft victim, law enforcement or other person that it has opened or is maintaining a fraudulent account for a person engaged in Identity Theft.

22-1-4 DETECTING RED FLAGS.

(A) **New Accounts.** In order to detect any of the Red Flags identified above associated with the opening of a **new account**, Utility personnel will take the following steps to obtain and verify the identity of the person opening the account:

(1) Require certain identifying information such as name, date of birth, residential or business address, principal place of business for an entity, driver's license or other identification;

(2) Verify the customer's identity (for instance, review a driver's license or other identification card);

(3) Review documentation showing the existence of a business entity; and

(4) Independently contact the customer.

(B) **Existing Accounts.** In order to detect any of the Red Flags identified above for an **existing account**, Utility personnel will take the following steps to monitor transactions with an account:

(1) Verify the identification of customers if they request information (in person, via telephone, via facsimile, via email);

(2) Verify the validity of requests to change billing addresses; and

(3) Verify changes in banking information given for billing and payment purposes.

22-1-5 PREVENTING AND MITIGATING IDENTITY THEFT.

(A) **Prevent and Mitigate.** In the event Utility personnel detect any identified Red Flags, such personnel shall take one or more of the following steps, depending on the degree of risk posed by the Red Flag:

(1) Continue to monitor an account for evidence of Identity Theft;

(2) Contact the customer;

(3) Change any passwords or other security devices that permit access to accounts;

(4) Not open a new account;

(5) Close an existing account;

(6) Reopen an account with a new number;

(7) Notify the Program Administrator for determination of the appropriate step(s) to take;

(8) Notify law enforcement; or

(9) Determine that no response is warranted under the particular circumstances.

(B) **Protect Customer Identifying Information.** In order to further prevent the likelihood of Identity Theft occurring with respect to Utility accounts, the Utility will take the following steps with respect to its internal operating procedures to protect customer identifying information:

(1) Ensure that its website is secure or provide clear notice that the website is not secure;

(2) Ensure complete and secure destruction of paper documents and computer files containing customer information;

(3) Ensure that office computers are password protected and that computer screens lock after a set period of time;

(4) Keep offices clear of papers containing customer information;

(5) Request only the last 4 digits of social security numbers (if any);

(6) Ensure computer virus protection is up to date; and

(7) Require and keep only the kinds of customer information that are necessary for utility purposes.

22-1-6 PROGRAM UPDATES. The Program Administrator will periodically review and update this Program to reflect changes in risks to customers and the soundness of the Utility from Identity Theft. In doing so, the Program Administrator will consider the Utility's experiences with Identity Theft situations, changes in Identity Theft methods, changes in Identity Theft detection and prevention methods, and changes in the Utility's business arrangements with other entities. After considering these factors, the Program Administrator will determine whether changes to the Program, including the listing of Red Flags, are warranted. If warranted, the Program Administrator will update the Program or present the Village Board with his or her recommended changes and the Village Board will make a determination of whether to accept, modify or reject those changes to the Program.

22-1-7 PROGRAM ADMINISTRATION.

(A) **Oversight.** Responsibility for developing, implementing and updating this Program lies with an Identity Theft Committee for the Utility. The Committee is headed by a Program Administrator who may be the head of the Utility or his or her appointee. Two or more other individuals appointed by the head of the Utility or the Program Administrator comprise the remainder of the committee membership. The Program Administrator will be responsible for the Program administration, for ensuring appropriate training of Utility staff on the Program, for reviewing any staff reports regarding the detection of Red Flags and the steps for preventing and mitigating Identity Theft, determining which steps of prevention and mitigation should be taken in particular circumstances and considering periodic changes to the Program.

(B) **Staff Training and Reports.** Utility staff responsible for implementing the Program shall be trained either by or under the direction of the Program Administrator in the detection of Red Flags, and the responsive steps to be taken when a Red Flag is detected.

(C) **Service Provider Arrangements.** In the event the Utility engages a service provider to perform an activity in connection with one or more accounts, the Utility will take the following steps to ensure the service provider performs its activity in accordance with reasonable policies and procedures designed to detect, prevent, and mitigate the risk of Identity Theft.

(1) Require, by contract, that service providers have such policies and procedures in place; and

(2) Require, by contract, that service providers review the Utility's Program and report any Red Flags to the Program Administrator.

(D) **Non-Disclosure of Specific Practices.** For the effectiveness of this Identity Theft Prevention Program, knowledge about specific Red Flag identification, detection, mitigation and prevention practices must be limited to the Identity Theft Committee who developed this Program and to those employees with a need to know them. Any documents that may have been produced or are produced in order to develop or implement this program that list or describe such specific practices and the information those documents contain are considered "security information" as defined in Minnesota Statutes Section 13.37 and are unavailable to the public because disclosure of them would be likely to substantially jeopardized the security of information against improper use, that use being to circumvent the Utility's Identity Theft prevention efforts in order to facilitate the commission of Identity Theft.

(Ord. No. 09-01; 02-09-09)

22-1-8 - 22-1-10 RESERVED.

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 APPLICABIILITY.

(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, ensure that the Village responds to requests in a timely fashion, and issue responses under the Freedom of Information Act. The Freedom of Information officer shall develop a list of documents or categories of records that the Village shall immediately disclose upon request.

(B) Upon receiving a request for a public record, the Freedom of Information Officer shall:

(1) Note the date the Village receives the written request;

(2) Compute the date on which the period for response will expire and make a notation of that date on the written request;

(3) Maintain an electronic or paper copy of the written request including all documents submitted with the request until the request has been complied with or denied; and

(4) Create a file for the retention of the original request, a copy of the response, a record of written communications with the person making the request, and a copy of other communications regarding the request.

(C) The Freedom of Information Act officers shall successfully complete an electronic training curriculum to be developed by the Public Access Counselor in the office of the Attorney General of the State of Illinois and thereafter successfully complete an annual training program. Thereafter when a new Freedom of Information officer is designated by the Village, that person shall successfully complete the electronic training curriculum within **thirty (30) days** after assuming the position. Successful completion of the required training curriculum within the periods provided shall be a prerequisite to continue serving as a Freedom of Information officer.

22-3-3 PROCEDURES. The Village shall prominently display at the Village Clerk's office, display on its website, make available for inspection and copying, and send through the mail as requested, each of the following:

(A) A brief description of the Village, which will include, but not be limited to a block diagram giving its functional departments, the total amount of its operating budget, the number and location of all of its separate offices, the approximate number of full and part-time employees and the identification and membership of any board, commission, committee or council which operates in an advisory capacity relative to the operation of the Village, or which exercises control over its policies or procedures; and

(B) A brief description of the methods whereby the public may request information and public records, a directory designating the Freedom of Information officers, the address where request for public records should be directed, and the fees relating thereto.

22-3-4 REQUESTS TO INSPECT OR COPY. All requests to inspect or copy records or documents prepared, maintained or under the control of the Village shall be made in the following manner:

(A) All requests shall be in writing, shall state with reasonable particularity what records are to be inspected or copied, shall state whether the records are requested for a commercial

purpose, and shall be signed by the person making the request. The request may be, but is not required to be, submitted on a form provided by the Village.

(B) The written request shall be submitted to the Village Clerk or to the Mayor. If neither the Village Clerk nor the Mayor is available, the request shall be submitted to any employee of the Village acting under the direction of the Village Clerk.

(C) The Officer receiving the request shall date stamp the request and indicate the date by which a response to the request must be made.

(D) Each request for other than commercial purposes shall be granted or denied in writing within **five (5) business days** after its receipt by the Village, except as hereafter stated. The failure to grant or deny a request within **five (5) business days** shall operate as a denial, except as provided hereinbelow.

(E) The time limit set forth hereinabove may be extended for an additional **five (5) business days** by notice in writing to the person making the request of the **five (5) business days** extension. The notification shall state the reason(s) for the **five (5) business day's** extension and contain a date certain on which the requested record(s) will be available. The failure to grant or deny a request within the additional **five (5) business days** shall operate as a denial. The person making the request and the Village may agree in writing to extend the time for compliance for a period to be determined by the parties. If the person making the request and the Village agree to extend the period for compliance, a failure by the Village to comply with any previous deadlines shall not be treated as a denial of the request for the records.

(F) Charges for copies of records and/or documents shall be imposed in accordance with the following:

(1) No fees shall be charged for the first **fifty (50) pages** of black and white, letter or legal sized copies requested.

(2) **Fifteen Cents ($0.15)** for one-sided page for each black and white, letter, legal sized or 11" x 17" copy requested.

(3) **One Dollar ($1.00)** for each certified copy requested.

(4) **Ten Cents ($0.10)** for each audio recording.

(G) It shall be the responsibility of the person making the request to pick up the requested documents at Village Hall. If the person making the request asks the Village to mail the documents, he or she shall provide the Village with his/her correct mailing address so as to efficiently process all requests. Copies of records requested to be mailed will be forwarded United States Certified Mail to the address provided. Pre-payment of **Two Dollars Fifty Cents ($2.50)** per ounce shall be required.

(H) When a person requests a copy of a record maintained in an electronic format, the Village shall furnish it in the electronic format specified by the person making the request, if feasible. If it is not feasible to furnish the public records in the specified electronic format, then the Village shall furnish it in the format in which it is maintained by the Village, or in paper format at the option of the person making the request.

22-3-5 REQUEST FOR COMMERCIAL PURPOSES. The Village shall respond to a request for records to be used for a commercial purpose within **twenty-one (21) working days** after receipt. The response shall (1) provide to the person making the request an estimate of the time required by the Village to provide the records requested and an estimate of the fees to be charged, which the Village may require the person to pay in full before copying the requested documents, (2) deny the request pursuant to **one (1)** or more of the exemptions set out in the Freedom of Information Act, **5 ILCS 140/1 et seq.**, (3) notify the person making the request that the request is unduly burdensome and extend an opportunity to the person making the request to attempt to reduce the request to manageable portions, or (4) provide the records requested.

Unless the records are exempt from disclosure, the Village shall comply with a commercial request within a reasonable period considering the size and complexity of the request and giving priority to records requested for non-commercial purposes.

It is unlawful for a person to knowingly obtain a public record for a commercial purpose within disclosing that it is for a commercial purpose, and any person obtaining a public record for commercial purpose without disclosing that it is for a commercial purpose shall be fined in accordance with the Village Code.

22-3-6 FEES. The Village Clerk shall determine when the established fees are subject to waiver or reduction because the release of the requested information is in the public interest.

22-3-7 PUBLIC FILE. The Village Clerk shall establish and maintain a central file, open to the public, of all denials of requests for records which shall be indexed according to the exemption utilized to deny a request for records, and to the extent possible, according to the types of records requested.

22-3-8 GRANTING OR DENIAL OF REQUESTS. A request for all records within a category shall be granted unless the request constitutes an undue burden upon the Village. Prior to denying a request based upon the burdensome nature of the request, an opportunity to narrow the request to manageable proportions shall be provided. If the attempt to narrow the request fails, the request may be denied because compliance will unduly burden the operations of the Village and the burden outweighs the public interest in the information. The denial shall be in writing, specifying the reasons why compliance will be unduly burdensome and the extent to which compliance will so burden the operations of the Village. Repeated requests from the same person for the same records that are unchanged or identical to records previously provided are properly denied under the Freedom of Information Act shall be deemed unduly burdensome under this Section.

22-3-9 CERTAIN INFORMATION EXEMPT FROM INSPECTION AND COPYING. If any record exempt from disclosure contains material which is not exempt, the information which is exempt shall be deleted and the remaining information shall be available for inspection and copying.

22-3-10 NOTICE OF DENIAL OF REQUEST; APPEALS.

(A) If the Village denies the request, the Village shall notify the person making the request in writing of:

(1) the decision to deny the request;
(2) the reasons for the denial, including a detailed factual basis for the application of any exemption claim;
(3) the names and titles or positions of each person responsible for the denial;
(4) the right to review by the Public Access Counselor and the address and phone number for the Public Access Counselor; and
(5) the right to judicial review.

If an exemption is claimed, then the denial must include the specific reasons for the denial, including a detailed factual basis and a citation to support a legal authority.

(B) If the Village asserts an exemption under Subsection (1)(c) or (1)(f) of Section 7 of the Freedom of Information Act, it shall, within the time periods provided for Respondent to request, provide written notice to the person making the request and the Public Access Counselor of its intent to deny the request in whole or in part. The notice shall include:

(1) a copy of the request for access to records;
(2) the proposed response from the Village;
(3) a detailed summary of the Village's basis for asserting its exemption.

If the Public Access Counselor determines that further inquiry is warranted, the procedures set forth in the Freedom of Information Act, as amended from time to time, regarding the review of denials shall be applicable. Times for response compliance by the Village to the request shall be tolled until the Public Access Counselor concludes his or her inquiry.

ARTICLE IV - FAIR HOUSING CODE

22-4-1 DECLARATION OF POLICY.

(A) In furthering the policy of the State of Illinois as expressed in its Constitution and other laws; in order that the safety and general welfare, peace and health of all the inhabitants of the Village may be ensured, it is hereby declared the policy of the Village to assure equal opportunity to all residents, regardless of race, color, religion, national origin or ancestry, sex, creed, or physical disability to live in decent, sanitary, healthful, standard living quarters.

(B) It is the policy of the Village that no owner, lessee, sub-lessee, assignee, managing agent, or other person, firm or corporation having the right to sell, rent, lease (or otherwise control) any housing accommodation and/or real property within the Village, or any agent of these shall refuse to sell, rent, lease, or otherwise deny to or withhold from any person or group of persons such housing accommodations and/or real property because of race, color, religion, national origin or ancestry, sex, creed, or disability of such person or persons or discriminate against any person or persons because of race, color, religion, national origin or ancestry, sex, creed, or disability in the conditions, terms, privileges of the sale, rental or lease of any housing accommodation and/or real property or in the furnishing of facilities and/or services in connection therewith.

(C) Relocation shall be carried out in a manner that will promote maximum choice within the community's total housing supply; lessen racial, ethnic, and economic concentrations; and facilitate desegregation and racially inclusive patterns of occupancy and use of public and private facilities.

22-4-2 DEFINITIONS. Unless a different meaning clearly appears from the context, the following terms shall have the meaning as described in this Section and as used in this Code:

(A) **"Decent, Sanitary, Healthful Standard Living Quarters".** "Decent, sanitary, healthful standard living quarters" is housing which is in sound, clean, and weather tight condition in conformance with applicable local, state, and national codes.

(B) **"Discriminate".** The terms "discriminate" or "discrimination" mean any difference expressed in any way toward a person or persons in the terms of the sale, exchange, lease, rental or financing for housing accommodation and/or real property in regard to such sale, exchange, rental, lease or finance because of race, color, religion, national origin or ancestry, sex, creed, or disability of such person.

(C) **"Financial Institution".** The term "financial institution" means any person, institution or business entity of any kind which loans money to persons and receives as security for said loans a secured interest of any kind in the real property of the borrower.

(D) **"Housing Accommodation".** The term "housing accommodation" includes any building, structure, or portion thereof which is used or occupied, maintained, arranged or designed to be used or occupied as a home, residence or sleeping place of **one (1)** or more human beings, or any real estate so used, designed or intended for such use.

(E) **"Owner".** An "owner" means any person/persons who hold legal or equitable title to or own any beneficial interest in any real property or who hold legal or equitable title to shares of, or hold any beneficial interest in any real estate cooperative which owns any real property and/or housing accommodations.

(F) **"Real Estate Broker".** The term "real estate broker" means any person, partnership, association, corporation and/or agent thereof, who for a fee or other valuable consideration offers, sells, purchases, exchanges or rents, or negotiates for the sale, purchase, exchange or rental of a housing accommodation and/or real property of another, or collects rental for the use of housing accommodation and/or real property of another.

(G) **"Real Property".** The term "real property" means any real estate, vacant land, building, structure or housing accommodations within the corporate limits of the Village.

22-4-3 PROHIBITED ACTS. It shall be an unlawful for any owner of real estate, lessee, sub-lessee, real estate broker or salesman, financial institution or employee of the financial institution, advertiser, or agent of any or all of the foregoing, to discriminate against any person or persons because of their race, color, religion, national origin or ancestry, sex, creed, or disability with regard to the sale, exchange or rental, or any dealing concerning any housing accommodation and/or real property.

In addition to the foregoing, it shall also be unlawful for any real estate broker or employee thereof, owner or other person, or financial institution dealing with housing or real property of the Village:

(A) To discriminate against any person in the availability of or the price, terms, conditions, or privileges of any kind relating to the sale, rental, lease, or occupancy of any housing accommodation or real property in the Village or in furnishing of any facilities or services in connection therewith.

(B) To publish or circulate, or cause to be published or circulated, any notice, statement or advertisement, or to announce a policy, or to use any form of application, for the purchase, lease, rental or financing of real property, or to make any record of inquiry in connection with the prospective purchase, rental or lease of such real estate, which expresses directly or indirectly any discrimination as to race, color, religion, national origin or ancestry, sex, creed or disability of any person.

(C) To discriminate in connection with lending money, guaranteeing loans, accepting mortgages or otherwise obtaining or making available funds for the purchase, acquisition, construction, rehabilitation, repair or maintenance of any housing accommodation and/or real property.

(D) To solicit for sale, lease, or listing for the sale or lease, of any housing accommodation and/or real property on the grounds of loss of value because of the present or prospective entry into any neighborhood of any person or persons of any particular race, color, religion, national origin or ancestry, sex, creed, or disability.

(E) To distribute or cause to be distributed, written material or statements designed to induce any owner of any housing accommodation and/or real property to sell or lease his or her property because of any present or prospective change in the race, color, religion, national origin or ancestry, sex, creed, or disability of persons in the neighborhood.

(F) To make any misrepresentations concerning the listing for sale or the anticipated listing for sale or the sale of any housing accommodation and/or real property for the purpose of inducing or attempting to induce the sale or listing for sale of any housing accommodation and/or real property by representing that the presence or anticipated presence of persons of any particular race, color, religion, national origin or ancestry, sex, creed, or disability in the area will or may result in the lowering of property values in the block, neighborhood or area in which the property is located.

(G) For an owner to solicit any real estate broker to sell, rent or otherwise deal with such owner's housing accommodations and/or real property with any limitation on its sale based on race, color, religion, national origin or ancestry, sex, creed or disability.

(H) For an owner to refuse to sell, rent, or otherwise deal with any housing accommodation and/or real property because of race, color, religion, national origin or ancestry, sex, creed, or disability of the proposed buyer or tenant.

22-4-4 PENALTY. Any person convicted of violating any of the provisions of this Code shall be punished by a fine of not less than **One Hundred Dollars ($100.00)** nor more than **Seven Hundred Fifty Dollars ($750.00)**. Each day a violation continues shall constitute a separate violation. This Section shall in no way abrogate or impair the right of the Village to specifically enforce, by any legal means, any of the provisions of this Code.

(Ord. No. 99-8; 09-13-99)

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 ensure that the assets of the Village are protected from loss, theft or misuse. The internal control structure shall be designed to provide reasonable assurance that these objectives are met. The internal controls shall address the following points:

(A) Control of collusion.
(B) Separation of transaction authority from accounting.
(C) Custodial safekeeping.
(D) Written confirmation of telephone transactions for investments and wire transfers.

22-5-14 PERFORMANCE STANDARDS. The investment portfolio will be managed in accordance with the parameters specified within this policy. The portfolio should obtain a comparable rate of return during a market/economic environment of stable interest rates. Portfolio performance should be compared to benchmarks with similar maturity, liquidity and credit quality as the portfolio maintained by the Illinois Public Treasurer's Investment Pool (IPTIP).

22-5-15 REPORTING. The Treasurer shall prepare an investment report at least monthly. The report should be provided to the Village Board and available upon request. The report should be in a format suitable for review by the general public. An annual report should also be provided to the Village Board. A statement of the market value of the portfolio shall be issued to the Village Board quarterly.

22-5-16 INVESTMENT POLICY ADOPTION AND MODIFICATION. The investment policy has been adopted by ordinance. The policy shall be reviewed on an annual basis by the Treasurer, and any modifications made thereto shall be made by ordinance.

(Ord. No. 99-2; 1999)

ARTICLE VI – ETHICS CODE

22-6-1 STATE OFFICIALS AND EMPLOYEES ETHICS ACT.

(A) The regulations of Sections 5-15 **(5 ILCS 430/5-15)** and Article 10 **(5 ILCS 430/10-10 through 10-40)** of the State Officials and Employees Ethics Act, **5 ILCS 430/1-1 et seq.**, (hereinafter referred to as the "Act" in this Section) are hereby adopted by reference and made applicable to the officers and employees of the Village to the extent required by **5 ILCS 430/70-5**.

(B) The solicitation or acceptance of gifts prohibited to be solicited or accepted under the Act, by any officer or any employee of the Village, is hereby prohibited.

(C) The offering or making of gifts prohibited to be offered or made to an officer or employee of the Village, is hereby prohibited.

(D) The participation in political activities prohibited under the Act, by any officer or employee of the Village, is hereby prohibited.

(E) For the purposes of this Section, the terms "officer" and "employee" shall be defined as set forth in **5 ILCS 430/70-5(c)**.

(F) The penalties for violations of this Section shall be the same as those penalties set forth in **5 ILCS 430/50-5** for similar violations of the Act.

(G) This Section does not repeal or otherwise amend or modify any existing ordinances or policies which regulate the conduct of Village officers and employees. To the extent that any such existing ordinances or policies are less restrictive than this Section, however, the provisions of this Section shall prevail in accordance with the provisions of **5 ILCS 430/70-5(a)**.

(H) Any amendment to the Act that becomes effective after the effective date of this Section shall be incorporated into this Section by reference and shall be applicable to the solicitation, acceptance, offering and making of gifts and to prohibited political activities. However, any amendment that makes its provisions optional for adoption by municipalities shall not be incorporated into this Section by reference without formal action by the corporate authorities of the Village.

(I) If the Illinois Supreme Court declares the Act unconstitutional in its entirety, then this Section shall be repealed as of the date that the Illinois Supreme Court's decision becomes final and not subject to any further appeals or rehearings. This Section shall be deemed repealed without further action by the Corporate Authorities of the Village if the Act is found unconstitutional by the Illinois Supreme Court.

(J) If the Illinois Supreme Court declares part of the Act unconstitutional but upholds the constitutionality of the remainder of the Act, or does not address the remainder of the Act, then the remainder of the Act as adopted by this Section shall remain in full force and effect; however, that part of this Section relating to the part of the Act found unconstitutional shall be deemed repealed without further action by the Corporate Authorities of the Village.

(Ord. No. 04-07; 05-10-04)

ARTICLE VII - EQUAL EMPLOYMENT POLICY

22-7-1 **ADOPTION OF CODES.** The Village hereby declares to uphold, defend, enforce, and advocate for all laws related to Equal Employment Opportunity including, but not limited to, the following:

(A) **Title VI of the Civil Rights Act of 1964** which prohibits discrimination in the participation in or benefits of programs or activities receiving federal financial assistance on the basis of race, color, or national origin.

(B) **Title VII of the Civil Rights Act of 1964** which prohibits discrimination because of race, color, religion, sex or national origin in all employment practices including hiring, firing, promotions, compensation, and other terms, privileges and conditions of employment.

(C) **Title IX of the Education Amendments of 1972** which prohibits discrimination in federally assisted education programs.

(D) **The Equal Pay Act of 1963** which covers all employees who are covered by the Fair Labor Standards Act. The Act forbids pay differentials on the basis of sex.

(E) **The Age Discrimination Act of 1967** which prohibits discrimination because of age against anyone between the ages of **forty (40)** and **sixty-five (65)**.

(F) **Federal Executive Order 11246** which requires every contract with federal financial assistance to contain a clause against discrimination because of race, color, religion, sex, or national origin.

(G) **Section 504 of the Rehabilitation Act of 1973 and DOL Implementing Regulations at 29 CFR 32** which prohibits any discrimination based on disability.

(H) **Section 167 of JTPA 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.

22-7-2 **NON-DISCRIMINATORY PRACTICES.** The Village will assure non-discriminatory employment practices in 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 sex, color, race, religion, age, national origin, political affiliation or belief.

(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) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, disability or national origin. The contractor will take affirmative action to ensure that applicants are employed, and the employees are treated during employment, without regard to their race, color, religion, sex, national origin or disability. Such action shall include, but not be limited, to the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other

forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.

(2) The contractor will, in all solicitations or advertisement for employees places by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, national origin, or disability.

(3) In the event of the contractor's noncompliance with the Equal Opportunity Clause or with any of the said rules, regulations, and orders, this contract may be canceled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further government contracts or federally assisted construction contracts.

(4) The contractor will include the provisions of this Equal Opportunity clause in every subcontract or purchase order, unless exempted by the rules, regulations, or orders of the Secretary of Labor so that such provisions will be binding upon each such subcontractor or vendor.

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 – POLICY PROHIBITING SEXUAL HARASSMENT

22-8-1 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.

22-8-2 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."

22-8-3 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**. **(Ord. No. 18-8; 11-12-18)**

(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. **(Ord. No. 20-13; 09-14-20)**

(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.

22-8-4 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. **(Ord. No. 18-8; 11-12-18)**

22-8-5 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.

22-8-6 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.

(Ord. No. 17-16; 12-18-17)

ARTICLE IX – STANDARDS OF ETHICAL CONDUCT TO ADDRESS FRAUD, WASTE AND ABUSE

22-9-1 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.

22-9-2 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.

22-9-3 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.

22-9-4 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.

22-9-5 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.

22-9-6 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.

22-9-7 INVESTIGATION AND ENFORCEMENT. All violations or alleged violations of this policy will be investigated. As stated above, it is the duty of every employee to cooperate in an investigation involving a violation or an alleged violation of this policy. Upon the request of the Village, an employee will participate and fully cooperate in any investigation, whether conducted by the Village or its agent(s). If as a result of good faith investigation and a resultant reasonable conclusion that a violation of this policy has occurred, the offending employee may be subject to disciplinary action up to and including termination.

ARTICLE X – WHISTLEBLOWER PROTECTION POLICY

22-10-1 PURPOSE. The Village provides whistleblower protections in two important areas: confidentiality and against retaliation. The confidentiality of a whistleblower will be maintained to the extent allowable by law, however, an identity may have to be disclosed to conduct a thorough investigation, to comply with the law and to provide accused individuals their legal rights of defense. A whistleblower may also waive confidentiality in writing. The Village will not retaliate against a whistleblower. This includes, but is not limited to, protection from retaliation in the form of an adverse employment action such as termination, compensation decreases, or poor work assignments and threats of physical harm. Any whistleblower who believes they are being retaliated against must submit a written report to the Auditing Official within **sixty (60) days** of gaining knowledge of the retaliatory action. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated.

22-10-2 DEFINITIONS.

(A) **Whistleblower** means an employee, as defined in this Section, of the Village who:

(1) reports an improper governmental action as defined under **50 ILCS 105/4.1** (hereinafter Section 4.1);

(2) cooperates with an investigation by an Auditing Official related to a report of improper governmental action; or,

(3) testifies in a proceeding or prosecution arising out of an improper governmental action.

(B) **Auditing Official** means any elected, appointed or employed individual, by whatever name, in the Village whose duties may include receiving, registering, and investigating complaints and information concerning misconduct, inefficiency and waste within the Village; investigating the performance of officers, employees, functions and programs; and promoting economy, efficiency, effectiveness and integrity in the administration of the programs and operations of the Village.

The Auditing Official shall be the Mayor until replaced by the Village.

(C) **Employee** means anyone employed by the Village, whether in a permanent or temporary position, including full-time, part-time, and intermittent workers. Employee also includes members of appointed boards or commissions, whether paid or unpaid. Employee also includes persons who have been terminated because of any report or complaint submitted under Section 4.1.

(D) **Improper governmental action** means any action by an employee of the Village; an appointed member of a board, commission, or committee; or an elected official of the Village that is undertaken in violation of a federal or state law or local ordinance; is an abuse of authority; violates the public's trust or expectation of their conduct; is of substantial and specific danger to the public's health or safety; or is a gross waste of public funds. The action need not be within the scope of the employee's, elected official's, board member's, commission member's or committee member's official duties to be subject to claim of "improper governmental action."

(1) Improper governmental action does not include the Village's personnel actions, including, but not limited to employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployment, performance evaluations, reductions in pay, dismissals, suspensions, demotions, reprimands, or violations of collective bargaining agreements, except to the extent that the action amounts to retaliation.

(E) **Retaliate, retaliation or retaliatory action** means any adverse change in an employee's employment status or the terms and conditions of employment that results from an employee's protected activity under Section 4.1. Retaliatory action includes, but is not limited to, denial of adequate staff to perform duties; frequent staff changes; frequent and undesirable office changes; refusal to assign meaningful work; unsubstantial letters of reprimand or unsatisfactory performance

evaluations; demotion; reduction in pay; denial of promotion; transfer or reassignment; suspension or dismissal; or other disciplinary action made because of an employee's protected activity under Section 4.1.

22-10-3 DUTIES OF AN AUDITING OFFICIAL. Each Auditing Official shall establish written processes and procedures consistent with the terms of this policy and best practices for investigations for managing complaints filed under Section 4.1. Each Auditing Official shall investigate and dispose of reports of improper governmental action in accordance with these processes and procedures, and all other provisions of Section 4.1.

The Auditing Official must provide each employee a written summary or a complete copy of Section 4.1 upon commencement of employment and at least once each year of employment. At the same time, the employee shall also receive a copy of the written processes and procedures for reporting improper governmental actions from the applicable Auditing Official.

Auditing Officials may reinstate, reimburse for lost wages or expenses incurred, promote, or provide some other form of restitution.

In instances where an Auditing Official determines that restitution will not suffice, the Auditing Official may make their investigation findings available for the purposes of aiding in that employee's, or the employee's attorney's, effort to make the employee whole.

Auditing Officials are responsible for reading the full context of Section 4.1 and complying with all requirements.

22-10-4 DUTIES OF AN EMPLOYEE. All reports of illegal and dishonest activities will be promptly submitted to the Auditing Official who is responsible for investigating and coordinating corrective action.

If an employee has knowledge of, or a concern of, improper governmental action, the employee shall make a written report of the activity to the Auditing Official. The employee must exercise sound judgment to avoid baseless allegations. An employee who intentionally files a false report of wrongdoing will be subject to discipline up to and including termination.

The whistleblower is not responsible for investigating the activity or for determining fault or corrective measures; a designated Auditing Official is charged with these responsibilities.

22-10-5 DEFEND TRADE SECRETS ACT (18 U.S.C. § 1836) COMPLIANCE. Section 7(b): "Immunity from Liability for Confidential Disclosure of a Trade Secret to the Government or in a Court Filing:

(A) **Immunity.** An individual shall not be held criminally or civilly liable under any federal or state trade secret law for the disclosure of a trade secret that (1) is made (a) in confidence to a federal, state or local government official, either directly or indirectly, or to an attorney; and, (b) solely for the purpose of reporting or investigating a suspected violation of law; or, (2) is made in a complaint or other document filed in a lawsuit or other proceeding, if such filing is made under seal.

(B) **Use of Trade Secret Information in Anti-Retaliation Lawsuit.** An individual who files a lawsuit for retaliation by an employer for reporting a suspected violation of law may disclose the trade secret to the attorney of the individual and use the trade secret information in the court proceeding, if the individual (1) files any document containing the trade secret under seal; and (2) does not disclose the trade secret, except pursuant to court order."

22-10-6 EMPLOYEE ACKNOWLEDGEMENT. Employees are required to sign a written acknowledgement that they have received, read, and understand this Policy, and to submit that acknowledgement to the Auditing Official or other designated official of the Village. The form that follows on **Addendum "A"** will satisfy this requirement upon receipt.

ADDENDUM "A"

EMPLOYEE ACKNOWLEDGEMENT OF WHISTLEBLOWER PROTECTION POLICY

I confirm that I have received, read, and understand the "Whistleblower Protection Policy" for employees of the Village.

I understand that as an employee, it is my responsibility to abide by this Policy. If I have questions about this Policy, I understand it is my responsibility to seek clarification from the proper supervisory department, the Auditing Official.

Print Name: _____

Employee Signature: _____

Date: _____

CHAPTER 23 – MANUFACTURED HOUSING CODE

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CHAPTER 23

MANUFACTURED HOUSING CODE

ARTICLE I – GENERAL PROVISIONS

23-1-1 DEFINITIONS. The terms used in this Code shall have the following meanings:

"AFFIDAVIT" means an oath in writing, sworn before and attested by an individual who has authority to administer an oath.

"APPLICANT" means any person making application for a license or permit.

"CORPORATE AUTHORITIES" shall mean the Mayor and the Village Board of Trustees.

"IMMOBILIZED MANUFACTURED HOME": See Section 40-2-2 of the Zoning Code.

"LICENSE" means a license certificate issued by the Village allowing a person to operate and maintain a manufactured home park under the provisions of this Code and the rules and regulations issued hereunder.

"LICENSEE" means any person having a license or permit under this Chapter.

"MANUFACTURED HOME": See Section 40-2-2.

"MANUFACTURED HOME, DEPENDENT": See Section 40-2-2.

"MANUFACTURED HOME, DOUBLE-WIDE": See Section 40-2-2.

"MANUFACTURED HOME, INDEPENDENT": See Section 40-2-2.

"MANUFACTURED HOME LOT": See Section 40-2-2.

"MANUFACTURED HOME PAD": See Section 40-2-2.

"MANUFACTURED HOME PARK": See Section 40-2-2.

"MANUFACTURED HOME PARK LICENSE": See Section 40-2-2.

"MANUFACTURED HOME SALES AREA": See Section 40-2-2.

"MANUFACTURED HOME SPACE": See Section 40-2-2.

"MANUFACTURED HOUSING UNIT": See Section 40-2-2.

"MOBILE HOME": See Section 40-2-2.

"MODULAR HOME": See Section 40-2-2.

"OWNER" or "OPERATOR" means the licensee.

"PERMANENT FOUNDATION": See Section 40-2-2.

"PERMANENT HABITATION": See Section 40-2-2.

"PERMIT" means a certificate issued by the Village Clerk, permitting the construction, alteration, or reduction in number of spaces of a manufactured home park under the provisions in this Code.

"PERSON" means any individual, group of individuals, association, trust, partnership, corporation, person doing business under an assumed name, county, municipality, the State of Illinois, or any political subdivision or department thereof or any other entity.

"REVOCATION" means to declare invalid a permit or license issued to the applicant or licensee by this Village for an indefinite period of time.

"SITE" means the lot on which the manufactured home is located for permanent habitation. **(210 ILCS 115/2.7)**

"SPACE" shall be synonymous with **"Manufactured Home Space".**

"SUSPENSION" means to declare invalid a permit or license issued to the applicant or licensee by this Village for a temporary period of time with an expectation of resumption.
(Ord. No. 17-464; 01-09-17)

23-1-2 STATE REQUIREMENTS ADOPTED BY REFERENCE. The Illinois **Manufactured Home Park Act** and the **Manufactured Home Tiedown Act (77 Ill. Adm. Code 870)** of the **Illinois Compiled Statutes, Chapter 210, Section 115/1 et seq., as passed, approved and amended by the Illinois General Assembly** are hereby adopted by the Village. The applicable provisions as they pertain to manufactured homes and immobilized manufactured homes shall be controlling within the corporate limits of the Village. **(Ord. No. 17-464; 01-09-17)**

23-1-3 MANUFACTURED HOUSING ACT ADOPTED. The **Illinois Manufactured Housing and Manufactured Home Act, as passed and approved by the Illinois General Assembly** is hereby adopted by the Village, the applicable provisions as they pertain to manufactured homes and immobilized manufactured homes shall be controlling within the Village. **(430 ILCS 115/1 et seq.) (Ord. No. 17-464; 01-09-17)**

23-1-4 ILLINOIS DEPARTMENT OF PUBLIC HEALTH ADOPTED AND REGULATIONS. The **Manufactured Home Community Code** as approved by the **Illinois Department of Public Health (1998)** is hereby adopted by the Village. The applicable provisions as they pertain to the Manufactured Home community shall be controlling within the corporate limits. **(Ord. No. 17-464; 01-09-17)**

23-1-5 NATIONAL SAFETY STANDARDS. No manufactured home or immobilized manufactured home shall be located in the Village unless the unit has the **National Manufactured Housing Construction and Safety Standards** metal seal affixed thereto.

23-1-6 FIRE EXTINGUISHERS. All manufactured housing units located in the Village shall be equipped with a fire extinguishing apparatus capable of extinguishing all types of fires. Such extinguishers shall be of sufficient size so that they will reasonably protect the manufactured housing units. All fire extinguishers shall be approved by the Fire Chief or his designated representative prior to installation of the manufactured home. **(425 ILCS 60/1-60/4)**

23-1-7 INSPECTION. All Manufactured Housing units located in the Village shall be subject to reasonable inspection by an official or officials designated by the Village Board prior to their location in the Village.

23-1-8 OFF-STREET PARKING. Every owner of a manufactured housing unit shall provide for an off-street parking area of **four hundred (400) square feet.**

23-1-9 PROHIBITED RESIDENTIAL USES.

(A) **Dependent Manufactured Home.** It shall be unlawful to locate a dependent manufactured home in the Village unless placed in a state-licensed travel trailer park.

(B) **Independent Travel Trailer.** It shall be unlawful to reside in an independent travel trailer in the Municipality unless it is located in a state-licensed travel trailer park.

(C) **Manufactured Home.** It shall be unlawful to locate a manufactured home or a mobile home in a state-licensed travel trailer park without written permission of the Village Board.

23-1-10 CARBON MONOXIDE ALARM DETECTORS. Each unit shall be equipped with a carbon monoxide alarm detector as prescribed by state statute. **(430 ILCS 135/1 et seq.)**

23-1-11 SMOKE AND FIRE DETECTORS. Each unit shall be equipped with smoke and fire detectors as prescribed by state statute.

ARTICLE II - IMMOBILIZED MANUFACTURED HOMES

23-2-1 IMMOBILIZED MANUFACTURED HOMES. All immobilized manufactured homes located in the Village shall be classified as real estate; therefore, it is mandatory for all persons owning, operating, renting, or leasing an existing manufactured home outside a manufactured home park to remove or cause to have removed the wheels or any other transportation device from the manufactured home. The owner or lessor shall permanently fix it to the ground in a manner that conforms to the definition of an immobilized manufactured home in **Section 23-1-1**. All existing manufactured homes, when replaced, shall comply with the immobilization provisions of this Code.

23-2-2 PERMIT - FEE. All persons seeking to locate or replace a manufactured home or an immobilized manufactured home outside a manufactured home park shall obtain a **Building Permit** from the Village Board. No utility services shall be connected to the unit until the Village has issued the appropriate permits. The fee to locate or relocate a manufactured home or immobilized manufactured home shall be **Twenty-Five Dollars ($25.00)**.

23-2-3 LOT SIZE. The minimum lot size for the location of an immobilized manufactured home unit shall conform to the zone district that the unit is proposed to be located. All units shall be located in the Village according to the requirements and restrictions of this Code and the Zoning Code. They shall not exceed **twenty-five percent (25%) coverage** of the lot.

23-2-4 LIMIT OF UNITS. There shall be **only one (1)** immobilized manufactured home per lot in the Village.

ARTICLE III - MANUFACTURED HOME PARKS

DIVISION I - ADMINISTRATION REQUIREMENTS

23-3-1 COMPLIANCE WITH STATUTES, APPLICABILITY OF ARTICLE. Every manufactured home park hereafter established in the Village shall, at a minimum, conform to the requirements of:

(A) The Illinois **Manufactured Home Park Act** and the **Manufactured Home Tiedown Act (77 Ill. Adm. Code 870)** of the **Illinois Compiled Statutes, Chapter 210, Section 115/1 et seq., as passed, approved and amended by the Illinois General Assembly** are hereby adopted by the Village. The applicable provisions as they pertain to manufactured homes and immobilized manufactured homes shall be controlling within the corporate limits of the Village.

(B) The **Manufactured Home Community Code** as approved by the **Illinois Department of Public Health (1998)**, as amended, is hereby adopted by the Village. The applicable provisions as they pertain to Manufactured Home community shall be controlling within the corporate limits.

(C) **This Code.**

(D) The Zoning Code.

In case of conflict between any provisions of the above, the more stringent requirement shall prevail.

23-3-2 PERMITTING AND PLANNING A PARK. Any person seeking to establish, operate, alter, or expand a manufactured home park shall obtain a permit to construct or a license to operate a manufactured home park.

"Construct or operate a manufactured home park", as used in this Code shall include, but not necessarily be limited to supplying or maintaining common water, sewer, or other utility supplies or services, or the collection of rents directly or indirectly from **two (2)** or more independent manufactured homes. **(All plans shall be submitted to the Zoning Board and the Village Board for approval prior to the granting of a zoning permit.)**

23-3-3 LOCAL GOVERNMENT REQUIREMENTS. A permit does not relieve the applicant from complying with this Code or other ordinances applicable thereto.

23-3-4 PERMITS. The Administrator and the Zoning Board shall review each application and plan documents submitted. When the application and plan documents are found to be in compliance with the **"Manufactured Home Community Code",** as approved by the **Illinois Department of Public Health,** the Zoning Board and the Village Board or the Administrator may issue the proper permit to construct or alter a manufactured home park to the applicant. Permits shall be valid for **one (1) year from date of issue.**

23-3-5 INSPECTION OF MANUFACTURED HOME PARK. Upon completion of the proposed construction of a manufactured home park or the proposed alteration of a manufactured home park, the applicant shall notify the Zoning Administrator or the designated official in order that an inspection of the complete facilities can be made.

23-3-6 VIOLATION PROCEEDINGS. Any license granted hereunder shall be subject to revocation or suspension by the Mayor. However, the Mayor or his representative shall first serve or cause to be served upon the licensee a written notice in which shall be specified the way or ways in which such licensee has failed to comply with the statutes, or any rules or regulations promulgated by the

Village pertaining thereto. The notice shall require the licensee to remove or abate such nuisance, unsanitary or objectionable condition, specified in such notice within **five (5) days** or within a longer period of time as may be allowed by the Village Board. If the licensee fails to comply with the terms and conditions of the notice within the time specified or such extended period of time, the Mayor or his representative may revoke or suspend such license.

23-3-7 INTITIAL PERMIT REQUIRED. Each manufactured home that locates on a lot in a manufactured home park shall secure an initial Building Permit from the Zoning Administrator. All future locations on the same lot shall be exempt from the fee.

23-3-8 - 23-3-9 RESERVED.

DIVISION II - DESIGN AND CONSTRUCTION REQUIREMENTS

23-3-10 PLAN DOCUMENT. In order to obtain a permit to construct or an original license to operate a manufactured home park, the applicant shall file with the Zoning Administrator a written application and plan documents and such plan documents shall be prepared by a registered engineer or architect licensed to practice in the State of Illinois, with registration seal affixed. **Two (2) copies** of the plan document shall accompany the application filed with the Zoning Administrator to obtain a permit to construct or alter a manufactured home park or an original license to operate a manufactured home park, not previously licensed by the Department. These plans shall include, but not be limited to the design and construction criteria set forth herein.

23-3-11 APPLICATION.

(A) Every applicant shall file with the Zoning Administrator a written application and plan documents for the proposed construction or alteration of a manufactured home park.

(B) The application shall be completed by the applicant and the engineer or architect and shall include:

(1) The full name and address of the applicant or applicants, or names and addresses of the partners if the applicant is a partnership, or the names and addresses of the officers if the applicant is a corporation, and the present or last occupation of the applicant at the time of the filing of the application. If the applicant is a corporation, a copy of the certificate of incorporation must be filed with the application.

(2) The proposed method of lighting the structures and land upon which the manufactured home park is to be located.

(3) The plot plans of the manufactured home park, building plans and specifications for existing buildings and facilities, and the plans and specifications for new buildings and facilities or the proposed alterations in existing facilities.

(4) An affidavit of the applicant as to the truth of the matters contained in the application shall be attached.

(5) Each application shall be accompanied by an application fee of **Three Hundred Dollars ($300.00)** for a permit to construct, or an application fee of **One Hundred Fifty Dollars ($150.00)** for a permit to alter to increase the size of the park.

23-3-12 LOCATION.

(A) Sites selected for manufactured home development shall be well-drained and free from topographical or geological hinderances and from other conditions unfavorable to a proper residential environment. The manufactured home development shall not be located near swamps, wetlands, marshes, or other breeding places of insects, rats, mice or other rodents. When a good, natural drainage is not available, storm water drainage shall be provided and such drainage shall not endanger any water supply or surface watercourse.

(B) The Village Board may authorize a site survey to ascertain that the proposed location complies with the above requirements. **(See Flood Plain Code, if any.)**

(C) The site shall be located in the proper zone district.

23-3-13 ROADWAYS AND PARKING.

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

(B) All streets in parks constructed shall have a minimum right-of-way of **fifty (50) feet** and a minimum road width of **thirty-two (32) feet** for the purpose of this Code, and shall be considered private streets to be maintained by the park owner or operator.

If a manufactured home park has more than **fifty (50) units**, a wider street may be required by the Zoning Board and/or the Village Board.

(C) Sidewalks and walkways shall be constructed abutting a street in a manufactured home park and shall be a minimum of **four (4) feet** in width; provided, however, there shall be no minimum width requirement for sidewalks for each individual lot. No portion of a manufactured home shall block, in any way, the pedestrian traffic on the walkways.

23-3-14 PARKING REQUIREMENTS. All manufactured home parking requirements shall conform to **Section 40-7-7(A)** of the Zoning Code.

23-3-15 - 23-3-16 RESERVED.

DIVISION III - GENERALLY

23-3-17 LOT SIZE. The minimum lot size for a manufactured home pad shall be **seven thousand (7,000) square feet,** with a minimum frontage of **sixty (60) feet.**

23-3-18 MISCELLANEOUS RESTRICTIONS.

(A) No manufactured home unit parked in a manufactured home park shall be immobilized.

(B) Not more than **one (1) manufactured home unit** shall be parked in **one (1)** space.

(C) No travel-trailer shall be permitted in any manufactured home park, unless a special area has been approved for that purpose by the Zoning Board and the Village Board.

23-3-19 **SKIRTING.** Skirting shall be used to conceal all underpinning, plumbing, and support piers whether on a permanent foundation or otherwise. All skirting shall be installed on all manufactured housing units within **sixty (60) days** of the placement of the unit.

23-3-20 **RESERVED.**

DIVISION IV - FEES

23-3-21 LICENSE FEE. The annual license fee per manufactured home park shall be **One Hundred Dollars ($100.00),** and shall be due and payable **on or before May 1st of each year.** The Village Clerk shall notify the owner or operator of the annual fee at least **thirty (30) days** prior to **May 1st.**

[NOTE: See specific manufactured home regulations in Sections 40-4-46 – 40-4-51.]

(Execute in Duplicate) Application No. _____

APPLICATION FOR BUILDING AND MANUFACTURED HOME OCCUPANCY PERMIT

Zoning Administrator
Village of Beckemeyer
191 E First St
Beckemeyer, Illinois

Application No. _____

DATE: _____, _____

(DO NOT WRITE IN THIS SPACE - FOR OFFICE USE ONLY)

DATE: _____, ___

PERM. PARCEL _____ _____ _____ _____ _____

[ ] Permit Issued
[ ] Permit Denied
[ ] Application Appealed

Fee Paid to Village Clerk:

$_____DATE: _____, __

IF DENIED, CAUSE OF DENIAL:

_____

_____

INSTRUCTIONS TO APPLICANT: All information required by the application must be completed and submitted herewith. Applicants are encouraged to visit the Village Hall for any assistance needed in completing this form.

1. Name of Owner(s): _____
   (Attach additional sheets if necessary)
   Address: _____ PHONE: _____
   (ZIP CODE)
2. Applicant's Name: _____ PHONE: _____
   Address: _____
   (ZIP CODE)
3. Property interest of applicant: _____
   (Contract Purchaser, Etc.)
4. Address of proposed construction or manufactured home: _____
   _____
5. Legal Description (Lot, Block, and Subdivision; attach metes and bounds description, if necessary).
   _____
   _____
   Cost of Improvement: $_____ Square feet of Improvement _____
6. Proposed construction (check one or more, as necessary):
   [ ] New Building Type: _____Brick/Frame Number of Rooms _____
   [ ] Alterations or additions to existing buildings (explain): _____
   _____
7. Use of existing and proposed structures (if applicable):
   Existing Use: _____
   Proposed Use: _____
8. Two (2) copies of a sketch plat (drawn to approximate scale shall be attached, showing the following:
   a) Dimensions and use of all buildings;
   b) Dimensions of lot;
   c) Distance of each building from lot lines;

d) Distance of principal building from principal buildings on adjacent lot(s);
e) Distance between accessory buildings and principal buildings;
f) Distance from lot line to center line of abutting street(s);
g) Location [with dimensions] of driveways and off-street parking spaces;
h) Location of all easements;
i) Location of all underground utilities, including septic tanks, tile fields, and wells.

9. Application is hereby made for an Occupancy Permit as required under the Village Code for the erection, moving, or alteration and use of buildings and manufactured homes. In making this application, the applicant represents all of the above statements and any attached maps and drawings to be a true description of the proposed new or altered uses and/or buildings. The applicant agrees that the permit applied for, if granted, is issued on the representations made herein and that any permit issued may be revoked without notice on any breach of representation or conditions. **(See Chapter 40)**

It is understood that any permit issued on this application will not grant right of privilege to erect any structure or to use any premises described for any purpose or in any manner prohibited by the Village Code, or by other ordinances, codes, or regulations of the Village.

APPLICANT: _____

CERTIFICATE OF OCCUPANCY

The plans and specifications submitted with this Application are in conformity with the district requirements applicable to the subject property. Changes in plans or specifications shall not be made without written approval of the Village Board.

Failure to comply with the above shall constitute a violation of the provisions of the **Revised Code of Ordinances of the Village.**

DATE: _____, ___ _____

BUILDING OFFICIAL

CHAPTER 24 – MOTOR VEHICLE CODE

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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 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 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 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.

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 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 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 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, Section 11**, 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 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 5/11-313)**

(E) **General Speed Restrictions.** The speed limits on the various streets shall be approved by the Village Board but shall not exceed **fifteen miles per hour (15 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 5/11-604) (See 65 ILCS 5/11-40-1)**

(F) **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 5/11-605)**

(G) **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.

(H) **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.

(I) **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 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 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 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.

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 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 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 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) **No Parking Zones.** It shall be unlawful for any automobile, wagon, trailer, motorcycle, truck, bicycle, vehicles of the first or second division, or any other wheeled vehicle to be parked within any zone within the Village which is or may be designated as an official no parking zone by appropriate parking signs. No parking zones shall be where designated in **Schedule "E"** to this Chapter.

(D) **Limited and Timed Parking Zones.** It shall be unlawful for any automobile, wagon, trailer, motorcycle, truck, bicycle, vehicles of the first and second division, or any other wheeled vehicle to be parked within any zone within the Village contrary to time limitations, vehicle tag limitations, or other special parking requirements officially designated for such zone by appropriate limited parking signs of the Vehicle. Limited and timed parking zones shall be where designated in **Schedule "F"** to this Chapter.

(E) **Diagonal Parking Zones.** It shall be unlawful for any automobile, wagon, trailer, motorcycle, truck, bicycle, vehicles of the first and second division, or any other wheeled vehicle to be parked or stopped in the designated areas unless such vehicle shall be parked diagonally with the front of the vehicle farthest from the traveled portion of the roadway with the right of passenger side of the vehicle at an angle of approximately 60 degrees to the edge of the right-of-way. The rear of the vehicle shall not extend into the traveled portion of the roadway. If parking space divider lines are painted on the pavement, the vehicle shall be completely within such lanes. Diagonal parking zones shall be where designated in **Schedule "G"** to the Chapter.

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 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 5/11-1301.3(C))**

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

24-6-6 LARGE OR HEAVY VEHICLE PARKING PROHIBITED.

(A) It shall be unlawful for any vehicle of the second division, whether commercial or noncommercial, having a gross weight of **six thousand (6,000) pounds** or more, including the vehicle itself and its maximum allowable gross weight, to be parked upon any portion of any street, highway, or alley within the Village.

(B) It shall be unlawful for any vehicle of any type, whether commercial or noncommercial, having a length of more than **twenty (20) feet**, or a height of more than **seven (7) feet**, or a width of more than **seven (7) feet** to be parked upon any portion of any street, highway, or alley within the Village. All measurements shall include the combined dimensions of vehicles, cargo, and any attached trailers or appendages.

(C) Parking of vehicles described in subparagraphs (A) and (B) is permitted in any areas which may be designated by official signs as truck parking.

(D) The provisions of this Section shall be all areas stated in **Schedule "H"** to this Chapter.

24-6-7 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.

24-6-8 PARKING VIOLATIONS.

(A) Any person guilty of a violation of **Article VI** of this Chapter shall pay a fine of **Eight Dollars ($8.00)** for each such violation if the fine is paid within **five (5) days**. If the fine is not paid within **five (5) days**, but is paid within **fifteen (15) days**, the fine shall be **Sixteen Dollars ($16.00)**. Thereafter the fine shall be not less than **Seventy-Five Dollars ($75.00)** nor more than **Seven Hundred Fifty Dollars ($750.00)**.

(B) **Payment to Village Clerk.** At any time before charges are actually filed in the Circuit Court of Clinton County, Illinois, any person receiving a parking ticket may pay same by paying the minimum fine set forth by ordinance to the Village Clerk.

(C) If any vehicle remains parked in violation of any provision of this Chapter for a period in excess of **four (4) hours** after being ticketed for such violation, each hour that said vehicle remains illegally parked after the first ticket is issued shall constitute an additional offense.

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 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 24-7-5** 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 **625 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. **(625 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 **Two Hundred Dollars ($200.00)**; 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 - SNOW REGULATIONS

24-8-1 SNOW EMERGENCY ROUTES.

(A) It shall be unlawful for any automobile, wagon, trailer, motorcycle, truck, bicycle, vehicles of the first or second division, or any other wheeled vehicle to be parked on or along any part of the paved surface or shoulder of either side of any road within the Village which is designated as a Snow Emergency Route so long as a snow emergency exists or has been declared.

(B) A snow emergency is hereby declared to automatically exist whenever the average accumulation of snow and ice contain upon a road designated as a snow route reaches at least **three (3) inches** in depth. A snow emergency may also be declared by the Superintendent of Maintenance or by the Mayor at any time in which due to currently existing conditions or predicted weather conditions either of such persons determine that the public safety and welfare requires such declaration. All persons are charged with knowledge of the existence of a snow emergency and no notice is required. Whenever a snow emergency is declared before the accumulation of snow and ice reaches **three (3) inches**, Village officials shall make reasonable efforts to notify vehicle owners of such declaration. Failure to notify shall not affect enforcement of this Article nor subject the Village to any liability.

24-8-2 TOWING; PENALTIES. Any vehicle parked on a snow route in violation of this Section shall be towed. The Superintendent of Maintenance, the Mayor, any police officer, or any person designated by the above individuals may contact a towing service to remove any vehicle in violation of this Article. Any person having the right to possession of such vehicle may recover such vehicle by paying the costs of towing and storage of such vehicles until claimed. This provision is in addition to the fines applicable for violation of this Article.

If any vehicle remains parked in violation of any portion of this Section for a period in excess of **one (1) hour** after being ticketed for such violation, each hour that such vehicle remains illegally parked after the first ticket is issued shall constitute an additional offense.

Snow emergency route streets are designated in **Schedule "K"** to this Chapter.

ARTICLE IX – NON-HIGHWAY VEHICLES

24-9-1 GENERALLY. The following "Non-Highway Vehicles" as defined in **625 ILCS 5/11-1426.1: "All-Terrain Vehicles"** as defined in **625 ILCS 5/11-101.8**; and **"Golf Carts"** as defined in **625 ILCS 5/1-123.9**, shall be allowed on Village streets under the conditions as stated herein.

24-9-2 DEFINITIONS.

(A) ***"Golf Cart"***, as defined herein, means a vehicle specifically designed and intended for the purposes of transporting one 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 condition of the grounds on a public or private golf course.

(B) ***"All-Terrain Vehicle"*** shall mean any motorized, off-highway device designed to travel primarily off-highway, **fifty (50) inches** or less in width, having a manufacturer's dry weight or **one thousand five hundred (1,500) pounds** or less, traveling on **three (3)** or more non-highway tires, designed with a seat or saddle for operator use and handlebars or steering wheel for steering control, except equipment such as lawn mowers.

(C) ***"Village Streets"*** means any of the streets within the boundaries of the Village of Beckemeyer.

24-9-3 REQUIREMENTS. All persons wishing to operate an allowed non-highway vehicle on the Village streets must ensure compliance with the following requirements:

(A) Proof of current mandatory liability insurance as required by Article VI of Chapter 7 of the Illinois Vehicle Code.

(B) Must have a current, valid Illinois driver's license.

(C) Golf Carts must be equipped as follows:

(1) Horn;
(2) Brakes and brake lights;
(3) Turn signals;
(4) A steering wheel apparatus;
(5) Tires;
(6) Rearview mirror;
(7) Approved "Slow Moving Vehicle" emblem on the rear of the vehicle **(625 ILCS 5/12-709)**;
(8) Headlight that emits a white light visible from a distance of **five hundred (500) feet** to the front which must illuminate when in operation.
(9) Tail lamp that emits a red light visible from at least **one hundred (100) feet** from the rear which must be illuminated when in operation;
(10) Red reflectorized warning devices in the front and rear;
(11) Approved seat belts;
(12) Any additional requirements which may be amended to **65 ILCS 5/11-1426.1** or the Illinois Motor Vehicle Code.

(D) All-terrain vehicle must be equipped as follows:

(1) Brakes and brake lights;
(2) Turn signals on the front and rear;
(3) A steering wheel apparatus;
(4) Tires;
(5) Rearview mirror;
(6) Approved "Slow Moving Vehicle" emblem on the rear of the vehicle **(625 ILCS 5/12-709)**;

(7) Headlight that emits a white light visible from a distance of **five hundred (500) feet** to the front which must illuminate when in operation;

(8) Tail lamp that emits a red light visible from at least **one hundred (100) feet** from the rear which must be illuminated when in operation;

(9) Red reflectorized warning devices in the front and rear;

(10) Approved seat belts;

(11) Any additional requirements which may be amended to **65 ILCS 5/11-1426.1** or the Illinois Motor Vehicle Code.

(E) All non-highway vehicles operated on municipal streets must have headlamps illuminated as required by Section 12-201 of the Illinois Vehicle Code.

(F) Must obey all traffic laws of the State of Illinois and the Village.

(G) Must be operated by a person **sixteen (16) years** of age or older.

(H) Must be operated only on Village Streets, except where prohibited.

(I) May not be operated on US Highway 50, Louis Street, or Carter Street, also known as Bartelso Road.

(J) Must not be operated in excess of posted speed limit and, may not be operated at a speed in excess of **twenty-five miles per hour (25 MPH)**.

(K) May only be operated between sunrise and **11:00 P.M.**

(L) A person operating or who is in actual physical control of an allowed non-highway vehicle, as described herein, on a roadway shall not operate such vehicle while under the influence and shall be subject to Section 11-500 through 11-502 of the **Illinois Compiled Statutes (625 ILCS 5/11-500 – 11/502)**.

(M) Allowed non-highway vehicles shall not be operated on sidewalks or in Village Parks, other than parking areas.

(N) Allowed non-highway vehicles may not be operated on streets and highways and roads under the jurisdiction of the Illinois Department of Transportation [US Highway 50] or the County Highway Department [Bartelso Road] except to cross at designated streets.

(O) All non-highway vehicles permitted on Village Streets shall have headlights illuminated at all times while being operated on Village Streets.

24-9-4 VIOLATIONS. Any person who violates any provision of this Article shall be guilty of a petty misdemeanor and shall be punished by a fine of **Seventy-Five Dollars ($75.00)**. Any second or subsequent offense shall result in the revocation of permission to operate such vehicle for a period of not less than **three (3)** nor more than **five (5) years**. To the extent that any violation of this Article also constitutes a violation of a criminal statute of the State of Illinois, then the violator shall also be subject to criminal prosecution.

24-9-5 MISCELLANEOUS. In the event that a court of competent jurisdiction declares any particular provision of this Article to be invalid or unenforceable, the remaining provisions of this Article shall be construed to be valid and enforceable. The invalidity of any part of this Article shall not affect any part or parts thereof.

(Ord. No. 21-1; 02-08-21)

ARTICLE X – IMPOUNDMENT OF MOTOR VEHICLES

24-10-1 DEFINITIONS. For purposes of this Article, the following words and phrases shall have the following meanings ascribed to them respectively:

(A) **Business Day.** Any day in which the offices of Village Hall are open to the public for a minimum of **seven (7) hours**.

(B) **Administrative Fee** means and shall be **Two Hundred Dollars ($200.00)**.

(C) **Motor Vehicle.** Every vehicle which is self-propelled, including but not limited to automobiles, trucks, vans, motorcycles, and motor scooters.

(D) **Owner of Record.** The record title holder(s) of the motor vehicle as registered with the Secretary of State, State of Illinois; or if not registered in Illinois, the particular state where the motor vehicle is registered.

(E) **Administrative Hearing Officer.** Officer who is an attorney licensed to practice law in this State for a minimum of **three (3) years**.

(F) **Village** means the Village of Beckemeyer.

24-10-2 VIOLATIONS AUTHORIZING IMPOUNDMENT.

(A) Any motor vehicle, operated with the express or implied permission of the owner of record, that is used in connection with the following violations, shall be subject to seizure and impoundment by the Village, and the owner of record of said motor vehicle shall be liable to the Village for a **Two Hundred Dollar ($200.00)** administrative fee, as provided for in this Article, in addition to any towing and storage fees as hereinafter provided.

(1) Driving while license revoked – **625 ILCS /6-303**
(2) Fleeing or attempting to elude a police officer – **625 ILCS 5/1-2**
(3) Driving under the influence of alcohol/drugs – **625 ILCS 5/11-501**
(4) Reckless driving or aggravated reckless driving – **625 ILCS 5/11-503**
(5) Drag racing – **625 ILCS 5/11-504**
(6) Driving at **thirty-one (31) mph** more, but less than **forty (40) mph** over applicable speed limit Class B misdemeanor Speeding in excess of **forty (40) mph** Class A misdemeanor – **625 ILCS 5/11-601.5**
(7) Indecent solicitation of a child – **625 ILCS 5/11-6**
(8) Aggravated assault – **625 ILCS 5/12-2**
(9) Aggravated battery – **625 ILCS 5/12-3.05**
(10) Retail theft of merchandise exceeding **Three Hundred Dollars ($300.00)** value – **720 ILCS 5/16A-3**
(11) Robbery – **720 ILCS 5/18-1**
(12) Armed robbery – **720 ILCS 5/18-2**
(13) Burglary – **720 ILCS 5/19-1**
(14) Residential burglary – **720 ILCS 5/19-3**
(15) Arson – **720 ILCS 5/230-1**
(16) Aggravated arson – **720 ILCS 5/20-1.1**
(17) Possession of explosives or incendiary devices – **720 ILCS 5/20-2**
(18) Criminal damage to property – **720 ILCS 5/21-1**
(19) Mob action – **720 ILCS 5/25-1**
(20) Manufacture or delivery unauthorized controlled substance – **720 ILCS 570/401**
(21) Controlled substance trafficking – **720 ILCS 570/401.1**
(22) Unauthorized possession under the Controlled Substances Act – **720 ILCS 570/402**
(23) Possession of more than **thirty (30) grams** or any substances containing cannabis – **720 ILCS 550/4**
(24) Manufacture or delivery of cannabis – **720 ILCS 550/5**
(25) Cannabis trafficking – **720 ILCS 550/5.1**

(26) Delivery of cannabis on school grounds – **720 ILCS 550/5.2**

(27) Unauthorized production or possession of cannabis sativa plant – **720 ILCS 550/8**

(28) Unlawful use of weapons – **720 ILCS 5/24-1**

(29) Unlawful possession of firearms and firearm ammunition – **720 ILCS 5/24-3.1**

(30) Unlawful sale or delivery of firearms on the premises of a school – **720 ILCS 5/24-3.3**

(B) For any motor vehicle, operated with the express or implied permission of the owner of record, that is used in connection with any violation of federal, state, or local law that is not listed in paragraph (A) of this Section, including arrest warrants, which results in seizure and impoundment of the vehicle by the Village, the owner of record of said motor vehicle shall be liable to the Village for a **Two Hundred Dollar ($200.00)** administrative fee, as provided for in this Article, in addition to any towing and storage fees as hereinafter provided.

24-10-3 SEIZURE AND IMPOUNDMENT.

(A) Whenever a police officer has reason to believe that a motor vehicle is subject to seizure and impoundment pursuant to this Article, the police officer shall provide for the towing of the motor vehicle to a facility approved by the Village. This Article shall not apply if the motor vehicle used in the violation was stolen at the time and the theft was reported to the appropriate police authorities within **twenty-four (24) hours** after the theft was discovered or reasonably should have been discovered.

(B) The police officer shall notify any person identifying himself as the owner of the motor vehicle or any person who is found to be in control of the motor vehicle at the time of the alleged violation, if there is such a person, of the fact of the seizure and of the motor vehicle owner's right to an administrative hearing to be conducted under this Section.

24-10-4 ADMINISTRATIVE HEARING.

(A) Within **ten (10) days** after a motor vehicle is seized and impounded pursuant to this Article, the Village shall notify by personal service or by first class mail the owner of record, lessee, and all lien holders of record, of the right to a hearing, along with the date, time and location of the hearing, to challenge whether a violation of this Article has occurred. The hearing date must be scheduled and convened no later than **forty-five (45) days** after the mailing of the notice, or issuance of the notice of hearing. All interested persons shall be given a reasonable opportunity to be heard at the hearing. The formal rules of evidence shall not apply at the baring and hearsay evidence shall be admissible.

(B) If, after the hearing, the hearing officer determines by a preponderance of the evidence that the motor vehicle was used in violation of this Article, then the hearing officer shall enter an order finding the owner of record of the motor vehicle liable to the Village for the applicable administrative fee.

(C) If, after the hearing, the hearing officer does not determine by a preponderance of the evidence that the motor vehicle was used in such a violation, the hearing officer shall enter an order finding for the owner and for the return of the motor vehicle, or the administrative fees if already paid.

(D) If the owner of record fails to appear at the hearing, the owner of record shall be deemed to have waived his or her right to a hearing. If the owner of record pays such administrative fee and the motor vehicle is returned to the owner, no default order need be entered if the owner was informed of his or her right to a hearing, in which case an order of liability shall be deemed to have been made when the Village receives the written waiver.

(E) If a bond in the amount equal to the applicable administrative fee is posted with the Police Department, the impounded motor vehicle shall be released to the owner of record. The owner of the motor vehicle shall still be liable to the towing agent for any applicable towing fees.

(F) If an administrative fee is imposed for a violation of this Article, the bond will be forfeited to the Village; however, if a violation of this Article is not proven by preponderance of the

evidence, the bond will be returned to the person posting the bond. All bond money posted pursuant to this Article shall be held by the Village until the hearing officer issues a decision, or, if there is a judicial review, until the court of jurisdiction issues its orders.

(G) All decisions of the administrative hearing officer shall be subject to review under the provisions of the Illinois Administrative Review Law.

(H) **Penalty.** The owners of the motor vehicle, or the person in control, may waive his or her right to a hearing under this Section by agreeing and stipulating in writing that the seized motor vehicle was being used in violation of this Section. Once the stipulation is signed and the penalty is paid, the seized vehicle will be released.

If, after a hearing, the hearing officer determines by a preponderance of evidence that a violation for which a penalty is applicable under this Article has occurred; the hearing officer shall enter an order finding the operator of the vehicle guilty of violating this Article and shall be liable to the Village for the penalty of provided for in this Article, and also liable to the agent for any applicable towing and storage fees.

If the operator of the vehicle fails to appear at the hearing, the hearing officer may enter a default order in favor of the Village requiring payment to the Village of a penalty in the amount provided for in this Article as well as payment to the towing agent for any applicable towing and storage fees. If the hearing officer finds that no such violation occurred, the hearing officer shall order the immediate return of the vehicle to the owners of record.

The penalty to any Owner or Operator of any motor vehicle found to be in violation of any paragraph of this Article shall be liable for a penalty as follows:

(1) The sum of **Two Hundred Dollars ($200.00)**.

(2) All attorney fees incurred by the Village in the proceeding.

24-10-5 DISPOSITION OF IMPOUNDED MOTOR VEHICLE. An administrative fee imposed pursuant to this Article shall constitute a debt due and owing the Village. A motor vehicle impounded pursuant to this Article shall remain impounded until:

(A) The administrative fee is paid to the Village and all applicable towing fees are paid to the towing agent, in which case the owner of record shall be given possession of the motor vehicle;

(B) A bond in an amount equal to the applicable administrative fee is posted with the Police Department and all applicable towing fees are paid to the towing agent, at which time the motor vehicle will be released to the owner of record; or

(C) The motor vehicle is deemed abandoned in which case the motor vehicle shall be disposed of in the manner provided by law for the disposition of abandoned motor vehicles.

24-10-6 MOTOR VEHICLE POSSESSION. Any motor vehicle that is not reclaimed within **thirty-five (35) days** after: (1) the expiration of the time during which the owner of record may seek judicial review of the Village's action under this Article, or (2) the time at which a final judgment is rendered against an owner of record who is in default; may be disposed of as an unclaimed motor vehicle as provided by law; provided, however, that where proceedings have been instituted under state or federal drug asset forfeiture laws, the subject motor vehicle may not be disposed of by the Village except as consistent with those proceedings.

24-10-7 TOWING AGENCY.

(A) It shall be the duty of the towing or storage company in possession of the motor vehicle to obtain documentation issued by the Police Department confirming compliance with foregoing requirements, and retain photocopies of that documentation in their files for a period of not less than **six (6) months** following release of the motor vehicle. The foregoing information shall be made available to the authorities of the Village for inspection and copying, upon their request, by the towing or storage company. The towing or storage company is prohibited from releasing any motor vehicle they may tow within the Village until and unless they obtain documentation as aforesaid.

(B) The towing or storage company shall be entitled to receive a reasonable fee from the owner or person entitled to possession of any such motor vehicle prior to the release of the motor vehicle. The fee shall be to cover the cost of removing said motor vehicle and, in addition thereto, the cost of storage of said motor vehicle for each day or fraction thereof that said motor vehicle shall have remained stored.

(C) The fees in this Section shall be in addition to any fee levied or assessed against the owner or operator of said motor vehicle by reason of violation of any ordinance or statute and any arrest which may have resulted from such violation.

24-10-8 REFUND OF ADMINISTRATIVE FEE. In the event a judgment of "Not Guilty" is entered by a court of competent jurisdiction on all underlying charges that could have resulted in the impoundment of a motor vehicle, or the prosecuting attorney dismisses all underlying charges that could have resulted in the impoundment of a motor vehicle, then within **thirty (30) days** of presentation of a certified copy of said judgment to the Police Department, any administrative fees or posted bonds obtained by the Village shall be refunded to the paying party.

(Ord. No. 20-4; 02-10-20)

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	$8.00 [ ]
2.	Double Parked	$8.00 [ ]
3.	Parked at Fire Plug	$8.00 [ ]
4.	Blocking Driveway or Alley	$8.00 [ ]
5.	Parked Where Official Signs Erected	$8.00 [ ]
6.	Improper Parking	$8.00 [ ]
7.	Yellow Line	$8.00 [ ]
8.	Each Additional Hour Violation	$8.00 [ ]
9.	Parking on Sidewalk	$8.00 [ ]

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, a penalty of not less than **Fifteen Dollars ($15.00)** will be collected up to **fifteen (15) days**. Thereafter, the penalty may be up to **Seven Hundred Fifty Dollars ($750.00)**.

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

THROUGH STREET	STOP STREET (DIRECTION)
Carter St.	Short St. (West Bd.) **(#24-05)**
Dora St.	Second St. (East Bd.)
Elizabeth St.	Beckemeyer St. (East Bd.)
First St.	Carter St. (South Bd.)
Fourth St.	Carter St. (South Bd.)
Fourth St.	Christina St. (Both)
Fourth St.	Lincoln St. (Both) **(#24-09)**
Fourth St.	Louis St. (Both)
Fourth St.	Randolph St. (Both) **(#16-03)**
Harper St.	Beckemeyer Ave. (East Bd.)
Harper St.	Smelter Rd. (West Bd.)
Harper St.	Wilson St. (East Bd.)
Hummert St.	Second St. (Both)
Hummert St.	Third St. (Both) **(#16-03)**
Hummert St.	Fourth St. (Both) **(#16-03)**
Louis St.	Beckemeyer St. (Both)
Louis St.	Railroad St. (Both)
Louis St.	Wilson St. (Both)
Louis St.	First St. (Both)
Louis St.	Second St. (Both)
Louis St.	Third St. (Both)
Louis St.	Fourth St. (Both)
Maddux St.	Second St. (Both)
Maddux St.	Third St. (Both)
Railroad St.	Carter St. (South Bd.)
Randall St.	Beckemeyer St. (West Bd.)
Randall St.	First St. (Both)
Scoville St.	Beckemeyer St. (West Bd.)
Scoville St.	First St. (Both)
Scoville St.	Second St. (Both)
Scoville St.	Third St. (Both)
Second St.	Carter St. (South Bd.)
Third St.	Carter St. (South Bd.)
Third St.	Christina St. (Both)

II. TWO AND THREE-WAY STOP INTERSECTIONS

STOP STREET - DIRECTION	STOP STREET - DIRECTION
Fifth St. (East Bd.)	Maddux St. (South Bd. – Dead End) **(#20-12)**
Murray St. (North Bd.)	First St. (Both)
Murray St. (North Bd.)	Fourth St. (Both)
Murray St. (Both)	Second St. (East Bd.)
Wilson St. (East Bd.)	Elizabeth St. (South Bd.)

III. FOUR-WAY STOP INTERSECTIONS

Christiana St.	at	Second St. **(#16-09)**
Murray St.	at	Fourth St.
Scoville St.	at	Fourth St.

SCHEDULE "B"

ONE-WAY STREETS/ALLEYS

In accordance with the provisions of **Section 24-3-2** of this Chapter, the following streets and alleys are hereby designated as one-way streets and alleys, to-wit:

ONE-WAY STREET - DIRECTION	LOCATION	
Dora St. (North Bd.)	From	Beckemeyer Ave. to Railroad St. **(#12-06)**

SCHEDULE "C"

YIELD RIGHT-OF-WAY STREETS

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

THROUGH STREET	YIELD STREET (DIRECTION)
1st St.	Dora St. (East Bd.)
1st St.	Randall St. (Both)
2nd St.	Elizabeth St. (Both)
2nd St.	Lincoln St. (Both)
3rd St.	Elizabeth St. (Both)
3rd St.	Hummert St. (Both)
3rd St.	Lincoln St. (Both)
3rd St.	Randolph St. (Both)
4th St.	Elizabeth St. (Both)

SCHEDULE "E"

NO PARKING ZONES

In accordance with the provisions of **Section 24-6-4(C)**, the following streets are hereby designated as no parking zones, to-wit:

I. NO PARKING ANY TIME.

STREET (SIDE)		LOCATION
2nd St. (North)	From	Louis St. west 40 feet. **(#91-6)**
W. 4th St. (South)	From	Louis St. east 18 feet.
W. 4th St. (North)	From	Louis St. east 55 feet.
Louis St. (Both)	From	Old U.S. Hwy 50 to 4th St.
Murray St. (East)	From	2nd St. to 4th St.
Old U.S. Route 50 (North)	From	West edge of asphalt parking lot to east edge
Randall St. (Both)	From	Old Rte 50 north 80 feet. **(#91-6)**

II. LARGE OR HEAVY PARKING PROHIBITED.

The following areas are hereby declared as large or heavy vehicle prohibited zones.

1. The south side of Old US Route 50 within 15 feet of the southern most edge of the asphalt paving from a point 84 feet west of the northeast corner of Lot 6 in Block 33 of Beckemeyer's North Addition to the Village (the east edge of the Colston property) to the west right-of-way line of Elizabeth Street.

SCHEDULE "F"

LIMITED PARKING ZONES

In accordance with the provisions of **Section 24-6-4(C)**, the following streets are hereby designated as no parking zones, to-wit:

STREET (SIDE)		LOCATION
I. 15 MINUTE PARKING.		
Old US 50 (North)	From	4 feet west of W. Access Dr. to 4 feet east of E. Access Dr.
II. FOUR (4) HOUR LIMIT.		
Both sides of the street between Old US Route 50 and Wilson Street. Maximum 4 hour duration. (The north 20 feet of the east side of Louis Street is a no parking zone).		

SCHEDULE "G"

DIAGONAL PARKING ZONES

The following areas are hereby declared as diagonal parking zones:

STREET (SIDE)		LOCATION
2nd St. (South)	From	The east side of the alley immediately west of Louis St. east to a point 30 feet west of the stop sign at the Louis St. intersection.
4th St. (South)		Within a distance of 125 feet east of the southerly prolongation of the west pavement line of Louis St.

SCHEDULE "H"

HANDICAPPED PARKING SPACES

The following areas are hereby declared as handicapped parking spaces:

STREET (SIDE)	LOCATION
Post Office	470 Louis
Legion	391 Louis
Village Hall	Parking Lot

CHAPTER 25 - NUISANCES

ARTICLE			***TITLE***	***PAGE***
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II	***WEEDS***			
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CHAPTER 25

NUISANCES

ARTICLE I – GENERALLY

25-1-1 SPECIFIC NUISANCES ENUMERATED. It is hereby declared to be a nuisance and to be against the health, peace and comfort of the Village, for any person, firm or corporation within the limits of the Village to permit the following; but the enumeration of the following nuisances shall not be deemed to be exclusive:

(A) **Filth.** To cause or suffer the carcass of any animal or any offal, filth or noisome substance to be collected, deposited or to remain in any place, to the prejudice of others.

(B) **Deposit of Offensive Materials.** To throw or deposit any offal or other offensive matter, or the carcass of any dead animal in any water course, lake, pond, spring, well or common sewer, street or public highway.

(C) **Corruption of Water.** To corrupt or render unwholesome, or impure, the water of any spring, river, stream, pond or lake, well, public or private, to the injury or prejudice of others.

(D) **Highway Encroachment.** To obstruct or encroach upon public highways, private ways, streets, alleys, commons, landing places, and ways to burying places.

(E) **Manufacturing Gunpowder.** To carry on the business of manufacturing gunpowder, nitroglycerine, or other highly explosive substances, or mixing or grinding the materials therefore, in any building within **three hundred (300) feet** of any valuable building erected at the time such business may be commenced.

(F) **Powder Magazines.** To establish powder magazines near incorporated towns, at a point different from that appointed according to law by the corporate authorities of the town, or within **eight hundred (800) feet** of any occupied dwelling house.

(G) **Noxious Odors.** To erect, continue or use any building or other place for the exercise of any trade, employment or manufacture, which, by occasioning noxious exhalations, offensive smells or otherwise, is offensive or dangerous to the health of individuals, or of the public.

(H) **Unlawful Advertising.** To advertise wares or occupations by painting notices of the same on, or affixing them to fences or other private property, or on rocks or other natural objects without the consent of the owner, or if in the highway or other public place, without permission of the proper authorities.

(I) **Wells Unplugged.** To permit any well drilled for oil, gas, saltwater 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 saltwater 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.

(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 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 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 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) **Generally.** To commit any act which is a nuisance according to the common law of the land or made such by statute of the State. **(See 740 ILCS Secs. 55/221 – 55/222)**

Nothing in this Section shall be construed to prevent the corporate authorities of this Village from declaring what shall be nuisances and abating them within the Village limits.

25-1-2 NUISANCES DETRIMENTAL TO HEALTH GENERALLY. No building, vehicle, structure, receptacle, yard, lot, premise, or part thereof shall be made, used, kept, maintained or operated in the Village if such use, keeping or maintaining shall be dangerous or detrimental to health.

25-1-3 **NOTICE TO ABATE.** Whenever the Superintendent, Mayor or Police Chief finds that a nuisance exists, he shall direct the Village Clerk to mail (certified) to the party responsible for the nuisance and to the party on whose property the nuisance exists a written notice ordering that the nuisance be abated within a reasonable time. The notice to abate shall contain:

(A) A description of what constitutes the nuisance;

(B) The location of the nuisance;

(C) A statement of what condition or state of affairs must be achieved in order for the nuisance to be deemed abated;

(D) The date by which abatement must be completed;

(E) The date by which a request for a hearing must be filed and a statement of the procedure for so filing;

(F) A statement that the responsible party has a right to appeal the abatement order to the Village Board of Trustees.

(G) A statement indicating that if the nuisance is not abated by the date prescribed and/or if no request for hearing is made within the time prescribed, this Village will abate the nuisance and assess the costs against the property and/or impose a fine.

25-1-4 **HEARING.** Any person ordered to abate a nuisance may have a hearing with the Police Chief or his designated representative ordering the abatement. A request for a hearing must be made in writing and delivered to the Village Clerk within the time stated in the notice; otherwise, it will be presumed that a nuisance exists, and that such nuisance must be abated as ordered. The hearing shall not be a formal trial-type proceeding, but appropriate procedural safeguards shall be observed to ensure fairness. At the conclusion of the hearing, the Police Chief or his designated representative shall render his decision and the reasons therefor in writing. If he finds that a nuisance exists, he shall order it abated within an additional time which must be reasonable under the circumstances.

25-1-5 **APPEAL.** Any party aggrieved by the decision of the Police Chief may appeal to the Board of Trustees. Such appeal shall be taken by filing with the Village Clerk within **five (5) days** of such decision a written statement indicating the basis for the appeal.

The appeal shall be heard by the Board of Trustees at the next regular or special meeting after such filing. Their findings shall be conclusive and if a nuisance is found to exist, it shall be ordered abated within a time reasonable under the circumstances.

25-1-6 **ABATEMENT BY VILLAGE.** If the person ordered to abate a nuisance fails to do so, or if the nuisance poses an emergency, this Village may perform the required action to abate. Any Village official who is authorized to abate any nuisance as defined in this Article shall have authority to engage the necessary assistance and to incur the necessary expenses therefor. The official who abates a nuisance shall keep an accurate account of the expenses incurred. The itemized expense shall be filed with the Village Clerk who shall pay such expenses on behalf of this Village. **(See 65 ILCS 6/11-60-2)**

25-1-7 **FAILURE TO COMPLY WITH NOTICE.** If the person notified to abate a nuisance shall neglect or refuse to comply with the requirements of such notice by abating such nuisance within the time specified, such person shall be guilty of a violation of this Code. The Village shall not be required to issue another notice where the condition or violation is at first abated, but later resumed and/or repeated.

(In Part Ord. No. 95-16; 1995)

[See Section 1-1-20 for Penalties]

(See 65 ILCS 5/11-60-2 and 720 ILCS 5/47-5; 5/47-10 and 5/47-15)

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.**

(See 65 ILCS 5/11-20-6 and 5/11-20-7)

[See Section 1-1-20 for 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.

(See 65 ILCS 5/11-20-13 and 720 ILCS 5/47-10)

[See Section 1-1-20 for 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.

25-4-5 INOPERABLE VEHICLE EXCLUSIONS. Motor vehicles in the Village that do not display a State of Illinois or other state, vehicle registration sticker valid within at least the last **sixty (60) days** are also declared "inoperable" for the purposes of this Article. "Inoperable motor vehicle" shall not include:

(A) Any motor vehicle kept in a building when not in use; and

(B) A motor vehicle on the premises of a place of business engaged in wrecking or junking motor vehicles.

(C) Inoperable motor vehicles as herein defined, whether on public property or private property in view of the general public, are hereby declared a nuisance.

(D) No person shall cause, permit, maintain, or suffer the continuance of a nuisance defined in this Article within the Village limits.

(See Section 24-7-1 et seq.)

(See 65 ILCS 5/11-40-3)

ARTICLE V - DANGEROUS AND UNSAFE PROPERTIES

25-5-1 ADOPTION BY REFERENCE. The Village may demolish, repair, or enclose or cause the demolition, repair, or enclosure of dangerous and unsafe buildings or uncompleted and abandoned buildings within the Village and may remove or cause the removal of garbage, debris, and other hazardous, noxious, or unhealthy substances or materials from those building. Therefor, the Village does hereby adopt by reference the applicable provisions of Chapter 65 of the Illinois Compiled Statutes, Sections 5/11-31-1 and 5/11-31-1.1 governing dangerous and unsafe buildings.

ARTICLE VI - PENALTIES AND SPECIAL ASSESSMENT

25-6-1 SPECIAL ASSESSMENT. In addition to any other method authorized by law, if (i) a property owner is cited with a Code violation under this Chapter, requiring the cutting of grass and weeds, the removal of garbage and debris, the removal of inoperable motor vehicles, or rodent and vermin abatement, (ii) noncompliance is found upon reinspection of the property after the due date for compliance with an order to correct the Code violation or with an order for abatement; (iii) costs for services rendered by the municipality to correct the Code violation remain unpaid at the point in time that they would become a debt due and owing the municipality, as provided in Chapter 65 of the Illinois Compiled Statutes, Section 5/11-31-1.1 et seq., and (iv) a lien has been filed of record by the municipality in the office of the 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.

VILLAGE OF BECKEMEYER

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 Village 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 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 shall proceed to issue the appropriate citation which may subject you to the penalties prescribed by the Village 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 BECKEMEYER

Dated this _____ day of _____, 20____.

VILLAGE OF BECKEMEYER

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 Village 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 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 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 BECKEMEYER

Dated this _____ day of _____, 20____.

VILLAGE OF BECKEMEYER

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 Village contains garbage and/or debris or trash as defined by **Chapter 25, Article III** of the Revised Code of Ordinances of the Village. 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 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-exam 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 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 BECKEMEYER

Dated this _____ day of _____, 20_____.

VILLAGE OF BECKEMEYER

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 Village. 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 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 Village 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 shall proceed to issue the appropriate citation which may subject you to the penalties prescribed by the Village 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 BECKEMEYER

Dated this _____ day of _____, 20_____.

VILLAGE OF BECKEMEYER

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, 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 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 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 Village 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 shall proceed to issue the appropriate citation which may subject you to the penalties prescribed by the Village 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 BECKEMEYER

Dated this _____ day of _____, 20____.

VILLAGE OF BECKEMEYER

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 Beckemeyer, Clinton 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 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 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___.

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CHAPTER 27

OFFENSES

ARTICLE I – DEFINITIONS

27-1-1 MEANINGS OF WORDS AND PHRASES. For the purpose of this Chapter the words and phrases of the **Illinois Compiled Statutes, Chapter 720, Sections 2-1 through 2-11; 2-13 through 2-16; 2-19 and 2-20,** as approved, adopted and amended are hereby adopted by the Village, as fully as if set out herein. **(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 any one supposed to have been guilty of a violation of the law, or for the purpose of exercising correctional powers or regulative powers over any person by violence. **(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 minor under **twenty-one (21) years of age.**

(B) No person under **sixteen (16) years of age** may sell any tobacco product at a retail establishment selling tobacco products. This subsection does not apply to a salesclerk in a family-owned business which can prove that the salesclerk 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 Eighteen (18).** No person shall sell any smokeless tobacco product to any person under the age of **eighteen (18).**

(C) **Distribution.** No person shall distribute or cause to be distributed to any person under the age of **eighteen (18)**, 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 handgun, 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 Sec. 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 Sec. 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 **Section 1-1-20** of this Code. The provisions of this Act shall not apply during the course of repair, construction, removal or filling of any of the structures or conditions herein described while any worker is present at the location thereof either performing services thereon or as a watchman to guard such location. **(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 or 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 FIREWORKS PROHIBITED ON VILLAGE PROPERTY. It shall be unlawful to sell or discharge any fireworks on Village property.

27-2-36 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, smart phones, etc. played through exterior speakers, portable speakers (Bluetooth) 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.

27-2-37 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)**

27-2-38 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)

27-2-39 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.

27-2-40 MDPV AND KRATOM PROHIBITED.

(A) **Purposes.** This Section is enacted to protect, preserve and promote the health, safety and welfare of the citizens of the Village by prohibiting the use, possession, distribution or delivery of any substance containing MDPV or Kratom as hereinafter defined, it being the specific finding of the Village that such substances have a dangerous effect upon anyone using and/or ingesting said substances and have no medicinal or beneficial purposes.

(B) **Definitions.** When used in this Chapter, the following words have the meanings as hereinafter provided:

(1) **Use.** The partaking, inhaling, smoking, consumption, ingestion or injection of MDPV or Kratom.

(2) **Deliver.** The actual, constructive, or attempted transfer from one person to another of MDPV or Kratom, whether or not there is an agency relationship, and includes a sale.

(3) **Distribute.** To deliver other than by administering or dispensing MDPV or Kratom.

(4) **MDPV.** Includes any material, compound, mixture or preparation containing any quantity of the following substances having a stimulant effect on the central nervous system, including their salts, isomers and salts of isomers of 3.4 Methylenedioxyprovalerone, Methylone, Mephedrone, 4-methoxymethcathinone, 4-Fluormethcathinine, and 3-Fluoromethcathinone.

(5) **Kratom.** Includes any material, compound, mixture or preparation containing any quantity of the following substances having a stimulant effect on the central nervous system: the leaves, bark, or other parts of

a tropical tree known as "Mitragyna speciose" containing psychoactive opioid compounds, and sometimes known as: Herbal Speedball, Biak-Biak, Ketum, Kahuam, Ithang and Thom.

(6) **Possess** means with the knowledge of the presence and nature of a substance. A person has actual possession if he has the substance on his person or within easy reach and convenient control. A person who, although not in actual possession, has the power and intention at a given time to exercise dominion or control over the substance either directly or through another person or persons is in constructive possession of it.

(C) **General Prohibition.** It shall be unlawful for any person to use, possess, distribute or delivery any substance containing MDPV or Kratom as defined in this Chapter.

27-2-41 REFUSE YARD DISPOSAL.

(A) **Disposal.** It is unlawful to dispose of any yard waste including leaves, grass, limbs, compost, and ashes, in the Village refuse yard except by Village residents for yard waste generated within the corporate limits of the Village.

(B) **Penalty.** Any person violating any provisions of this Section shall be fined no less than **Fifty Dollars ($50.00)** nor more than **Five Hundred Dollars ($500.00)** for each offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues. The Village may in addition to the imposition of the above penalties, pursue whatever legal action it deems necessary to enjoin continuing violations.

(See Article IX)

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

(See 65 ILCS 5/11-80-15)

(In Part Ord. No. 95-15; 1995)

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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 light post, 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.

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

(D) **Fines and Penalties.** The following fines will be set and enforced per **Section 1-1-20(A)**. Any person convicted of a violation of any section of this Article shall be fined not less than **Seventy-Five Dollars ($75.00)** and not more than **Seven Hundred Fifty Dollars ($750.00)** for any one offense, **plus any additional court fees**.

1st offense - $75.00
2nd offense - $150.00
3rd offense - $300.00
4th and any subsequent offenses will be set at $500.00 per offense.

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

(See also 740 ILCS 5/21-1.2 et seq.)

(Ord. No. 20-9; 05-11-20)

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 27-2-32** of the Chapter.

"COURT" means the 4th Judicial Circuit; Clinton County, Illinois.

"CUSTODIAN" means:

(A) a person who under court order is the custodian of the person of a minor or

(B) a public or private agency with which the court has placed a minor or

(C) a person acting in the role of a parent by reason of a private agreement, arrangement, custom or habit.

"EMERGENCY" means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, fire, natural disaster, automobile accident, medical emergency or any situation requiring immediate action to prevent serious bodily injury or loss of life.

"ESTABLISHMENT" means any privately owned place of business to which the public is invited, including but not limited to any place of amusement or entertainment.

"GUARDIAN" means:

(A) parent or

(B) a person who under court order is the guardian of the person of a minor; or

(C) a public or private agency with which the court has placed a minor.

"MINOR" means a person under **eighteen (18) years** of age.

"PARENT" means a person who is a natural parent, adoptive parent, or step-parent of another person.

"PUBLIC PLACE" means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, public ways, sidewalks and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities and shops.

"RESPONSIBLE ADULT" means a person at least **eighteen (18) years** of age, authorized by a parent, guardian or custodian to have the care and custody of a minor.

"SERIOUS BODILY INJURY" means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

"TRUANCY CURFEW HOURS" means the period of the day when the school the minor would normally attend is in session, on days when the school the minor would normally attend is in session.

"TRUANT OFFICER" means any officer, appointee, employee or other agency of any school district or any federal, state or local government, entity or any agency thereof performing the duties of a truant officer under the Illinois Compulsory Attendance Statute. **(105 ILCS 5/26-1 et seq.)**

"TRUANCY REVIEW BOARD" means any agency or entity established by any school district or any federal, state or local governmental entity or any counseling or social agency or any combination thereof recognized by the Village and/or the court as an agency which provides service to improve education performance and/or attendance.

27-8-2 CURFEW RESTRICTIONS.

(A) It is unlawful for any minor to be present in any public place or on the premises of any establishment within the Village during curfew hours.

(B) It is unlawful for any parent or guardian or custodian of a minor to knowingly permit, or by insufficient control to allow the minor to be present in any public place or on the premises of any establishment within the Village during curfew hours.

(C) It is a defense to prosecution under **Section 27-8-2(A) and (B)** or **Section 27-8-4** (hereinafter) that the minor was:

(1) accompanied by the minor's parent, guardian, custodian or responsible adult;

(2) on an errand at the direction of the minor's parent, guardian, custodian or responsible adult; without any detour or stop;

(3) in a motor vehicle involved in interstate travel with the consent or authorization of a parent, guardian or custodian;

(4) engaged in, going to or returning home from an employment activity without any detour or stop;

(5) involved in an emergency;

(6) on the sidewalk abutting the minor's residence;

(7) engaged in, going to or returning home from official school, religious or other recreational activity supervised by adults, sponsored by a civic organization, or another similar entity that takes responsibility for the minor;

(8) exercising First Amendment rights protected by the United States Constitution; or

(9) emancipated pursuant to law.

27-8-3 TRUANCY RESTRICTIONS.

(A) It is unlawful for any minor who is subject to compulsory education or to compulsory continuation education by statute or court order to be present in any public place or on the premises of any establishment within the Village during truancy curfew hours.

(B) It is unlawful for any parent, custodian or guardian of a minor to knowingly permit, or by insufficient control to allow the minor to be present in any public place or on the premises of any establishment within the Village during truancy curfew hours.

(C) It is a defense to prosecution under this Section or **Section 27-8-4** that the minor was:

(1) accompanied by a parent, guardian, custodian or responsible adult if engaged in an activity which would constitute an excused absence from the school from which the minor would normally attend;

(2) involved in an emergency;

(3) going to or returning from a medical appointment without any detour or stop;

(4) engaged in, going to or returning home from an employment activity pursuant to a cooperative school vocation program without any detour or stop;

(5) in possession of valid proof that the minor is a student who has permission to leave the school campus;

(6) a bona fide participant in an alternative education or home-schooling program;

(7) engaged in or subject to an authorized or excused absence from the school which the minor attends, including but not limited to lunch periods.

27-8-4 **ESTABLISHMENT RESTRICTIONS.** It is unlawful for any owner, operator or any employee of an establishment to allow a minor to be present or to remain upon the premises of the establishment in violation of **Sections 27-8-2** or **27-8-3** above during curfew or truancy hours.

It is a defense to prosecution, under this subparagraph if the owner, operator or employee of the establishment immediately upon discovery of a minor reasonably believed to be in violation of **Sections 27-8-2** or **27-8-3** notified a law enforcement agency that a minor was present on the premises of the establishment during curfew or truancy hours and refused to leave the establishment after being advised to do so by the owner, operator or employee.

27-8-5 **ENFORCEMENT RESTRICTIONS.** Every member of the Police Department while on duty is hereby authorized as follows:

(A) For the first offense of any minor violating the provisions of this Code, to issue to the minor a citation, in writing, in the same form as described in paragraph (C) below. For a second offense, the law enforcement officer is authorized to temporarily detain any minor violating the provisions of this Code (regardless of whether a citation is immediately issued) until the parent, custodian or guardian of the minor shall take him or her into custody, but such officer shall immediately upon taking custody of the minor reasonably attempt to communicate with the parent, custodian or guardian of the minor unless subparagraph (E) herein is applicable. A parent, custodian or guardian must take custody of the minor within **one (1) hour** of the time of notice or be subject to a charge of **Twenty-Five Dollars ($25.00)** per hour as hereinafter provided.

(B) Whenever a Police Officer or Truant Officer witnesses or has knowledge based on reasonable grounds of a violation of this Code by any person, such person may be issued a citation. A citation or complaint may be made to a Police Officer or Truant Officer by any person.

(C) A citation issued hereunder this shall be in writing and shall:

(1) state the name of the person being cited and the person's address if known;

(2) set forth the specific section of this Code that was violated, the date of the violation and a brief description of the violation;

(3) be signed by the issuing Police Officer, Truant Officer or complaining party.

In each instance where a citation is issued to a minor for violation of this Code a minor's parent, custodian or guardian shall be provided a copy of the citation notifying the parent, custodian or guardian of the charge made against the minor.

(D) A minor cited for a citation under this Code must attend a court hearing or Truancy Review Board hearing on the citation and must be accompanied at the hearing by his or her parent, custodian, guardian or other adult person having the legal care and custody of the minor. If any such person fails to attend any court hearing with the minor, and unless the interest of justice would otherwise be served, the court may continue the hearing and shall issue a Notice or a Rule to Show Cause to the person directing that said person to appear at the continued hearing with the minor. Failure of the person to thereafter appear shall subject said person to sanctions for contempt of court as determined by the court.

(E) Every member of the Police Department while on duty is hereby authorized to temporarily detain any minor violating the provisions of **Section 27-8-3** of this Code, regardless of whether a citation is issued, and to deliver and surrender the minor to the lawful authorities of the school that the minor would normally attend.

27-8-6 **PENALTY.**

(A) Any person who violates any provision of this Article shall, upon conviction thereof, be fined 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.

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 **12:00 Noon** and sunset. **(Ord. No. 16-07; 09-12-16)**

27-9-4 BURNING PERMITTED.

(A) The use of fire for the preparation of food on a barbeque grill or the use of an open fire on private property or other locations approved for cooking is permitted, provided such fire may only utilize wood or charcoal and be of such size so as not to endanger property in the immediate area.

(B) The use of indoor/outdoor fireplaces or fire pits are permitted, provided such fire shall utilize wood or charcoal and be of such size so as not to endanger the property in the immediate area.

(C) Bonfires used for ceremonial purposes or recreational events by families, schools, and other organizations are permitted, provided such bonfires may only utilize wood and be of such size so as not to endanger the properties in the immediate area.

(See 415 ILCS 5/1 et seq.)

ARTICLE X - HARASSMENT OF PUBLIC OFFICIALS

27-10-1 ACTIVITIES NOT PERMITTED. Any of the activities described below when directed to a person known by the person performing the act to be an official of the Village, or to any person known to be a member of the immediate family of an official of the Village, shall be known as harassment of a public official and is a violation of this Article.

(A) An activity or course of conduct of an annoying, irritating, or harassing nature performed in a repetitious, continuous, or unreasonable manner as a consequence of or in retaliation for any official act or refusal to act by such Village official in any capacity within the scope of his or her responsibility as Village official or directed to such Village official or immediate family member because of such person's status as Village official.

(B) Any attempt to compel any Village official to take any official action or to prevent or deter any Village official in the free exercise of his or her judgment on any matter within the scope of his or her duties as Village official if such attempt consists of threats of violence or retaliation, intimidation, repeated performance of harassing, annoying, or irritating acts directed to such Village official or immediate family member, or other improper means, except peaceful persuasion by the force of logic or ideas.

(C) The doing of any act in such unreasonable manner as to alarm or disturb any Village official or immediate family member and to provoke a breach of peace.

(D) Any activity or course of conduct of an annoying, irritating, or harassing nature performed in a repetitious, continuous, or unreasonable manner toward any person known by the person performing the act to be a Village official or member of the immediate family of a Village official with the intent to harass, annoy, or irritate such Village official.

(E) To make any telephone call to a Village official or immediate family member or personally accost, confront or contact such person or immediate family member which call or contact is designed to harass, annoy, or intimidate. For the purpose of this paragraph, any Village official may by letter or other writing, mailed or personally delivered to a potential offender, notify such potential offender that they wish to receive no further telephone calls, or personal contacts or communications from such potential offender. If any person continues to attempt to contact a Village official or member of his or her immediate family by telephone or other personal contact or communication after receiving written notice to cease doing so, such conduct will automatically be a violation of this Article and proof of intent or design shall be unnecessary.

Reasonable communications with a Village official by written instrument delivered by mail shall not in itself be a violation of this Article. Reasonable communication with a Village official at a public meeting, after being recognized by the Chair of such meeting, shall not in itself be a violation of this Article so long as such communication is in accordance with the rules of order adopted or announced by the entity conducting the meeting.

(F) To disrupt or interfere with the orderly conduct of any meeting of the Village Board of Trustees, any committee of the Board of Trustees, or any public or private meeting consisting of two or more Village officials. It shall be a violation of this Article to address the Board, committee, assembly, or invitees to such meeting unless recognized by the Chair of such meeting, or to fail to cease such address when instructed to do so by the Chair. It shall be a violation of this Article to act in a disorderly manner in any such meeting including without limitation such conduct as cursing or using vulgar language directed to or audible to any persons in attendance, loud, boisterous or unruly behavior, or any activities of a threatening or intimidating nature.

(G) Knowingly interference with any Village official in the performance of any aspect of his or her responsibilities or duties as Village official.

27-10-2 VILLAGE OFFICIALS. For the purpose of this Article only all of the following are Village officials:

Mayor.
All Trustees.
Village Clerk.

Village Treasurer.
Village Superintendent of Maintenance.
All Village police officers.
All paid employees of the Village.

27-10-3 IMMEDIATE FAMILY MEMBERS. For the purpose of this Article only all of the following are members of the immediate family of a Village official:

Spouse of a Village official.
Child or grandchild of a Village official or of his or her spouse.
Mother, father, brother, or sister of a Village official.
Any member of the household of a Village official.

27-10-4 PENALTIES.

(A) Each separate act performed in violation of any paragraph of this Article shall constitute a separate offense and may be prosecuted as a separate offense or in the discretion of the Village may be prosecuted as a single offense consisting of a course of repeated conduct over any period of time. Any act in violation of this Article which consists of a single ongoing violation shall be a separate offense on each day that it continues to exist.

(B) Each person convicted of or pleading guilty to violating this Article shall be fined not less than **Fifty Dollars ($50.00)** nor more than **Five Hundred Dollars ($500.00)** for the first offense committed within any **three hundred sixty-five (365) day** period. If any person is convicted of or pleads guilty to a second violation of this Section which second violation has occurred within **three hundred sixty-five (365) days** of any other violation of this Article, the minimum fine shall be **One Hundred Dollars ($100.00)** and the maximum **Seven Hundred Fifty Dollars ($750.00)**. If any person is convicted of or pleads guilty to **three (3)** or more violations of this Article within any **three hundred sixty-five (365) day** period the minimum fine for the third and all subsequent violations within any **three hundred sixty-five (365) day** period shall be **Three Hundred Dollars ($300.00)** and the maximum **Seven Hundred Fifty Dollars ($750.00)**.

(C) In addition to any fine imposed by this Article, any person convicted of or pleading guilty to any offense under this Article shall pay all Sheriff's fees, filing fees, court costs, witness and subpoena fees, and any and all other expenses of prosecution in addition to any fine imposed.

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"*** mean any live human being aged **ten (10) years** of age or older.

(E) ***"Place Provided or Set Apart for Nudity"*** means enclosed single sex public restrooms, enclosed single sex functional shower, locker and/or dressing room facilities, enclosed motel rooms and hotel rooms designed and intended for sleeping accommodations, doctor's offices, portions of hospitals, and similar places in which nudity or exposure is necessarily and customarily expected outside of the home and sphere of privacy constitutionally protected therein. This term shall not be deemed to include places where a person's conduct of being nude is used for his or her profit or where being nude is used for the promotion of business or is otherwise commercially exploited.

(F) ***"Public Place"*** means any location frequented by the public, or where the public is present or likely to be present, or where a person may reasonably be expected to be observed by members of the public. Public Places include, but are not limited to, streets, sidewalks, parks, beaches, business and commercial establishments (whether for profit or not for profit, whether open to the public at large, or whether entrance is limited by a cover charge or membership requirement), hotels, motels, restaurants, night clubs, country clubs, cabarets, and meeting facilities utilized by any religious, social, fraternal or similar organizations. Premises, or portions thereof, such as homes and hotel rooms, used solely as a private residence, whether permanent or temporary in nature, shall not be deemed to be a public place.

27-11-3 **PROHIBITION.** It shall be unlawful for any person to knowingly or intentionally appear nude in a public place or in any other place that is readily visible to the public, except a place provided or set apart for nudity. It shall also be unlawful for any person or entity maintaining, owning, or operating any public place to operate and to knowingly, or with reason to know, permit or allow any person to appear nude in such public place, except a place provided or set apart for nudity.

27-11-4 **LIMITATION.** This Article shall not be deemed to address photographs, movies, video presentations, or any other non-live performance.

27-11-5 **ADULT ENTERTAINMENT FACILITY.** It shall be unlawful within a municipality to locate an adult entertainment facility within **one thousand (1,000) feet** of the property boundaries of any school, day care center, cemetery, public park, forest preserve, public housing, and place of religious worship.

For the purposes of this Section, "adult entertainment facility" means:

(A) a striptease club or pornographic movie theatre whose business is the commercial sale, dissemination, or distribution of sexually explicit material, shows, or other exhibitions or

(B) an adult bookstore or adult video store in which **twenty-five percent (25%)** or more of its stock-in-trade, books, magazines, and films for sale, exhibition, or viewing on-premises are sexually explicit material. **(See 65 ILCS 5/11-5-1.5)**

ARTICLE XII - SYNTHETIC DRUGS

27-12-1 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 Methylenedioxypyrovalerone, (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 methylenedioxypyrovalerone (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.

27-12-2 SALE, POSSESSION OR DELIVERY OF SYNTHETIC CANNABIS PROHIBITED.

(A) **Definitions.** The following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

(1) **Synthetic Cannabis** includes the brand names K2 and Spice. It is an herbal and chemical product which mimics the effects of Cannabis, including but not limited to synthetic cannabinoids, cannabicyclohexanol, JWH-018, JWH-073 and HU-210.

(2) **Deliver or Delivery.** Actual, constructive or attempted transfer of possession of synthetic cannabis, with or without consideration, whether or not there is an agency relationship.

(3) **Knowledge.** Knows, acts knowingly or with knowledge:

(a) the nature or attendant circumstances of his/her conduct, described by the section defining the offense, when he/she is consciously aware that his/her conduct is of such nature or that such circumstances exist, knowledge of a material fact includes awareness of the substantial probability that such fact exists.

(b) the result of his/her conduct, described by the section defining the offense, when he/she is consciously aware that such result is likely to be caused by his/her conduct.

(c) knowledge may be inferred from the surrounding circumstances.

(4) **Manufacture.** The production, preparation, propagation, compounding, conversion or processing of synthetic cannabis, either directly or indirectly, by extraction from substances of natural origin, or independently by means of chemical synthesis, and includes any packaging or repackaging of synthetic cannabis or labeling of its container, except that this term does not include the preparation, compounding, packaging or labeling of synthetic cannabis as an incident to lawful research, teaching or chemical analysis and not for sale.

(5) **Person.** Any individual, corporation, business trust, estate, trust, partnership or association, or any other entity.

(6) **Possession.** Possession may be either actual or constructive.

(a) actual possession means exercising physical dominion.

(b) constructive possession may be inferred if the defendant has intent and capacity to maintain control and dominion over the cannabis or drug paraphernalia.

(7) **Produce or Production.** Planting, cultivating, tending or harvesting.

(B) **Possession of Synthetic Cannabis Prohibited.**

(1) **Violation.** No person shall possess any substance containing synthetic cannabis.

(2) **Penalty.** Any person who pleads guilty or is found guilty by a court of law shall be punished by a minimum fine of not less than **Two Hundred**

Fifty Dollars ($250.00) and no more than **Seven Hundred Fifty Dollars ($750.00)**.

(3) **Administrative Fee.** In addition, any person who violates any provision of this Section and is convicted, pleads guilty, receives court supervision or probation by a court of law shall be ordered to pay an administrative fee of **One Hundred Dollars ($100.00)** to be paid to the law enforcement agency for testing of the substance(s) collected.

(4) **Forfeiture.** Any items which may be seized or forfeited pursuant to **720 ILCS 550/12**, may be forfeited in the same manner as described therein for a violation of this Section.

(5) **Exception.** Any person who manufactures, distributes, dispenses, or is in possession of any controlled substance or synthetic cannabis for research purposes pursuant to **720 ILCS 550/11**, as hereafter amended, shall be exempt from the provisions of this Section.

ARTICLE XIII – ILLEGAL DRUGS

27-13-1 CANNABIS ILLEGAL.

(A) **Cannabis.** It is unlawful for any person to knowingly possess more than (i) **thirty (30) grams** of cannabis flower, (ii) **five hundred (500) milligrams** of THC contained in cannabis-infused product and (iii) **five (5) grams** of cannabis concentrate.

(B) **Definition.** "Cannabis" includes marijuana, hashish and other substances which are identified as including any parts of the plant Cannabis Sativa, whether growing or not; the seeds thereof, the resin extracted from any part of such plant.

(C) **Penalty.** Any person who is found to have violated this Section shall be punished by a fine of **Two Hundred Fifty Dollars ($250.00)** plus all applicable court costs.

(Ord. No. 20-2; 02-10-20)

27-13-2 DRUG PARAPHERNALIA ILLEGAL.

(A) **Possession of Drug Paraphernalia.** It is unlawful for any person to knowingly possess an item of drug paraphernalia with the intent to use it in ingesting, inhaling, or otherwise introducing cannabis into the human body, or in preparing cannabis for that use.

(B) **Definition.** "Drug paraphernalia" means all equipment, products, and material of any kind, which are intended to be used unlawfully in ingesting, inhaling, or otherwise introducing into the human body, cannabis. Cannabis shall have a meaning ascribed to it in **Section 27-12-1**.

(C) **Penalty.** Any person who is found to have violated this Section shall be punished by a fine of **Five Hundred Dollars ($500.00)** plus all applicable court costs.

(Ord. No. 17-10; 08-14-17)

ARTICLE XIV – REGULATIONS OF RESIDENCES OF REGISTERED SEX OFFENDERS

27-14-1 **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 not limited to, any person required to register under the Illinois Child 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 the following statutory offenses, as now or hereafter amended, involving a victim under the age of **eighteen (18) years**:

(1) Sexual exploitation of a child **(720 ILCS 5/11-9.1)**;
(2) Predatory criminal sexual assault of a child **(720 ILCS 5/12-14.1)**;
(3) Indecent solicitation of a child **(720 ILCS 5/11-6)**;
(4) Public indecency committed on school property **(720 ILCS 5/11-9)**;
(5) Child luring **(720 ILCS 5/10-5(b))**;
(6) Aiding and abetting child abduction **(720 ILCS 5/10-7 or 5/10-(b)(10))**;
(7) Soliciting for a juvenile prostitute **(720 ILCS 5/11-15.1)**;
(8) Patronizing a juvenile prostitute **(720 ILCS 5/11-18.1)**;
(9) Exploitation of a child **(720 ILCS 5/11-19.2)**;
(10) Child pornography **(720 ILCS 5/11-20.1)**;
(11) Criminal sexual assault **(720 ILCS 5/12-13)**;
(12) Aggravated criminal sexual assault **(720 ILCS 5/12-14)**;
(13) Aggravated criminal sexual abuse **(720 ILCS 5/12-16)**;
(14) Kidnapping or aggravated kidnapping **(720 ILCS 5/10-1 or 5/10-2)**;
(15) Unlawful restraint or aggravated unlawful restraint **(720 ILCS 5/10-3 or 5/10-3.1)**.

(B) **"School"** means any real property used primarily for educational or childcare purposes, including, but not limited to, elementary schools, middle schools, high schools, dance studios, licensed child day care facilities, and preschools.

(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.

27-14-2 **PROHIBITED ACTS.**

(A) It is unlawful for a child sex offender to reside within **two thousand five hundred (2,500) 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 vehicle, 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, trusts, 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.

27-14-3 PENALTY. Any person found guilty of violating paragraphs (A) or (B) of **Section 27-14-2** 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 of constituting a separate offense. Any person, corporation, business, partnership, trust, manager, or other entity guilty of violating paragraphs (C) or (D) of **Section 27-14-2** 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 27-14-2** 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 of 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.

27-14-4 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 distance designated in the 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 and prevent such new residential lease agreements, and renewals of expired residential leases, entered into after the effective date of this Article.

(Ord. No. 18-6; 10-08-18)

ARTICLE XV – CANNABIS BUSINESS ESTABLISHMENTS PROHIBITED

27-15-1 DEFINITIONS. The following words and phrases shall, for the purposes of this Section have the meanings respectively ascribed to them by this Section, as follows:

(A) **Adult-Use Cannabis Business Establishment.** A cultivation center, craft grower, processing organization, infuser organization, dispensing organization or transporting organization.

(B) **Adult-Use Cannabis Craft Grower.** A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time to time, and regulations promulgated thereunder.

(C) **Adult-Use Cannabis Cultivation Center.** A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time to time, and regulations promulgated thereunder.

(D) **Adult-Use Cannabis Dispensing Organization.** A facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time to time, and regulations promulgated thereunder.

(E) **Adult-Use Cannabis Infuser Organization or Infuser.** A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time to time, and regulations promulgated thereunder.

(F) **Adult-Use Cannabis Processing Organization or Processor.** A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time to time, and regulations promulgated thereunder.

(G) **Adult-Use Cannabis Transporting Organization or Transporter.** An organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time to time, and regulations promulgated thereunder.

(H) **Person.** Any person, firm, corporation, association, club, society or other organization, including any owner, manager, proprietor, employee, volunteer or agent.

27-15-2 CANNABIS BUSINESS ESTABLISHMENT PROHIBITED. The following Adult-Use Cannabis Business Establishments are prohibited in the Village. No person shall locate, operate, own, suffer, allow to be operated or aide, abet or assist in the operation within the Village of any of the following:

(A) Adult-Use Cannabis Craft Grower
(B) Adult-Use Cannabis Cultivation Center
(C) Adult-Use Cannabis Dispensing Organization
(D) Adult-Use Cannabis Infuser Organization or Infuser
(E) Adult-Use Cannabis Processing Organization or Processor
(F) Adult-Use Cannabis Transporting Organization or Transporter

27-15-3 PUBLIC NUISANCE DECLARED. Operation of any prohibited Cannabis Business Establishment within the Village in violation of the provisions of this Section is hereby declared a public nuisance and shall be abated pursuant to all available remedies.

(See Section 1-1-20 for Penalties)

(Ord. No. 20-8; 05-11-20)

ARTICLE XVI – SKATEBOARDS AND TOY VEHICLES

27-16-1 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.

27-16-2 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.

27-16-3 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.

27-16-4 YIELD RIGHT-OF-WAY. Any person operating a skateboard or other toy vehicle must yield right of way to any pedestrian or motor vehicle.

27-16-5 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.

27-16-6 SKATEBOARDING ON PUBLIC PROPERTY. No person shall operate a skateboard or toy vehicle in, upon, or on the grounds of any public property.

27-16-7 SKATEBOARDING IN THE BUSINESS DISTRICT. No person shall operate a skateboard or toy vehicle within the Village's business district.

27-16-8 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.

27-16-9 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.

27-16-10 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 XVII - OBSCENITY

27-17-1 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)**

27-17-2 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)**

27-17-3 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 XVIII – SMOKE FREE AIR CODE

27-18-1 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.

27-18-2 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.

27-18-3 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.

27-18-4 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.

27-18-5 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.

27-18-6 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.

27-18-7 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.

27-18-8 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.

27-18-9 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.

27-18-10 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.

27-18-11 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 round, 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.

27-18-12 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.

27-18-13 PENALTIES.

(A) Any person who smokes in an area where smoking is prohibited under the provisions of this Article shall be guilty of an offense punishable by:

(1) A fine of not less than **Twenty-Five Dollars ($25.00)** for a first violation.

(2) A fine of not less than **Fifty Dollars ($50.00)** for a second violation.

(3) A fine of not less than **One Hundred Dollars ($100.00)** and not more than **Five Hundred Dollars ($500.00)** for a third and subsequent violation(s).

(B) Any person who owns, manages, operates or otherwise controls a public place, a place of employment or an open air dining area that permits smoking in an area where smoking is prohibited under the provisions of this Article, shall be guilty of an offense punishable by a fine of (i) not less than **One Hundred Dollars ($100.00)** for the first violation, (ii) not less than **Two Hundred Fifty Dollars ($250.00)** for the second violations, and (iii) not less than **Five Hundred Dollars ($500.00)** for each additional violation thereafter, unless said additional violation has occurred within **one (1) year** after the first violation, in which case the minimum fine shall be not less than **One Thousand Dollars ($1,000.00)**. The maximum amount of fine to be levied herein shall not exceed **Two Thousand Five Hundred Dollars ($2,500.00)** for each violation.

(C) Each day that any violation of this Article shall continue shall constitute a separate offense.

CHAPTER 28 - PARKS

ARTICLE		***TITLE***	***PAGE***
I	***GENERALLY***		
	Section 28-1-1 -	*Park Rules and Regulations*	*28-1*

CHAPTER 28

PARKS

ARTICLE I – GENERALLY

28-1-1 **PARK RULES AND REGULATIONS.** The following rules and regulations are hereby adopted for persons in and using any Village park.

(A) The parks are closed to the public from **10:00 P.M.** until **7:00 A.M.**, Monday through Thursday, and from **11:00 P.M.** until **7:00 A.M.** Friday, Saturday and Sunday.

(B) Tennis court lights will be turned off **thirty (30) minutes** before park closing and permanently off with the time change for winter.

(C) No bicycles, tricycles, skateboards, motorcycles, or other wheeled vehicles are permitted on the tennis courts or pavilions at any time.

(D) No truck, automobiles, motorcycles, or other motor vehicles are permitted on the grass, tennis courts, pavilions, shelters, or in any other area except paved roadways or designated parking areas.

(E) No person shall bring trash, refuse, garbage, or litter to the Village parks for disposal. Trash, refuse, garbage, or litter generated in the Village parks as a result of picnics or other authorized use of the park will be deposited only in approved trash containers provided or shall be removed from the park by the person generating same.

(F) No person shall damage, deface, injure, or destroy any of the buildings, fixtures, fences, trees, lawn, or any other part of the park premises or property.

(G) No horses, ponies, or other livestock are permitted in the parks at any time.

(H) All persons using the parks shall do so in a safe, orderly, and reasonably quiet manner and shall refrain from all conduct which would tend to endanger persons or property or provoke a breach of peace.

(I) Reserving of the parks will begin **January 1** each year on a first come, first serve basis.

(J) The Village park pavilion (located along Louis Street) is available to residents at no charge. Non-residents will be charged **Fifty Dollars ($50.00)** for use of the Village Park pavilion. The Village reserves the right to charge for any damage that occurs while using the pavilion.

(K) The BCDC park pavilion is available to residents and non-residents for **Fifty Dollars ($50.00)**. A **Two Hundred Dollar ($200.00)** deposit is required for use of kitchen. The Village reserves the right to charge for any damage that occurs while using the pavilion. If a resident wishes to utilize the roll down doors, a deposit will be required. Doors will be inspected before and after use, by Village personnel. Damages must be paid in full.

(L) A fee to be determined by Village for non-residents is required for use of ball field lights with Village approval.

(M) Fishing limits in lake area as posted on signs by lake. Swimming in lake is prohibited.

(N) Any person violating any portion of this Article shall be subject to a fine of not less than **Seventy-Five Dollars ($75.00)** and not more than **Seven Hundred Fifty Dollars ($750.00)**.

CHAPTER 30 – PUBLIC SAFETY

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CHAPTER 30

PUBLIC SAFETY

ARTICLE I – LOCAL STATE OF EMERGENCY

30-1-1 DEFINITIONS. The following words, terms and phrases, when used in this Section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

(A) **Emergency.**

(1) A riot or unlawful assembly characterized by the use of actual force or violence or any threat to use force if accompanied by immediate power to execute by **three (3)** or more persons acting together without authority of law; or

(2) Any natural disaster, epidemic, or man-made calamity, including outbreak of disease, flood, conflagration, cyclone, tornado, earthquake or explosion, or eminent threat of any of those events within the corporate limits of the Village, resulting in or threatening the death or injury of persons or the destruction of property to such an extent that extraordinary measures must be taken to protect the public health, safety and welfare.

(B) **Curfew.** A prohibition against any person walking, running, loitering, standing or motoring upon any alley, street, highway, public property or vacant premises within the corporate limits of the Village except officials of any governmental unit and persons officially designated to duty with reference to the civil emergency.

30-1-2 DECLARATION. Whenever an emergency, as defined in **Section 30-1-1(A)** exists, the Mayor is authorized to declare the existence of a Local State of Emergency by means of a written *declaration* of the Mayor, under oath, setting forth the facts which constitute the emergency, describing the nature of the emergency and declaring that a Local State of Emergency exists in accordance with the definitions set forth in this Section. This declaration must be filed with the Village Clerk as soon as practicable after issuance.

30-1-3 CURFEW AUTHORIZED. After proclamation of a Local State of Emergency by the Mayor he or she may order a general curfew applicable to such geographical areas of the Village or to the Village as a whole, as he or she deems reasonable and advisable, and applicable during such hours of the day or night as he or she deems necessary in the interest of the public safety and welfare.

30-1-4 ORDERS AUTHORIZED. After the proclamation of a Local State of Emergency, the Mayor may also, in the interest of public safety and welfare, and to address this issue caused threatened by the emergency, may take any or all of the following actions by executive order during the state of emergency.

(A) All actions reasonably necessary to respond to the emergency;

(B) Approve previously appropriated expenditures of the Village for the purpose of continuing the operations of the Village; and

(C) In the event the Local State of Emergency extends beyond the current fiscal year and a new budget has not been approved, the Mayor shall be authorized to approve new spending by the Village during the existence of the Local State of Emergency.

(D) Order the closing of all retail liquor stores, including taverns and private clubs or portions thereof wherein the consumption of intoxicating liquor and beer is permitted.

(E) Order the discontinuance of the sale of alcoholic liquor by any wholesaler or retailer.

(F) Order the discontinuance of selling, distributing or giving away of gasoline or other liquid flammable or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle.

(G) Order the discontinuance of selling, distributing, dispensing or giving away of any firearms or ammunition of any character whatsoever.

30-1-5 DURATION. The declaration herein authorized shall be effective for a period of **fourteen (14) days** or until the adjournment of the next regular or special meetings of the Village Board, whichever comes first, unless sooner terminated by a proclamation of the Mayor, or, his or her interim emergency successor, indicating that the civil emergency no longer exists. The Mayor or his or her interim emergency successor, shall have the power to reproclaim the existence of an emergency at the end of each **fourteen (14) day** period during the time said emergency exists.

30-1-6 NOTICE. Upon issuing the proclamation herein authorized, the Village Clerk shall notify the news media situated within the Village, and shall cause **four (4) copies** of the proclamation *declaring* the existence of the emergency and any curfew to be posted at the following places within the Village:

(A) The Village Hall.
(B) The Police Station.
(C) The Post Office.
(D) In the area of any curfew.

30-1-7 VIOLATIONS. Any person violating the provisions of this Section or executive orders issued pursuant hereto shall be guilty of an offense against the Village and shall be punished as provided by **Section 1-1-20** of the Village Code.

30-1-8 EFFECT ON OTHER ORDINANCES. Nothing contained in this Section shall be construed to impair the powers contained in this Code, giving powers to the Police and Fire Departments, but shall be construed together with existing ordinances now in effect for the safety and welfare of the citizens of the Village.

(65 ILCS 5/11-1-6)

(20 ILCS 3305/11)

ARTICLE II - POLICE DEPARTMENT

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 **POSITION OF CHIEF.** 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 AUXILIARY POLICE OFFICER. This Section is in accordance with the Statement of Policy for Auxiliary Police Officers issued by the Illinois Law Enforcement Training and Standards Board October 11, 2006 and thus in accordance with Public Act 94-984.

(A) **Appointment.** Unless otherwise provided, all Auxiliary Police Officers shall be appointed by the Mayor, by and with the advice and consent of the Village Board. In such numbers as they from time to time deem necessary.

(B) **Status.** Auxiliary Police Officers shall not be conservators of the peace and shall only carry firearms while on duty, with the permission of the Chief of Police, and only after completing the state certified 40-Hour Mandatory Firearms Training Course as provided under **50 ILCS 710/2**. Auxiliary Police Officers shall not be considered to be members of the regular police department and shall not supplement members of the regular police department of the Village in the performance of their assigned and normal duties except as otherwise provided herein.

(C) **Identification Symbol.** Identification symbols worn by the auxiliary police officers shall be different and distinct from those used by the regular police department.

(D) **Supervision.** Auxiliary Police Officers shall, at all times during the performance of their duties, be subject to the direction and control of the Chief of Police.

(E) **Powers and Duties.** Auxiliary Police Officers shall only be assigned to perform the following duties in the Village.

(1) To aid or direct traffic within the Village, and Wade Township,
(2) To aid in control of natural or man-made disasters,
(3) To aid in case of civil disorder as directed by the Chief of Police, and
(4) Acting under the Chief of Police's authority assist in other clerical and patrol duties as directed.

When it is impractical for members of the regular police department to perform those normal and regular police duties, however, the Chief of Police of the regular police department may assign auxiliary police officers to perform those normal and regular police duties.

(F) **Hiring Standards.** No person shall be hired as an auxiliary police officer who has not been fingerprinted, subject to the background check, and found to have never been convicted of a felony or other crime involving moral turpitude. No person may be hired as an auxiliary officer if he or she resides outside the corporate limits of the Village.

(Ord. No. 13-01; 04-08-13)

30-2-20 PART-TIME POLICE. This Section is in accordance with the Statement of Policy for Part-time Office issued by the Illinois Law Enforcement Training and Standards Board.

(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. 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 ILETSB.

(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 mentally able to perform assigned duties.
(2) Be at least **twenty-one (21) years** of age.
(3) Pass a medical examination.
(4) Possess a high school diploma or GED certificate.
(5) Possess a valid State of Illinois driver's license.

(6) Possess no prior felony convictions.

(7) 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. **(Ord. No. 15-1; 01-08-15)**

30-2-21 RESERVED.

(See 65 ILCS 5/11-1-2)

DIVISION II – USE OF FORCE POLICY

30-2-22 PURPOSE. The purpose of this General Order is to provide law enforcement officers of this Department with guidelines for a deadly or non-deadly response to an act of aggressive behavior and/or resistance in order to bring an incident under control.

30-2-23 GENERAL. Officers of this Department will only use a response that reasonably appears necessary to effectively bring an incident under control, while protecting the lives of the officer(s) and others. The response must be objectively reasonable. The officer must only use a response which a reasonably prudent officer would use under the same or similar circumstances. The response should terminate once the incident is under control.

30-2-24 DEADLY RESPONSE TO AGGRESSIVE BEHAVIOR AND/OR RESISTANCE. Officers empowered by statutory law may use a deadly response to aggressive behavior and/or resistance when in the considered opinion of the officer there is a danger of loss of life or great bodily harm to the officer or to another person.

30-2-25 DEFINITIONS.

(A) **Deadly Response.** Deadly response is any response that is reasonably likely to cause death.

(B) **Non-Deadly Response.** Non-deadly response is any response other than that which is considered a deadly response. This includes any physical effort used to control or restrain an aggressive other and/or overcome the resistance of another.

(C) **Objectively Reasonable.** Objectively reasonable means that, in determining the necessity for the response and the level of the response, officer shall evaluate each situation in light of the known circumstances, including, but not limited to, the seriousness of the crime/incident, the level of threat, aggressive behavior and/or resistance presented by the subject, and the danger to the community.

30-2-26 PROCEDURES.

(A) **Deadly Response.** Officers are authorized to use a deadly response to:

(1) Protect the officer or others from what is reasonably believed to be a threat of death or great bodily harm; and/or

(2) To prevent the escape of a fleeing violent felon who the officer has probable cause to believe will pose a significant threat of death or great bodily harm to the officer or others.

NOTE: For firearms and the use of firearms guidelines, see **Section 30-2-30**, Firearms, of this Chapter.

(B) **Non-Deadly Response.** When a deadly response is not authorized, officers may use techniques and/or Department approved equipment, with a level of response that is objectively reasonable to:

(1) Protect the officer and others from physical harm;

(2) Restrain or subdue a resistant and/or aggressive individual; and/or

(3) Bring an unlawful situation safety and effectively under control.

(C) The following are considered authorized non-deadly weapons.

(1) Police baton, collapsible baton, a sap, or a blackjack.

(2) a flashlight

NOTE: In the event it becomes necessary to use a flashlight as a defensive weapon, officers will use it in the same manner as a baton.

NOTE: In the use of the above authorized non-deadly weapons, suspects should not be struck in the head or neck area unless a deadly response has been justified.

(3) Oleoresin Capsicum (OC) Spray. In use of OC Spray, officers must successfully complete a training course approved by the Chief of Police in the use of OC Spray prior to carrying or deploying the agent. The course must include guidelines for proper cleanup/treatment of persons exposed, including bystanders, officers, and suspects.

(D) **Reports for Responses to Aggressive Behavior and/or Resistance.**

(1) A written report prepared according to Department procedures will be required in the following situations:

(a) when a firearm is discharged outside the firing range;

(b) when a response to aggressive behavior and/or resistance results in death or injury; or

(c) when a non-lethal weapon is used in a response against an aggressive and/or resisting person to affect an arrest.

(d) a pepper ball launcher/gun may be utilized in lieu of or in conjunction with OC spray in addition to impact or conducted electrical weapons, providing they are compatible.

NOTE: The use of handcuffs will be excluded from this report requirement.

(2) A response report will outline the circumstances surrounding the response; the specific degree, amount and type of response employed; and the results of the response, including who, what, when, where, why and how.

(3) The Chief of Police will be notified as soon as practical, and will comply with investigative procedures as required by the Department in the following situations:

(a) when a firearm is discharged outside the firing range; (exception: not necessary when euthanizing an injured animal, unless damage to property or a bystander occurs).

(b) when a response results in death or injury; or

(c) when a subject complains that an injury has been inflicted.

(E) **Department Procedures for Deadly Response or Other Types of Incidents.**

(1) **Deadly Response Incidents.**

(a) An officer shall be placed on administrative leave when his/her response to an incident causes death or he/she shoots another person with a firearm.

(b) At the officer's request or if the Department believes it is necessary, arrangements will be made with a mental health professional for counseling purposes to help the officer cope with the stress and reactions to the deadly response incident.

(c) The officer will be allowed to return to duly only after all investigative requirements are complete and/or if counseling was conducted, a mental health professional determines the officer is ready to return to duty.

(d) The Department will conduct both administrative and criminal investigations in any incident involving the use of a deadly response. This Department, if it feels necessary, may use an outside Department to conduct the criminal and/or forensic investigation of the deadly response incident.

(e) The officer will complete a urinalysis or other means of drug screen as soon as practical.

(2) **Administrative Review of Response Incidents.**

(a) All reported response incidents will be reviewed by the Chief of Police to determine whether any Department rules, general orders, or procedures were violated and whether the relevant procedure(s) was/were understandable and effective to cover the situation.

(b) All findings of the investigation will be reported to the Chief of Police for resolution and/or discipline.

(c) All response incident reports shall be retained indefinitely.

30-2-27 RESERVED.

(Ord. No. 22-03; 01-10-22)

DIVISION III – USE OF DEADLY FORCE WITH FIREARMS

30-2-28 PURPOSE. The purpose of this General Order is to provide a single source of reference for all officers of this Department as to the authorization, discharge, and carrying of firearms; and to define the procedures and responsibilities of those concerned after a firearm has been discharged.

30-2-29 DEADLY RESPONSE TO AGGRESSIVE BEHAVIOR AND/OR RESISTANCE. Officers empowered by statutory law may use a deadly response to aggressive behavior and/or resistance when in the considered opinion of the officer there is a danger of loss of life or great bodily harm to the officer or to another person.

30-2-30 FIREARMS.

(A) Only firearms approved prior to their use may be carried by officers while on or off duty. All firearms will be approved by the Chief of Police and the Department firearms instructor(s). Firearms may be department issued or individually owned by an officer.

(B) Rifles, shotguns, pistols, and revolvers whether individually owned, or department issued, may be utilized on or off duty providing the officer has qualified with that specific weapon.

Off-duty carry is recommended for the purpose of responding to or dealing with a catastrophic event, in addition to defense of oneself or another, when faced with great bodily harm, kidnapping, rape or any other situation where lethal force is authorized. Off-duty carry is not required. It is also highly recommended for the carry of a less lethal option such as OC spray or small baton, in addition to handcuffs. The reason for this is to help bridge the gap on the force continuum scale between officer presence and lethal force. The officer must have their department issued identification on their person.

Department approved firearms are limited to the following:

(1) On duty semi-auto pistols shall be:
   (a) An approved name brand;
   (b) In caliber 9mm, .40 S&@, or .45 ACP;
   (c) Must have a loaded capacity of at least 6 rounds.

(2) On duty revolvers shall be:
   (a) An approved name brand;
   (b) In caliber, either .38 special, or .357 magnum;
   (c) Barrel length will be 2 to 6 inches.

(3) Off duty/backup, semi-auto pistols shall be:
   (a) An approved name brand;
   (b) In caliber, either .32 auto, .380 auto, .22 magnum, .40 S&W, or .45 ACP.

(4) Off duty/backup revolvers shall be:
   (a) An approved name brand;
   (b) In caliber, either .38 special (or 38+p), .357 magnum, or .22 magnum.

(5) Shotguns may be 12-gauge pump or semi auto.
   (a) Acceptable ammunition for lethal purposes shall be #1 buckshot, #4 buckshot, 00 buckshot, 000 buckshot, or slug;
   (b) Shell length shall be between 1 ¾" and 3 ½" in length.

(6) Rifle/carbine calibers will be in either .223/5.56, .308 Winchester or 7.62x51, 9mm, or .40 S&W, .22 short, long, or long rifle is acceptable for the dispatch of an injured or sick animal if the officer feels that it is a safer application for the surrounding area.

(7) A backup handgun may be carried.

(8) Carrying a firearm off duty is authorized and recommended providing the officer has their department issued identification on their person.

(9) It is encouraged but not mandatory that an article of clothing that would plainly identify the officer as POLICE, to be kept in the officer's vehicle should the need arise to respond to the Village or other location for a catastrophic event, it could quickly be worn.

(10) All ammunition is subject to approval by the Chief of Police prior to carry.

(11) **Bean Bag Ammunition Load/Shotgun Procedures.** Because of the specialized nature of Bean Bag ammunition loads and the training necessary to properly deploy them, their use shall be restricted to trained personnel from the Department.
   (a) Justification for Use. Bean Bag ammunitions may be considered for use whenever time is available to properly plan for and execute a tactical mission in order to reduce the risk to officers, innocent citizens, and/or suspects.

(b) Situations that may call for the use of less lethal impact ammunitions. Since it is impractical to list all possible scenarios in which less lethal ammunitions can be useful, here are a few:

(i) violent subject who is armed with a non-lethal weapon,

(ii) civil disturbance, or

(iii) armed suicidal person who may force police officer(s) into shooting him in order to achieve suicide.

(c) **Precautions.**

(i) Safety is paramount for both police officer(s) and innocent citizens;

(ii) generally, pending circumstances, Bean Bag ammunition loads should not be used by an individual police officer without cover police officers or a tactical plan; unless it involves a violent subject with a non-lethal weapon.

(iii) only factory loaded Bean Bag ammunition loads should be used during actual operations;

(iv) Bean Bag ammunition rounds

(v) less lethal impact Bean Bag ammunition loads should not be used when the suspect is in danger of falling from a significant height;

(vi) each Bean Bag ammunition load will be inspected prior to being loaded into the weapon; and

(vii) special consideration should be given when information indicates that the suspect has preexisting physical or medical conditions which could exacerbate the effects of the Bean Bag ammunition loads.

(d) **Medical Treatment.**

(i) Once an individual has been struck with one or more Bean Bag ammunition load rounds, they should be examined by on scene paramedics.

(ii) In critical cases, it may be necessary to transport to the nearest medical facility.

(iii) Each impact area on the suspect's body should be photographed to document the existence or lack of visible injury and the police officer will complete a Response to Aggressive Behavior and/or Resistance Report to be included in his/her Records Management System (RMS) report.

30-2-31 DE-ESCALATION.

(A) When circumstances reasonably permit, officers should use non-violent strategies and techniques to decrease the intensity of a situation, improve decision-making, improve communication, reduce the need for force, and increase voluntary compliance (e.g., summoning additional resources, formulating a plan, attempting verbal persuasion).

(B) Any officer present and observing another law enforcement officer or a member using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force.

Any officer who observes another law enforcement officer or a member use force that is potentially beyond that which is objectively reasonable under the circumstances should report these observations to a supervisor as soon as feasible.

30-2-32 FACTORS TO DETERMINE THE REASONABLENESS OF FORCE. When determining whether to apply force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include but are not limited to:

(A) Immediacy and severity of the threat to officers or others.

(B) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.

(C) Officer/subject factors (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).

(D) The effects of suspected drug or alcohol use.

(E) The individual's mental state or capacity.

(F) The individual's ability to understand and comply with officer commands.

(G) Proximity of weapons or dangerous improvised devices.

(H) The degree to which the individual has been effectively restrained and his/her ability to resist despite being restrained.

(I) The availability of other reasonable and feasible options and their possible effectiveness.

(J) Seriousness of the suspected offense or reason for contact with the individual.

(K) Training and experience of the officer.

(L) Potential for injury to officers, suspects, and others.

(M) Whether the individual appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.

(N) The risk and reasonably foreseeable consequences of escape.

(O) The apparent need for immediate control of the individual or a prompt resolution of the situation.

(P) Whether the conduct of the individual being confronted no longer reasonably appears to post an imminent threat to the officer or others.

(Q) Prior contacts with the individual or awareness of any propensity for violence.

(R) Any other exigent circumstances.

30-2-33 PAIN COMPLIANCE TECHNIQUE. Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Officers may only apply those pain compliance techniques for which they have successfully completed agency-approved training. Officers utilizing any pain compliance technique should consider:

(A) The degree to which the application of the technique may be controlled given the level of resistance.

(B) Whether the individual can comply with the direction or orders of the officer.

(C) Whether the individual has been given sufficient opportunity to comply.

(D) The restriction of the Carotid Artery or any airway is prohibited unless deadly force is authorized.

The application of any pain compliance technique shall be discontinued once the officer determines that compliance has been achieved.

30-2-34 TRAINING. Training will be in compliance with Illinois training standards.

30-2-35 CHIEF OF POLICE RESPONSIBILITY. The Chief of Police shall review each use of force by any personnel within his/her command to ensure compliance with this policy and to address any training issues.

30-2-36 RESERVED.

(Ord. No. 22-03; 01-10-22)

DIVISION IV – BODY-WORN CAMERA POLICY

30-2-37 OPERATIONS.

(A) If an officer decides to wear a body-worn camera it must be turned on at all times when the officer is:

(1) On duty,

(2) Visibly wearing:

(a) Any officially authorized uniform designated by a law enforcement agency, or,

(b) Articles of clothing, a badge, tactical gear, gun belt, a patch, or other insignia that he or she is a law enforcement officer acting in the course of his/her duties.

(3) And is:

(a) Responding to calls for service, or

(b) Engaged in any law enforcement-related encounter or activity:

(i) This includes, but is not limited to, traffic stop, pedestrian stops, arrests, searches, interrogations, investigations, pursuits, crowd control, traffic control, non-community caretaking interactions with an individual while on patrol, or any other instance in which the officer is enforcing the laws of the Village or acting as a backup officer to another agency.

(ii) This does not include when the officer is completing paperwork alone or only in the presence of another law enforcement officer.

(B) Officer(s) must provide notice of recording, verbal or otherwise, to any person if the person has a reasonable expectation of privacy and proof of notice must be evident in the recording. If exigent circumstances exist which prevents the officer from providing notice, notice must provide as soon as practical.

(C) If exigent circumstances exist which prevent the camera from being turned on, the camera must be turned on as soon as possible.

(D) Since the Police Department has only one camera and the camera is a point and view camera, the body-worn camera may be used inside the patrol car. The camera can be used to establish probable cause or reasonable suspicion for a traffic stop or an investigative stop.

(E) Cameras must be turned off when:

(1) the victim of a crime request that the camera be turned off, and unless impractical or impossible, that request is made on the recording.

(2) a witness of a crime or a community member who wishes to report a crime requests the camera be turned off, and unless impractical or impossible that request is made on the recording; or

(3) the officer is interacting with a confidential informant used by the law enforcement agency.

(F) An officer may continue to record or resume recording a victim or a witness, if exigent circumstances exist, or if the officer has reasonable articulable suspicion that a victim or witness, or confidential informant has committed or is in the process of committing a crime. Under these circumstances, and unless impractical or impossible, the officer must indicate on the recording the reason for continuing to record despite the request of the victim or witness.

(G) Camera may be turned off when the officer is engaged in community caretaking functions. This applies to any task undertaken by a law enforcement officer in which the officer is performing an articulable act unrelated to the investigation of a crime. "Community caretaking function" includes, but is not limited to, participating in town halls, village board meetings, or other community outreach, helping a child find his or her parents, providing death notifications, and performing in-home or hospital well-being checks on the sick, elderly, or person presumed missing. However, the camera must be turned on when the officer has reason to believe that the person whose behalf the officer is

performing a community caretaking function has committed or is in the process of committing a crime. If exigent circumstances exist which prevent the camera from being turned on, it must be turned on as soon as practicable. The camera should be used to document a death scene.

30-2-38 **REVIEW.** Each officer is responsible for burning to disk, any incident, which requires a report to be made. This disk must be labeled with the incident/case number, name and DSN number of the officer(s) involved in the incident/case. Officers must watch the entire disk to ensure the incident was captured in its entirety. A case folder should be made and contain the report along with the aforementioned burned disk of the incident/case.

30-2-39 **RETENTION.** Recordings made on officer-worn cameras must be retained by the Police Department, on a DVD for a period of **ninety (90) days**. Under no circumstances shall any recording made with an officer-worn body camera be altered, erased, or destroyed prior to the expiration of the **ninety (90) day** storage period.

30-2-40 **ALTERED, ERASED OR DESTROYED DATA.** If any data is altered, erased, or destroyed prior to the expiration of **ninety (90) day** storage period, the Chief of Police must complete an accidental deletion report indicating the name of the individuals involved, the dates of the recording, review and/or deletion, the reason for the deletion, and any corrective actions taken as a result. This report must be reviewed and verified by the Chief of Police. An annual report must be made to the Law Enforcement Training and Standards Board by the Chief of Police.

30-2-41 **STATUTE OF LIMITATIONS.** Because the statutes of limitations both criminal and civil along with the amount of time allowed to file formal charges, the **ninety (90) day** window is a guideline. No recording will be destroyed prior to **ninety (90) days**. The Chief of Police will determine what if any recording will be destroyed after **ninety (90) days**, unless a court order has been issued ordering the Police Department to destroy a recording.

Reasons for the Police Chief to retain recordings past **ninety (90) days**:

(A) A formal or informal complaint has been filed or expected to be filed;

(B) The officer discharged his/her firearm or used force during the encounter;

(C) Death or great bodily harm occurred to any person in the recording;

(D) The encounter resulted in a detention or an arrest, excluding traffic stops which resulted in only a minor traffic offense or business offense;

(E) The officer is the subject of an internal investigation or otherwise being investigated of possible misconduct;

(F) The Mayor, Police/Fire Trustee, Chief of Police, prosecutor, defendant, or court determines that the encounter has evidentiary value in a criminal prosecution; or

(G) The recording officer request that the video be flagged for official purposes related to his or her official duties.

(H) If the Chief of Police feels the recording may have some future evidentiary value or liability use.

30-2-42 **DESTRUCTION OF RECORDINGS.** Under no circumstances shall any recording made with an officer-worn body camera involving an incident, case, or encounter be altered or destroyed prior to **two (2) years** after the recording was memorialized in DVD. If the incident, case, or encounter was used in a criminal, civil, or administrative proceeding, the recording shall not be destroyed except upon a final disposition and order from the court.

The recording may be used for training purposes, only if all persons involved in the recording agrees to allow the recording be used as a training tool.

30-2-43 PURPOSE.

(A) Recording shall not be used to discipline law enforcement officers unless:

(1) a formal or informal complaint of misconduct has been made;

(2) a use of force incident has occurred;

(3) the encounter on the recording could result in a formal investigation under the Uniform Peace Officers' Disciplinary Act; or

(4) as corroboration of other evidence of misconduct.

(B) Nothing in this Section shall be construed to limit or prohibit a law enforcement officer from being subject to an action that does not amount to discipline. Example: to comment the officer for actions for above and beyond the call of duty.

30-2-44 CARE AND MAINTENANCE. All officers are responsible for the proper maintenance and care of the Police Department's only camera. Upon becoming aware, officers must leave a note for the Chief of Police accurately describing what problems they have encountered when using the body-worn camera. The Chief of Police will make every reasonable effort to correct or get the camera repaired.

30-2-45 PUBLIC RECORDING.

(A) No officer may hinder or prohibit any person who is not a law enforcement officer, from recording a law enforcement officer in the performance of his or her duties in a public place or when the officer has no expectation of privacy. The person who is publicly recording an incident is not immune from arrest simply because he or she is recording an incident, if probable cause exists for that person(s) arrest.

(B) Any officer who cannot articulate good reason to seize a citizen's recording device could be subject to departmental discipline and/or prosecution.

(C) However, an officer may take reasonable action to maintain safety and control, secure crime scenes and accident sites, protect the integrity of confidentiality of investigations, and protect the public safety and order. A search warrant should be applied for as soon as possible after seizing a citizen recording device.

30-2-46 REPORTING.

(A) A report shall be made to the Illinois Law Enforcement Training and Standards Board by **May 1** of the year.

(B) The report shall include:

(1) a brief overview of the makeup of the agency, including the number of officers utilizing officer-worn body camera.

(2) the number of officer-worn body cameras utilized by law enforcement agency;

(3) any technical issues with the equipment and how those issues were remedied;

(4) a brief description of the review process used by supervisors within the law enforcement agency;

(5) any other information relevant to the administration of the program.

(Ord. No. 18-7; 10-08-18)

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 Village will be prepared to and will adequately deal with any such disasters, preserve the lives and property of the people of this Village 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 management agency;

(2) To confer upon the Mayor the extraordinary power and authority set forth under Article I of this Chapter **(65 ILCS Sec. 5/11-1-6)**.

(3) To provide for the rendering of mutual aid to other cities and political subdivisions with respect to the carrying out of emergency 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 Village 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 Village that all emergency management programs of this Village 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) **Coordinator** means the staff assistant to the Mayor with the duty of carrying out the requirements of this Code.

(B) **Disaster** means an occurrence or threat of widespread or severe damage, injury or loss of life or property resulting from any natural or man-made cause, including but not limited to fire, flood, earthquake, wind, storm, hazardous materials spill or other water contamination requiring emergency action to avert danger or damage, epidemic, air contamination, blight, extended periods of severe and inclement weather, drought, infestation, explosion, critical shortages of essential fuels and energy, riot, or hostile military or paramilitary action.

(C) **Emergency Management** means the efforts of this Village to develop, plan, analyze, conduct, implement and maintain programs for disaster mitigation.

(D) **Emergency Operations Plan** means the written plan of the Village 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 coordinator of the emergency management agency, herein called the "coordinator", who shall be the head thereof. The coordinator shall be appointed by the Mayor with the advice and consent of the Board. He shall serve at the pleasure of the Mayor.

(B) The Emergency Management Agency shall obtain, with Board approval, such technical, clerical, stenographic and other administrative personnel, and may make such expenditures within their appropriation therefor as may be necessary to carry out the purpose of this Code.

(C) The coordinator, subject to the direction and control of the Mayor, shall be the executive head of the Municipal Emergency Management Agency, and shall be responsible under the direction of the Mayor for carrying out the program for emergency management operations of this Village. He shall coordinate the activities of all organizations for emergency management operations within this Village and shall maintain liaison, and cooperate with, the civil defense and emergency management agencies and organization of the county, other counties and municipalities, and of the federal and state government.

In the event of the absence, resignation, death, or inability to serve by the coordinator, the Mayor or any persons designated by him, shall be and act as coordinator until a new appointment is made as provided in this Code.

(D) The Municipal Emergency Management Agency shall take an integral part in the development and revision of the local emergency operations plan.

(E) In the development of the emergency operations plan, the municipal emergency management agency shall interrelate with business, labor, industry, agriculture, civic and volunteer organizations, and community leaders.

(F) The Municipal Emergency Management Agency shall:

(1) Determine the requirements of the Village 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 POWERS OF THE MAYOR.

(A) The Mayor shall have the general direction and control of the emergency management agency and shall be responsible for the carrying out of the provisions of this Code.

(B) In performing his duties under this Code, the Mayor is authorized to cooperate with state and federal governments and with other municipalities and political subdivisions in all matters pertaining to emergency management operations defined in this Code.

(C) In performing his duties under this Code, the Mayor is further authorized:
(1) To make, amend and rescind all lawful necessary orders, rules and regulations of the local disaster plan to carry out the provisions of this Code within the limits of the authority conferred upon him.
(2) To cause to be prepared a comprehensive plan and program for the emergency management of this Village which plan and program shall be integrated into and coordinated with disaster plans of the state and federal governments and other political subdivisions, and which plan and program may include:
(a) Prevention and minimization of injury and damage caused by disaster;
(b) Prompt and effective response to disaster;
(c) Emergency relief;
(d) Identification of areas particularly vulnerable to disasters;
(e) Recommendations for zoning, building and other land-use controls, safety measures for securing permanent structures and other preventive and preparedness measures designed to eliminate or reduce disasters or their impact;
(f) Assistance to local officials in designing local emergency action plans;
(g) Authorization and procedures for the erection or other construction of temporary works designed to protect against or mitigate danger, damage or loss from flood, conflagration or other disaster;
(h) Organization of municipal manpower and chains of command;
(i) Coordination of local emergency management activities;
(j) Other necessary matters.
(3) In accordance with such plan and program for the emergency management of this Village, 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 Village as may be necessary to ascertain the capabilities of the Village 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 services and disaster 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 Village 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 Village a disaster, he may make application for funds from the state disaster relief fund. If monies available from the fund are insufficient, and if the Mayor finds that other sources of money to cope with the disaster are not available or are insufficient, he shall issue a call for an immediate session of the Village Board for the purpose of enacting ordinances as the Village Board may deem necessary to transfer and expend monies appropriated for other purposes or borrow monies from the United States Government or other public or private sources. If less than a quorum of the members of the Village Board is capable of convening in session to enact such ordinances for the transfer, expenditure or loan of such monies, the Mayor is authorized to carry out those decisions until such time as a quorum of the Village Board can convene.

(C) Nothing contained in this Section shall be construed to limit the Mayor's authority to apply for, administer and expend grants, gifts, or payments in aid of disaster prevention, preparedness, response or recovery.

30-3-7 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 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 coordinator for emergency management operations may, in collaboration with other public agencies within his immediate vicinity, develop or cause to be developed mutual aid arrangements with other political subdivisions, municipal corporations or bodies politic within this state for reciprocal disaster response and recovery in case a disaster is too great to be dealt with unassisted. The mutual aid shall not, however, be effective unless and until approved by each of such political subdivisions, municipal corporations or bodies politic as are parties thereto, in the manner provided by law, and unless and until filed with and approved in writing by the state director. Such arrangements shall be consistent with the state and local emergency management operations plan and program, and in the event of such disaster as described in **Section 30-3-3** of this Code, it shall be the duty of each local and 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 Village, 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 Village and the services of persons who are competent to practice any profession, trade or occupation are required in this Village to cope with the disaster situation and it appears that the number of persons licensed or registered in this Village 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 Village pursuant to the order of the head of that political subdivision and upon the request of the Village, or if otherwise requested so to do by the Mayor or the coordinator of this Village, during the time the disaster condition continues, practice such profession, trade or occupation in this Village without being licensed or registered in this Village.

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 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 Village 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 Village services, equipment, supplies, materials or funds by way of gift or grant for purposes of emergency management, the Village, 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 Village to receive such services, equipment, supplies, materials or funds on behalf of the Village.

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 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 Village Clerk, accompanied by a certificate stating the reason for the emergency.

(B) The Emergency Management Agency established pursuant to this Code, and the coordinator thereof, shall execute and enforce such orders, rules and regulations as may be made by the Governor under authority of the Illinois Emergency Management Agency Act. The local Emergency 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 coordinator of the emergency management agency are directed to utilize the services, equipment, supplies and facilities of existing departments, offices and agencies of the Village to the maximum extent practicable, and the officers and personnel of all such departments, offices and agencies are directed, upon request, to cooperate with and extend such services and facilities to the coordinator and the emergency management agency.

30-3-17 SEVERABILITY. If any provision of this Code or the application thereof to any person or circumstances be held invalid, such invalidity shall not affect such other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Code are hereby declared to be severable.

30-3-18 NO PRIVATE LIABILITY.

(A) Any person owning or controlling real estate or other premises who voluntarily and without compensation grants a license or privilege, or otherwise permits the designation or use of the whole or any part or parts of such real estate or premises for the purpose of sheltering persons during an actual or impending disaster, or a mock or practice disaster response activity together with his successors in interest, if any, shall not be civilly liable for negligently causing the death of, or injury to, any person on or about such real estate or premises under such license, privilege or other permission, or for negligently causing loss of, or damage to, the property of such person.

(B) Any private person, firm or corporation and employees and agents of such person, firm or corporation in the performance of a contract with, and under the direction of, the Village 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 Village, 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.

30-3-19 SUCCESSION. In the event of the death, absence from the Village or other disability of the Mayor preventing him from acting under this Code or for any other municipal purpose, and until the office is filled in the manner prescribed by law, the coordinator of the emergency services and disaster agency shall succeed to the duties and responsibilities of the Mayor.

30-3-20 COMPENSATION. The Village Board, by its annual appropriations ordinance, may provide for the payment of the salary of the coordinator and such other office staff and personnel as may be expressly provided for in the ordinance. Nothing herein contained shall prohibit any member of the agency from receiving compensation from the State of Illinois Emergency Management Agency under any provisions of that agency.

30-3-21 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 duties, take an oath, in writing, before the coordinator of the municipal Emergency Management Agency before a person authorized to administer oaths in this Village, which oath shall be filed with the coordinator of the Emergency Management Agency, and which oath shall be substantially as follows:

> "I, _____ do solemnly swear (or affirm) that I will support and defend and bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of Illinois, and the territory, institutions and facilities thereof, both public and private, against all enemies, foreign and domestic; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter. And I do further swear (or affirm) that I do not advocate, nor am I, nor have I been a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence; and that during such time I am affiliated with the Village, I will not advocate nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence."

30-3-22 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 PENALTY. Any person convicted of violating this Code or any order thereunder shall be punished, upon conviction, by a fine as provided by **Section 1-1-20** of this Code.

(See 20 ILCS 3305/1 et seq.)

CHAPTER 33 – STREET REGULATIONS

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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 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 repair such sidewalk or cellar door without delay.

33-2-3 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. **(Sec. 4.06)**

33-2-4 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)**

33-2-5 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.

33-2-6 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)**

33-2-7 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)**

33-2-8 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)**

33-2-9 ENCROACHMENTS. It shall be unlawful to erect or maintain any building or structure which encroaches upon any public street or property.

33-2-10 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.

33-2-11 **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.

33-2-12 **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. **(See Sec. 4.14)**

33-2-13 **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 **twelve (12) inches**.

ARTICLE III – TREE PRESERVATION

33-3-1 **STATEMENT OF PURPOSE.** This Section of the Code is structured to preserve, protect and enhance critical infrastructure – the urban forest that is located on public land. The complete urban forest is comprised of trees across all land uses and ownership. This Section will regulate public property trees but recognizes that trees on private property are part of the collective community resource.

The purpose of this Section is to recognize the services and function that trees provide as a collective asset to the entire community and to state the goals of the Village with respect to the protection, preservation, care and planting of trees on public lands.

The Village hereby recognizes that trees are an integral part of the infrastructure of the Village and as such should be preserved, protected and cared for as other critical Village infrastructure.

33-3-2 **DEFINITIONS.** The following words when used in this Section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

(A) **Damage.** Impact or loss of function to any tree including but not limited to removal, root compaction, root removal, girdling, soil contamination, topping, pruning more than **twenty percent (20%)** of the trees, canopy removal, bark removal, poisoning and/or actions resulting in the decline or death of a tree.

(B) **Preferred Tree List.** A listing of acceptable tree species that can be planted on public property. The list is available at the Village Hall.

(C) **Tree.** Any self-supporting woody plant, together with its root system, trunk and canopy; growing upon the earth usually with one trunk, or a multi-stemmed trunk system, supporting a definitely formed crown.

(D) **Permit.** A written authorization from the Governmental Entity authorizing the applicant to conduct work which may or may not impact a tree.

(E) **Tree Removal.** The cutting down, destruction, removal or relocation of any tree, including damaging by poison or other direct or indirect action.

33-3-3 **ENFORCEMENT.** Under the direction of the Village Board, the Superintendent of Streets shall be in charge of street trees and enforcing this Article and shall have the authority to make decisions regarding their care and maintenance. The Superintendent of Streets shall consult with a certified arborist for tree removals.

33-3-4 **TREE PLANTING.** It shall be unlawful to plant any tree or bush in any public street or parkway or other public placer without having first secured a permit from the Village, 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 on public right-of-way shall be placed subject to the directions and approval of the Village Board. It shall be unlawful to plant any tree under utility wires that is anticipated to grow to a height that will interfere with the wires.

All planting and maintenance activities for trees shall follow best management practices in accordance with the American National Standards Institute for planting, pruning and maintenance. (ANSI A300)

33-3-5 **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.

Preferences for tree removal on public right-of-way will first be given to Contractors with a certified arborist or Contractors that adequately display arboricultural training, degrees, or certifications.

33-3-6 **TREE PRODUCTION.** All trees planted on public property by the Village shall be from certified nurseries in accordance with the American National Standard Institute for nursery stock (ANSI Z60.1).

33-3-7 **TREE PROTECTION.** This Section applies to any work being conducted which may impact public property trees.

All trees along any street or in any public right-of-way or on other Village owned property near any excavation or construction of any building, structure or street construction shall be protected so as to avoid all injury to the trunk, crown and unnecessary injury to the root system of the tree.

Building materials, stone, brick, sand, concrete, soil or other debris shall not be placed or stored on or in the critical root zone area of any public tree or other tree or shrub on public right-of-way or Village owned property, without written authorization from the Superintendent obtained prior to storing any such materials or debris.

33-3-8 **INSURANCE REQUIRED FOR CONTRACTORS.** All contractors performing forestry activities on Village owned trees shall possess an insurance policy approved by the Village. In addition, preference will be given to entities with a certified arborist on staff.

33-3-9 **TREE REPLACEMENT.** Any entity or person who injures a public tree shall be held responsible for the cost of the repairs, such as pruning or cabling, if the injured tree will not die as a result of such injuries. In cases where the tree has been damaged beyond repair and cannot remain in the public right-of-way because it is determined by the Street Superintendent to be a "dangerous tree" the Village or person responsible for the damage shall also pay the cost the Village incurs to remove and replace the tree.

33-3-10 **INJURY.** It shall be unlawful to injure any tree or shrub planted in such public place.

33-3-11 **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.

33-3-12 **PUBLIC SAFETY.** 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.

33-3-13 **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.

33-3-14 **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.

33-3-15 **APPEALS.** If any person contests a decision made by the Superintendent, that person shall appeal to the Village Board in writing. The decision of the Village Board shall be final.

33-3-16 **PENALTIES.** Any person found guilty of violating any provision of this Section shall be assessed at a cost as prescribed in the General Penalty Section 1-1-20 of the Code. Each tree cut down, destroyed, damaged, removed or moved shall constitute a separate offense. In addition to these penalties, if a tree is removed in violation of this Section, all replacement requirements of this Section shall be applied.

33-3-17 **SPECIES LIST.** Trees planted by the Village on a public right-of-way shall be selected from the Preferred Species List, which can be obtained from Village Hall. A restricted species list can be found at the Northwest Illinois Forest Association and is on file at the Village Hall. Any tree species listed on the restricted species list are prohibited from being planted on Village right-of-way and in Village parks.

33-3-18 **EXCEPTIONS.** If because of emergency weather or other casualty conditions a tree is endangering health, safety or property and requires immediate removal, verbal authorization may be given by the Superintendent for the tree removal without obtaining a written permit. Such verbal authorization shall later be confirmed in writing by the Village.

33-3-19 **SEVERABILITY.** Should any part or provision of this Article be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Article as a whole or any part thereof other than the part held to be invalid.

(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 tern 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 radically 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).

"Village": The Village of Beckemeyer.

"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) **Additional Village Review of Applications of Telecommunications Retailers.**

(1) Pursuant to Section 4 of the Telephone Company Act, 220 ILCS 65/4, a telecommunications retailer shall notify the Village that it intends to commence work governed by this Article for facilities for the provision of telecommunications services. Such notice shall consist of plans, specifications, and other documentation sufficient to demonstrate the purpose and intent of the facilities and shall be provided by the telecommunications retailer to the Village not less than **ten (10) days** prior to the commencement of work requiring no excavation and not less than **thirty (30) days** prior to the commencement of work requiring excavation. The Superintendent 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 CONSTRUCTION METHODS AND MATERIALS.

(A) **Standards and Requirements for Particular Types of Construction Methods.**

(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 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**, or of such other material as determined by the Street Department, depending upon the conditions existing. The culverts shall be of such size, installed at the grade and constructed with couplings as determined by the Street Superintendent. The person desiring the culvert shall install the culvert purchased by the Village.

33-6-3 COST OF INSTALLATION.

(A) Village residents may purchase culverts when requested. Culverts must be installed by maintenance personnel. Culverts will be installed at a cost of **Ten Dollars ($10.00)** per foot, plus the cost of the culvert. This cost includes the installed cost of rock over the culvert. Anything over **twelve (12) inches** must be brought to the Board for their approval and billed out time and material. Labor rate **Fifty Dollars ($50.00)** per hour. All costs shall be paid to the Village prior to the installation of the culvert or rock.

(B) To enclose a ditch will be billed out time and material. Labor rate of **Fifty Dollars ($50.00)** per hour and must come before the Board to get approval. Tilling and seeding to be done by homeowner.

33-6-4 BACKFILL COST. Any person installing or replacing a culvert shall, at his own expense, provide and place such backfill material as the Street Superintendent determines necessary to complete the project.

33-6-5 REPLACEMENT COST. Maintenance and replacement of culverts in Village drainage ditches, after initial installation, is the responsibility of the Village.

(See 65 ILCS 5/11-80-7)

ARTICLE VII - DRIVEWAYS

33-7-1 **FEE.** The fee for all such construction shall be **One Dollar ($1.00).**

33-7-2 **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.

33-7-3 **SPECIFICATIONS.** Driveways across sidewalks shall be constructed in compliance with the specifications required by the Street Superintendent.

33-7-4 **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.

33-7-5 **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)

VILLAGE OF BECKEMEYER

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)

	CITY/VILLAGE	CITY/VILLAGE OFFICIAL
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 BECKEMEYER

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

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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 Subdivision Code of the **Village of Beckemeyer**.

34-1-2 PURPOSE. In accordance with State law **(65 ILCS 5/11-12-5, 5/11-12-8 -- 5/11-12-12; 765 ILCS 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. **(See Chapter 32 for Stormwater Code)**

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 Village Subdivision Code, said higher standards shall supersede the Village regulations in the unincorporated territory located within the Village's subdivision jurisdiction. **(See 65 ILCS 5/11-12-11)**

34-1-6 DISCLAIMER OF LIABILITY.

(A) Except as may be provided otherwise by statute or ordinance, no officer, council member, agent, or employee of the Village shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this Code. **(See "Local Governmental and Governmental Employees Tort Immunity Act," 745 ILCS 10/1-101.)**

(B) Any suit brought against any officer, council member, agent, or employee of the Village, as a result of any act required or permitted in the discharge of his duties under this Code, shall be defended by the Village Attorney until the final determination of the legal proceedings.

ARTICLE II - DEFINITIONS

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 Addendum)**

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.

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 and the Superintendent of the School 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 **65 ILCS 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 Administrator and the Village Engineer of both the start and completion of construction.

(A) The Village Engineer shall inspect said improvements while they are under construction as directed by the Mayor or Administrator. If he or his designated deputy determines that they are being built in violation of this Code, he shall request that the Administrator promptly issue a stop order.

(B) The Village Engineer shall inspect improvements upon their completion. This municipality shall not accept any completed improvement until the Engineer has stated in writing that it complies with this Code.

34-3-11 FILING "AS-BUILT" RECORDS.

(A) The subdivider/developer shall file with the Administrator a set of reproducible polyester-base film positive or an electronic digital map 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. These "as-builts" shall include detention basins.

(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 benchmarks 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 Clinton)

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 Clinton County governing access rights.

_____ _____

County Engineer Date

(E)

COUNTY CLERK'S CERTIFICATE

I, _____, County Clerk of Clinton 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 Beckemeyer Village Clerk, Village of Beckemeyer

(G)

9-1-1 CERTIFICATE

State of Illinois)
)
County of Clinton)

This plat has been reviewed for 9-1-1 implementation.

_____ _____

Clinton 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 Clinton, Illinois on the Community Panel dated _____.

(I)

FLOOD HAZARD CERTIFICATE

State of Illinois)
) ss
County of Clinton)

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 Clinton, Illinois on Community Panel dated _____ _____. 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 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.

Procedure	Fee
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	$50.00 plus $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 **Seventy-Five Dollars ($75.00)** nor more than **Seven Hundred Fifty Dollars ($750.00)**, plus costs. Each day that a violation continues shall be considered a separate offense; likewise, in the case of multiple violations, each violation shall be considered a separate offense.

(B) Nothing contained in this Section shall prevent the Village from taking any other lawful action that may be necessary to secure compliance with this Code.

ARTICLE V - DESIGN AND IMPROVEMENT STANDARDS

DIVISION I - GENERALLY

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 Zoning Administrator shall not issue a Certificate of Zoning Compliance for any lot conveyed in violation of this Section; nor shall the Administrator issue a Building Permit for such lot until said Certificate has been issued following correction of violation. **(See Article III in old Code)**

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. **(See Sec. 19.05)**

(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 may be required by the Plan Commission 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 criteria specified in Table 5-B.

(1) **Collector Street Pavements.** The center **forty (40) feet** of the base course shall have a crown of **three (3) inches** for collector streets.

(2) Local street pavements may be provided with a CA #6 crushed stone base course, having a minimum thickness of **eight (8) inches** compacted. An A-2 surface treatment shall be applied in accordance with the **IDOT Roads and Bridges Standard Specifications** if approved by the Plan Commission.

(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. **(Ord. No. 2001-01; 04-09-01)**

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". Upon request of the Village, 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. The developer shall pay for the testing.

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 the Village requests this inspection. 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 on both sides of the street.

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 pursuant to the regulations of the American Disabilities Act and Illinois Department of Transportation.

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 **one (1) inch** service line and curb box installed in accordance with Village administrative regulations on the property line of the lot.

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. **(See Chapter 38 - Utilities)**

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 RESERVED.

DIVISION XI - SANITARY SEWERS

34-5-45 COMPLIANCE WITH REGULATIONS. All proposed sanitary sewer facilities shall comply with the regulations of the Illinois Department of Public Health and the Illinois Environmental Protection Agency and shall be approved by the Village Board. All water and sewer lines shall be constructed as per Standard Specifications for Water and Sewers Mains, State of Illinois, 4th Edition, or as amended. **(See Chapter 38 Article IV - Utilities)**

34-5-46 WHEN PUBLIC SYSTEM AVAILABLE. Whenever the public sanitary sewerage system is reasonably accessible, the developer shall extend said system throughout the subdivision, and shall provide each lot with a connection thereto. (Note: See Section 38-4-7 of Village's Municipal Code.)

Systems requiring the installation of a lift station must be furnished with a station meeting the approval of the Village and paid for by the developer. Occasionally the Village may require the subdivider to install a system with a capacity greater than the needs of the individual subdivision. In these instances, the Village may participate in the additional costs involved with increasing the capacity of the system.

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 homeowners and the subdivider. All owners of a private system shall have a current maintenance contract. 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 Village Zoning Code and Chapter 38 for Utilities Code.)

(This Chapter in part Ord. No. 2001-01; 04-09-01)

VILLAGE OF BECKEMEYER
SUBDIVISION CODE

SCHEDULES AND BONDS

Schedule A	**Checklist for Preliminary Plat**
Schedule B	**Checklist for Engineering Plans**
Schedule C	**Checklist for Final Plat**
Schedule D	**Surety Bond for Improvements**
Schedule E	**Cash Bond**
Schedule F	**Maintenance Bond**
Appendix A	**Financial Commitment**

Schedule A. Checklist for Preliminary Plat

_____(Name of Subdivision)

_____(Date of Submission)

_____(Due date of recommendation – 90 days)

NOTE: To properly execute this checklist, the subdivider or his engineer shall:

(A) Insert the required information.
(B) Denote compliance with applicable ordinances by placing his initials in all spaces where applicable.
(C) Denote those items which the subdivider considers "not applicable" to this particular subdivision by the abbreviation "N.A.").

_____ 1. Six copies of preliminary plan submitted.
_____ 2. Plans conform to Sec. 34-3-3.
_____ 3. Plan scale is not less than 1" to 100'.
_____ 4. Minimum profile scale is 1" to 100' horizontal and 1" to 10' vertical.
_____ 5. A title sheet is included with each set of preliminary plans.
_____ 6. Name of proposed subdivision shown.
_____ 7. Location given by town, range, section or other legal description.
_____ 8. Name and address of owner, trust, corporation, or subdivider having control of project is shown.
_____ 9. Name and seal of professional engineer or surveyor who prepared topographic survey is shown.
_____ 10. Name and address of the designer of the plan is shown.
_____ 11. North direction is shown.
_____ 12. Date of preparation and date of revision, if any, is shown.
_____ 13. A location map is included indicating:
- _____ a. A scale of not less than 1" to 1,000'.
- _____ b. Boundary lines of adjoining land within an area bounded by the nearest arterial streets or other natural boundaries.
- _____ c. Use of surrounding land.
- _____ d. Ownership of the surrounding land.
- _____ e. Alignment of existing streets.
- _____ f. Section and corporate lines.

_____ 14. Boundary lines of proposed subdivision are clearly shown.
_____ 15. Total approximate acreage is shown.
_____ 16. Existing zoning classification is indicated.
_____ 17. The following existing items, if within the boundaries of the subdivision, or located 100' or less outside the boundaries are shown:
- _____ a. Previously platted streets and other right-of-way, with improvements, if any, indicating:
  - _____ 1. Location
  - _____ 2. Widths
  - _____ 3. Names
- _____ b. Railroad rights-of-way, indicating:
  - _____ 1. Location
  - _____ 2. Dimensions
- _____ c. Utility rights-of-way, indicating:
  - _____ 1. Location
  - _____ 2. Widths
  - _____ 3. Type

_____ a. Sewer
_____ b. Water
_____ c. Electric
_____ d. Other

_____ d. Parks and other open spaces indicating:
_____ 1. Location
_____ 2. Area

_____ e. Easements, including:
_____ 1. Location
_____ 2. Width
_____ 3. Purpose

_____ f. Permanent buildings and structures, indicating:
_____ 1. Location
_____ 2. Setback lines
_____ 3. Names of owners

_____ g. Section and corporate lines

_____ h. Sanitary sewers, indicating:
_____ 1. Location
_____ 2. Size
_____ 3. Manholes
_____ 4. Invert elevations at manholes

_____ i. Water mains, indicating:
_____ 1. Location
_____ 2. Size
_____ 3. Valves, indicating:
_____ a. Valve manhole, or
_____ b. Valve box
_____ 4. Fire hydrants and auxiliary valves

_____ j. Culverts, indicating:
_____ 1. Type
_____ 2. Location
_____ 3. Size
_____ 4. Invert elevation

_____ k. Storm sewers, indicating:
_____ 1. Location
_____ 2. Size
_____ 3. Catch basins
_____ 4. Invert elevations

_____ l. Watercourses, indicating:
_____ 1. Type
_____ 2. High water width and elevation
_____ 3. Width of easement
_____ 4. Location of easement

_____ m. Marshes or wetlands, indicating:
_____ 1. Location
_____ 2. Dimensions
_____ 3. Soil bearing capacity

_____ n. Floodplains, floodways, or flood prone areas, indicating:
_____ 1. Location
_____ 2. Dimensions
_____ 3. Type

_____ o. Rock outcrops, indicating:
_____ 1. Location
_____ 2. Dimensions

_____ p. Monuments and survey markers, indicating:
- _____ 1. Location
- _____ 2. Type

_____ 18. Topographic data is given in feet above mean sea level within the tract and to a distance of 100′ beyond, indicating:
- _____ a. Existing contours at vertical intervals of not more than 2′.
- _____ b. Proposed contours at vertical intervals of not more than 2′.
- _____ c. Benchmark, indicating:
  - _____ 1. Location
  - _____ 2. Description
  - _____ 3. Elevation

_____ 19. Soil bearing data is given, if required by the municipality, indicating:
- _____ a. Location of tests
- _____ b. Depth of tests
- _____ c. Soil bearing capacity
- _____ d. Moisture content

_____ 20. The following proposed items, if within the boundaries of the subdivision or located 100′ or less outside of the boundaries, are shown:
- _____ a. Layout of streets, indicating:
  - _____ 1. Arterial streets, indicating:
    - _____ a. Right-of-way width
    - _____ b. Roadway width, back-to-back of curbs
  - _____ 2. Collector streets, indicating:
    - _____ a. Right-of-way width
    - _____ b. Roadway width, back-to-back of curbs
  - _____ 3. Local streets, indicating:
    - _____ a. Right-of-way width
    - _____ b. Roadway width, back-to-back of curbs
  - _____ 4. Cul-de-sac streets, indicating:
    - _____ a. Right-of-way width
    - _____ b. Roadway width, back-to-back of curbs
    - _____ c. The length does not exceed 500′ unless there are less than 16 lots abutting the cul-de-sac street.
    - _____ d. Terminus is circular, or nearly so, and right-of-way is at least 120′ in diameter.
    - _____ e. Terminus roadway width is 80′ in diameter.
  - _____ 5. Marginal access street, indicating:
    - _____ a. Right-of-way width
    - _____ b. Roadway width, back-to-back of curbs
  - _____ 6. Through street shown extended to boundaries of subdivision
  - _____ 7. Storm water runoff pattern on paving
- _____ b. Names of streets
  - _____ 1. Not duplicating the name of any street heretofore used in the municipality or its environs, unless the street is an extension of an already existing street, in which case, the name shall be used.
- _____c. Street improvement plan showing location of all new street improvements, including those to the center line of previously dedicated rights-of-way, abutting the subdivision, in accordance with prevent municipality standards.

_____ d. Utility easements:
- ____ 1. Located at the rear of each lot and other necessary locations
- _____ 2. Not less than 10′ in width on each lot
- _____ 3. Purpose is indicated
- _____ 4. Storm water runoff is indicated

_____ e. Centerline profiles of all streets showing gradients not less than 0.4 percent and not more than:
- _____ 1. 5.0% on collector streets
- _____ 2. 7.0% on minor streets

_____ f. Pedestrian ways, when required, indicating:
- _____ 1. Location at approximately the center of blocks in excess of 1000′ in length
- _____ 2. Width not less than 10′
- _____ 3. Shrub or tree hedge at side boundary lines

_____ g. Block layout, indicating:
- _____ 1. Blocks do not exceed 1200′ in length
- _____ 2. Additional access ways to parks, schools, etc., are shown in accordance with the plan commission's requirements
- _____ 3. Blocks fit readily into the overall plan of the subdivision, with due consideration given to:
  - _____ a. Topographical conditions
  - _____ b. Lot planning
  - _____ c. Traffic flow pattern
  - _____ d. Public open space areas
- _____ 4. Block numbers
- _____ 5. Blocks intended for commercial, industrial or institutional use are so designated

_____ h. Lot layout, indicating:
- _____ 1. Lot dimensions
- _____ 2. Lot areas, not less than those stipulated in the appropriated district regulations of the zoning code (Areas may be listed by Schedule)
- _____ 3. Building setback lines shown and properly dimensioned
- _____ 4. Proposed land use
- _____ 5. Lot numbers
- _____ 6. Corner lots are sufficiently larger than interior lots to allow maintenance of building setback lines on both street frontages and still allow a buildable width equal to that of the smallest interior lot in the block
- _____ 7. All lots abut a publicly dedicated street for a distance of not less than the minimum width of the lot
- _____ 8. Lots are as nearly rectangular in shape as is practicable
- _____ 9. Lots are not less than the provision of the zoning code
- _____ 10. Lot lines are substantially at right angles to the street lines and radial to curved street lines
- _____ 11. Double frontage lots only where:
  - _____ a. Lots back upon an arterial street and front on an access street
  - _____ b. Topographic or other conditions make subdividing otherwise unreasonable
  - _____ c. Lots can be made an additional 20′ deeper than average

_____ d. A protective screen planting is indicated on one frontage

_____ 12. Lots abutting or traversed by a watercourse, drainage way, channel way, channel, or stream, indicate:

_____ a. Additional width and depth to provide an acceptable building site

_____ b. Width of easement is at least 15' wider on each side of water at high water level

_____ 13. Due regard for natural features, such as:

_____ a. Trees

_____ b. Watercourses

_____ c. Historic items

_____ d. Other similar conditions

_____ i. Areas intended to be dedicated for public use, indicating:

____ 1. Plan conforms to general development plan of the municipality

_____ 2. Purpose

_____ 3. Acreage

_____ j. Source of domestic water supply, indicating:

_____ 1. Connection to existing water mains

_____ 2. Location of site for community water plans

_____ k. Provision for sewage disposal, indicating:

_____ 1. Connection to existing sanitary sewer mains

_____ 2. Location of site for community sewage disposal plant

_____ l. School sites, indicating:

_____ 1. Location

_____ 2. Dimensions

_____ 3. Acreage

_____ m. Topographic information, indicating:

_____ 1. Proposed changes in elevation of land showing that any flooding would be relieved

_____ 2. Adequate installation of storm sewers would remove the possibility of flooding

_____ n. Sanitary sewer layout, indicating:

_____ 1. Location

_____ 2. Size

_____ 3. Invert elevation at manholes

_____ 4. Manhole locations

_____ o. Watermain layout, indicating:

_____ 1. Location

_____ 2. Size

_____ 3. Looped pattern where practicable

_____ 4. Fire hydrants, as per Section 34-5-43

_____ p. Storm sewer layout (See Ch. 32)

_____ 1. Location

_____ 2. Catch basins at not more than 600' intervals

_____ 3. Storm water is not carried across or around any intersection

_____ 4. Surface water drainage pattern for individual lot and block

_____ q. Street light layout, indicating:

_____ 1. Locations and typical street light detail, or

_____ 2. Statement by subdivider that street lights will be installed in accordance with municipality standards

_____ 21. An outline of proposed covenants accompanies the plans, indicating the intention of the subdivider to have the covenants recorded with the final plat.

_____ a. Protective against obstruction against drainage easements

_____ 22. Typical street cross-section showing base construction, surfacing, concrete curb and sidewalk in accordance with the land improvements code.

_____ 23. Indication that sidewalks will be installed along all lot lines coincidental with street rights-of-way.

_____ 24. Indication on drawing or by certificate that subdivider is aware of his responsibility for installation of street signs and for seeding and tree planting in all parkways.

Completed by _____ (Name)
_____ (Address)
Reviewed by _____ (Zoning Administrator)
_____ (Date)
Considered by Plan Commission on _____ (Date)
_____ (Chairman)

Schedule B. Checklist for Engineering Plans

_____(Name of Subdivision)

_____(Date of Submission)

_____(Due date of recommendation – 45 days)

NOTE: To properly execute this checklist, the subdivider or his engineer shall:

(A) Insert the required information.
(B) Denote compliance with applicable ordinances by placing his initials in all spaces where applicable.
(C) Denote those items which the subdivider considers "not applicable" to this particular subdivision by the abbreviation "N.A.").

_____ 1. Plans have been submitted within twelve (12) months of the date of approval by the municipality board of the Preliminary Plan.
_____ 2. Four (4) copies of engineering plans have been submitted.
_____ 3. Plans conform to Article V, p. 35-32.
_____ 4. A title sheet is included with each set of plans, and includes:
- _____ a. Name of subdivision and unit number.
- _____ b. Type of work covered.
- _____ c. Location map showing relation of area to be improved to existing streets.
- _____ d. An index of sheets.
- _____ e. A summary of quantities.
- _____ f. Name, address, and seal of registered engineer preparing the plans.
- _____ g. Date of preparation and revisions, if any, is shown.

_____ 5. Plans and profiles are on Federal Aid Sheets, plate I or II or equal.
- _____ a. Horizontal scale is not less than 1" to 50'.
- _____ b. Vertical scale is not less than 1" to 5'.

_____ 6. Cross sections are plotted on Federal Aid Sheets, plate III.
_____ 7. North direction is shown for each separate plan view.
_____ 8. An adequate number of bench marks are shown with elevations referenced to mean sea level, to facilitate checking of elevations.
_____ 9. Delineation is shown of all easements necessary to serve all lots with underground and overhead utilities, and to allow for perpetual maintenance to these facilities.
_____ 10. An application for State Environmental Protection Agency permit for the sanitary sewer extension accompanies the plans.
_____ 11. Sanitary sewer plans and specifications are complete and conform to the standards and requirements of the codes applicable thereto and denote all of the following:
- _____ a. All properties in the subdivision are served and house service connections are provided.
- _____ b. The minimum size main is 8" I.D.
- _____ c. The plan conforms to the overall municipal plan for any trunk sewers traversing the subdivision.
- _____ d. The distance between manholes does not exceed 400'.
- _____ e. The invert elevation of each manhole is shown.
- _____ f. The grade of each section of sewer is shown by percentage in accordance with accepted engineering practice.
- _____ g. Extra strength pipe and extra strength manhole wall construction is specified and shown on the plans and in the estimates of quantities where the depth of installation exceeds 8'.
- _____ h. Profile of existing and proposed ground surfaces.

_____ i. Risers are shown for individual house service laterals where depths of main exceeds 12′.

_____ j. Pipe joints are of permitted type.

_____ k. Minimum manhole cover weights are correct.

_____ 1. 540 pounds in collector streets.

_____ 2. 400 pounds in minor and cul-de-sac streets.

_____ 3. 335 pounds in rear-lot easements.

_____ 12. An application for State Environmental Protection Agency approval of the water main installation accompanies the plans.

_____ 13. Water distribution plans and specifications are complete and conform to the codes applicable thereto and include all of the following:

_____ a. All properties in the subdivision are served.

_____ b. The minimum size main is 6″ I.D.

_____ c. The plan conforms to the municipality's overall plan for any trunk lines which might traverse the subdivision.

_____ d. Valve and hydrant spacing and location conform to the approved preliminary plan.

_____ e. Materials and joint specifications comply with the municipality's standards.

_____ f. Specifications include provisions for testing and sterilization of all new water distribution facilities.

_____ 1. Valve cover

_____ 2. Standard cover

_____ 3. Standard hydrant installation

_____ 14. Street plans, including storm sewers, are complete and conform to the codes applicable thereto and include the following:

_____ a. The location of streets and width of pavements conform to those indicated on the approved preliminary plan.

_____ b. Plan shows curb, gutter and sidewalk locations, and include the following information:

_____ 1. Corner curb radius is not less than 16′.

_____ 2. Curve data for all horizontal curves.

_____ 3. Direction of flow along all curbs.

_____ 4. No surface water is carried across or around any street intersection, nor for a distance greater than 600′.

_____ c. Cross-sections are submitted as necessary to indicate feasibility of proposed street elevations in relation to adjacent lot elevations, and include sidewalk location.

_____ d. Profiles are submitted for all paving centerlines and storm sewers and indicate:

_____ 1. Catch basin invert elevations.

_____ 2. Minimum pipe size is 12″ I.D., except that a lead from a single inlet may be 10″ I.D.

_____ 3. The grade of each section of sewer is shown by percentage in accordance with accepted engineering practice.

_____ 4. Storm sewer elevations do not conflict with any other underground utilities.

_____ 5. Storm sewer is connected with an adequate outfall.

_____ 6. Curve data is given for vertical road curves.

_____ e. The storm sewer system is designed to provide sufficient capacity for the drainage of upland areas contributing to the storm water runoff on the street.

_____ 1. Storm sewer design computations are submitted with plans.

_____ f. A surface water drainage pattern is shown for each block.

_____ g. Material specifications comply with municipality standards and include:

_____ 1. Paving base material

_____ 2. Paving surface materials

_____ 3. Concrete

_____ 4. Pipe materials

_____ h. Typical cross-sections and details include the following:

_____ 1. Collector street

_____ 2. Minor or cul-de-sac street

_____ 3. Concrete curb and gutter

_____ 4. Concrete sidewalk

_____ 5. Standard manhole

_____ 6. Standard cover

_____ 7. Catch basin

_____ 15. Street light plans are complete and include the following:

_____ a. Pole locations

_____ b. Spacing

_____ c. Average maintained footcandle illumination (calculated).

_____ 1. Type of base and pole

_____ 2. Bracket or arm

_____ 3. Luminaire, indicating type of lamp and wattage

_____ 4. Mounting height

_____ 16. Parkway improvement specifications are complete and include provisions for:

_____ a. Removal of stumps, trees that cannot be saved, boulders, and all other similar items.

_____ b. Grading, installation of topsoil and seeding or sodding.

_____ 17. Street signs are shown to be installed at all street intersections not previously marked.

Completed by _____ (Name)

_____ (Address)

_____ (Date)

Reviewed by _____ (Zoning Administrator)

_____ (Date)

Considered by Plan Commission on _____ (Date)

_____ (Chairman)

Schedule C. Checklist for Final Plat

_____ (Name of Subdivision)

_____ (Date of Submission)

_____ (Due date of recommendation – 30 days)

NOTE: To properly execute this checklist, the subdivider or his engineer shall:

(A) Insert the required information.
(B) Denote compliance with applicable ordinances by placing his initials in all spaces where applicable.

(C) Denote those items which the subdivider considers "not applicable" to this particular subdivision by the abbreviation "N.A.").

_____ 1. Plat has been submitted within six (6) months after the approval of the engineering plans.
_____ 2. Plat has been submitted within three (3) years after the approval of the preliminary plan (unless an extension of time has been requested and granted by the Village Board.
_____ 3. One (1) original drawing of the final plat has been submitted.
_____ 4. One (1) transparency print of the final plat has been submitted.
_____ 5. Four (4) copies of the final plat have been submitted.
_____ 6. Plat is drawn with black or blue ink on heavy linen tracing cloth or polyester film.
_____ 7. North direction is shown.
_____ 8. Scale is shown (minimum 1" equals 100').
_____ 9. Section corners and section lines are accurately tied into subdivision by distances and angles.
_____ 10. Official survey monuments are shown as required.
_____ 11. All necessary easements are shown and dimensioned.
_____ 12. Building setback lines are shown and dimensioned in accordance with the zoning code.
_____ 13. Lot areas are in accordance with the applicable zoning regulations.
_____ 14. Street names are shown.
_____ 15. Areas to be dedicated or reserved for public use are shown and described and the purpose is designated.
_____ 16. Protective covenants are lettered on the plat or are appropriately referenced.
_____ 17. Required certificates are shown and signed:
- _____ a. Surveyor's certificate (including legal description).
- _____ b. Owner's certificate.
- _____ c. Notary certificate.
- _____ d. County Clerk certificate.
- _____ e. Flood Hazard certificate.
- _____ f. Plan Commission certificate.
- _____ g. Village Board Certificate.
- _____ h. Administrator.

_____ 18. The following items have been submitted with the final plat:
- _____ a. Detailed specifications for all required land improvements not previously submitted and approved with the engineering plans.
- _____ b. A copy of the state sanitary water board permit for the sanitary sewer installation.
- _____ c. A copy of the state department of public health approval of the water main installation.
- _____ d. An affidavit by the subdivider acknowledging responsibility for the proper installation of all required land improvements.

_____ e. A certified estimate of cost of all required land improvements prepared by a registered engineer.

_____ f. A description of the bond or guarantee collateral intended to be submitted after contingent approval is granted by the Village Board.

Completed by _____ (Name)
_____ (Address)
_____ (Date)
Reviewed by: _____ (Zoning Administrator)
_____ (Date)
Considered by Plan Commission on _____ (Date)
_____ (Chairman)

Schedule D. Surety Bond for Improvements

"Know all men by these presents that we, _____, (name of individual, corporation, etc.), as principal, and the _____, (name of bonding company), a corporation, authorized to do business in the State of _____, as surety, are held and firmly bound unto the Village of Beckemeyer, 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
Streetlights
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, streetlights, 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, streetlights, 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.

CHAPTER 36 - TAXATION

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CHAPTER 36

TAXATION

ARTICLE I – GENERALLY

36-1-1 CORPORATE RATE. The maximum rate for general corporate purposes of the Village be and the same is hereby established at a rate of **.25%. (See 65 ILCS 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 I.M.R.F. The Village Board may levy a tax upon all taxable property in the Village at whatever rate is necessary to cover the I.M.R.F. liability for the next fiscal year.

36-1-7 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)**

36-1-8 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)**

36-1-9 PUBLIC PARKS TAX. The maximum tax for Public Park purposes, be and the same is hereby established at a rate of **.075%**. **(See 65 ILCS 5/11-98-1)**

36-1-10 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 Board of Trustees.

(C) **Locally Imposed and Administered Tax or "Tax".** "Locally Imposed and Administered Tax" or "Tax" means each tax imposed by the Village that is collected or administered by the Village not an agency or department of the State. It does not include any taxes imposed upon real property under the Property Tax Code or fees collected by the Village other than infrastructure maintenance fees.

(D) **Local Tax Administrator.** "Local Tax Administrator", the Village's Treasurer, is charged with the administration and collection of the locally imposed and administered taxes, including staff, employees or agents to the extent they are authorized by the local tax administrator to act in the local tax administrator's stead. The local tax administrator shall have the authority to implement the terms of this Code to give full effect to this Code. The exercise of such authority by the local tax administrator shall not be inconsistent with this Code and the Act.

(E) **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.

(F) **Tax Ordinance.** "Tax Ordinance" means each ordinance adopted by the Village that imposes any locally imposed and administered tax.

(G) **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 form the local tax administrator, a taxpayer is entitled to file an application with the local tax administrator for a voluntary disclosure of the tax due. A taxpayer filing a voluntary disclosure application must agree to pay the amount of tax due, along with interest of **one percent (1%)** per month, for all periods prior to the filing of the application but not more than **four (4) years** before the date of filing the application. A taxpayer filing a valid voluntary disclosure application may not be liable for any additional tax, interest, or penalty for any period before the date the application was filed. However, if the taxpayer incorrectly determined and underpaid the amount of tax due, the taxpayer is liable for the underpaid tax along with applicable interest on the underpaid tax, unless the underpayment was the result of fraud on the part of the taxpayer, in which case the application shall be deemed invalid and void. The payment of tax and interest must be made by no later than **ninety (90) days** after the filing of the voluntary disclosure application or the date agreed to by the local tax administrator. However, any additional amounts owed as a result of an underpayment of tax and interest previously paid under this Section must be paid within **ninety (90) days** after a final determination and the exhaustion of all appeals of the additional amount owed or the date agreed to by the local tax administrator, whichever is longer.

36-2-16 PUBLICATION OF TAX ORDINANCES. Any locally administered tax ordinance shall be published via normal or standard publishing requirements. The posting of a tax ordinance on the Internet shall satisfy the publication requirements. Copies of all tax ordinances shall be made available to the public upon request at the Village Clerk's office.

36-2-17 INTERNAL REVIEW PROCEDURE. The local tax administrator shall establish an internal review procedure regarding any liens filed against any taxpayers for unpaid taxes. Upon a determination by the local tax administrator that the lien is valid, the lien shall remain in full force and effect. If the lien is determined to be improper, the local tax administrator shall:

(A) timely remove the lien at the Village's expense;

(B) correct the taxpayer's credit record; and

(C) correct any public disclosure of the improperly imposed lien.

36-2-18 APPLICATION. This Ordinance shall be liberally construed and administered to supplement all of the Village's tax ordinances. To the extent that any tax ordinance is in conflict with or inconsistent with this ordinance, this ordinance shall be controlling.

(Ord. No. 01-02; 01-08-01)

(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 **three percent (3%)** 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 **three percent (3%)** 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 City.

36-3-3 COLLECTION OF TAX BY RETAILERS.

(A) The tax authorized by this Article shall be collected from the taxpayer by a retailer maintaining a place of business in this State and shall be remitted by such retailer to the Department. Any tax required to be collected pursuant to or as authorized by this Article and any such tax collected by such retailer and required to be remitted to the Department shall constitute a debt owed by the retailer to the State. Retailers shall collect the tax from the taxpayer by adding the tax to the gross charge for the act or privilege of originating or receiving telecommunications when sold for use, in the manner prescribed by the Department. The tax authorized by this Article shall constitute a debt of the taxpayer to the retailer until paid, and, if unpaid, is recoverable at law in the same manner as the original charge for such sale at retail. If the retailer fails to collect the tax from the taxpayer, then the taxpayer shall be required to pay the tax directly to the Department in the manner provided by the Department.

(B) Whenever possible, the tax authorized by this Article shall, when collected, be stated as a distinct item separate and apart from the gross charge for telecommunications.

36-3-4 RETURNS TO DEPARTMENT. Commencing on **February 1, 2003,** the tax imposed under this Article on telecommunication retailers shall be returned with appropriate forms and information as required by the Department pursuant to the Illinois Simplified Municipal Telecommunications Tax Act (Public Act 92-526, Section 5-50) and any accompanying rules and regulations created by the Department to implement this Act.

36-3-5 RESELLERS.

(A) If a person who originates or receives telecommunications claims to be a reseller of such telecommunications, such person shall apply to the Department for a resale number. Such applicant shall state facts which will show the Department why such applicant is not liable for the tax authorized by this Article on any of such purchases and shall furnish such additional information as the Department may reasonably require.

(B) Upon approval of the application, the Department shall assign a resale number to the applicant and shall certify such number to the applicant. The Department may cancel any number which is obtained through misrepresentation, or which is used to send or receive such telecommunications tax-free when such actions in fact are not for resale, or which no longer applies because of the person's having discontinued the making of resales.

(C) Except as provided hereinabove in this Section, the act or privilege of originating or receiving telecommunications in this State shall not be made tax-free on the ground of being a sale for resale unless the person has an active resale number from the Department and furnishes that number to the retailer in connection with certifying to the retailer that any sale to such person is non-taxable because of being a sale for resale.

(Ord. No. 02-09; 2002)

ARTICLE IV - MUNICIPAL GROCERY RETAILERS' OCCUPATION TAX AND MUNICIPAL GROCERY SERVICE OCCUPATION TAX

36-4-1 MUNICIPAL GROCERY RETAILERS' OCCUPATION TAX IMPOSED. A tax is hereby imposed upon all persons engaged in the business of selling groceries at retail in the City at the rate of **one percent (1%)** of the gross receipts from such sales made in the course of such business while this Article is in effect. The imposition of this tax is in accordance with and subject to the provisions of **65 ILCS 5/8-11-24** of the Illinois Municipal Code.

36-4-2 MUNICIPAL GROCERY SERVICE OCCUPATION TAX IMPOSED. A tax is hereby imposed upon all persons engaged in the City in the business of making sales of service, who, as an incident to making those sales of service, transfer groceries as an incident to a sale of service. The rate of this tax shall be the same rate identified in Section 36-4-1 above. The imposition of this tax is in accordance with and subject to the provisions of **65 ILCS 5/8-11-24** of the Illinois Municipal Code.

36-4-3 ILLINOIS DEPARTMENT OF REVENUE TO ADMINISTER BOTH TAXES. The taxes hereby imposed, and all civil penalties that may be assessed as an incident thereto, shall be collected and enforced by the Department of Revenue of the State of Illinois. The Illinois Department of Revenue shall have full power to administer and enforce the provisions of this Ordinance.

36-4-4 CLERK TO FILE ORDINANCE WITH ILLINOIS DEPARTMENT OF REVENUE. As required under **65 ILCS 5/8-11-24** of the Illinois Municipal Code, the Clerk is hereby directed to file a certified copy of this Ordinance with the Illinois Department of Revenue on or before **October 1, 2025**.

36-4-5 EFFECTIVE DATE. The taxes imposed by this Ordinance shall take effect on the later of: (i) **January 1, 2026**; (ii) the first day of July next following the adoption and filing of this Ordinance with the Department of Revenue, if filed on or before the preceding **April 1st**; or, (iii) the first day of January next following the adoption and filing of this Ordinance with the Department of Revenue, if filed on or before the preceding **October 1st**.

(Ord. No. 05-05; 05-12-25)

CHAPTER 37 – TRASH FRANCHISE

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CHAPTER 37

TRASH FRANCHISE

ARTICLE I – GENERALLY

37-1-1 TRASH AND REFUSE FRANCHISE. The franchise agreement between Waste Management Inc. and the Village for trash and refuse service is hereby included by reference in **Appendix "A"**. **(Ord. No. 19-2; 04-08-19)**

APPENDIX "A"

CONTRACT FOR THE COLLECTION AND DISPOSAL OF GARBAGE/TRASH AND RECYCABLES BETWEEN THE VILLAGE OF BECKEMEYER AND WASTE MANAGEMENT

This Agreement made and entered into this 8th day of April, 2019 by and between the Village of Beckemeyer, Illinois, hereinafter referred to as the Village, and Waste Management of Illinois, Inc., hereinafter referred to as Waste Management.

1. **General Service.** Waste Management will be responsible for the weekly pickup of unlimited quantities of garbage/trash and bi-weekly pickup of unlimited recyclables for all customers of the Village's pickup services. Customers include single family homes, duplexes, apartment buildings and any small businesses already serviced under our current contract. (Apartment buildings and small businesses may have optional participation). The number of customers may vary from month to month.
2. **Pickup Schedule.** Waste Management shall pickup garbage/trash once per week on Tuesdays and recyclables every other week on Fridays. Garbage/trash and recyclables placed curbside or adjacent to the street for pickup on the scheduled pickup day shall be collected. No pickup shall begin before **6:00 A.M.** nor continue later than **7:00 P.M.** and all pickup shall occur on the same day. Waste Management shall observe **six (6)** holidays each year, which shall be New Year's Day, Memorial Day, 4th of July, Labor Day, Thanksgiving Day and Christmas Day. Should the scheduled pickup day for garbage/trash and recyclables land on one of these **six (6)** holidays, collection may be delayed **one (1) day**.
3. **Garbage/Trash Quantities & Limitations.** Waste Management shall be obligated to pick-up unlimited quantities of household garbage/trash.
   A. Any individual item, container or bag to be picked up shall not weigh more than **fifty (50) pounds** and shall be of a size that will fit in a compactor-style garbage truck. Waste Management will accept construction materials if they are broken down and fit into garbage container and not to exceed **fifty (50) pounds** per container.
   B. Customers shall supply their own garbage containers. Garbage need not be in a container and bagged garbage would be acceptable for pickup.
   C. **One (1)** bulk item will be picked up weekly on the normal garbage pickup day.
4. **Recyclable Quantities & Pickup.** Waste Management shall be obligated to pick up unlimited quantities of recyclable materials as follows:
   A. Materials eligible to be picked up as recyclables shall include cardboard, paper, plastic, aluminum and glass. Electronics will not be accepted.
   B. Customers who take part in the recycling program shall be provided by Waste Management with **one (1) ninety-six (96) gallon** wheeled recycling container, at no charge. Additional recycling containers may be provided to customers upon request, at no charge. If customer chooses not to participate in recycling, Waste Management will remove container. If customer later decides to participate in recycling, customer will have to pay **Twenty-Five Dollars ($25.00)** to re-attain recycling container.
   C. Waste Management shall notify the Village of the location and the operator of the facility at which its recyclables are deposited for recycling. Should the facility change within the time period of this contract, Waste Management shall notify the Village of the change. Such facility and operator must obtain, and maintain in good standing, all necessary licenses, permits or certificates for receiving such materials. Such facility must also be a location at which the materials that qualify as recyclables are actually recycled for future use and not dumped with other non-recyclable garbage/trash.
5. **No Charge Services.** At no additional cost to the Village, Waste Management shall provide the following services:
   A. Provide Village Hall with **one (1) eight (8) yard** dumpster with a lid and **one (1) ninety-six (96) gallon** wheeled recycling container.

B. Provide the Village Park and the BCDC Park with a total of **ten (10) ninety-six (96) gallon** wheeled garbage containers. Waste Management shall service these carts **one (1) time** per week, during the months of April through October, at no charge.

C. Waste Management to service the **five (5)**, Village-owned, concrete trash containers that are in the Louis Street area, once a week, at no charge.

6. **Village-Wide Cleanups.** Twice a year to use for Village-wide cleanups, Waste Management shall provide **two (2)** requested roll-off containers at no charge to the Village or residents. Roll-offs will be placed at an agreeable site for residents to bring their items for pickup.

7. **Permits and Regulations.** Waste Management shall be responsible for obtaining and maintaining in good standing, all necessary licenses, permits or certificates, as the case may be, from all regulatory agencies that oversee garbage/trash and recyclable hauling and dumping. The facility at which such materials are dumped, and its operator, must also obtain and maintain in good standing, all necessary licenses, permits or certificates for receiving such materials.

8. **Modern, Functioning Equipment & Spill Cleanup.** Waste Management shall be responsible for using modern, functioning equipment and for hauling garbage/trash and recyclables in a sanitary manner. Waste Management shall be responsible for the cleanup of any spills or leaks of solid or liquid waste materials caused by the Waste Management or by its agents, employees or appointees. Waste Management shall pay any bills submitted to them by the Village for any cleanup spills or leaks caused by Waste Management. Such bills shall be calculated using costs to cover time spent by Village employees during cleanup and materials and equipment implemented for the cleanup.

9. **Contact Information.** Upon commencement and throughout the term of the contract, Waste Management shall publish and maintain a phone number for the purpose of receiving inquiries and comments from Beckemeyer customers regarding contracted services. An agent, employee or appointee of Waste Management shall be available to answer phone calls to this phone number between at least **8:00 A.M.** and **4:30 P.M.** on every weekday and every day which Waste Management's services are implemented in the Village of Beckemeyer. Waste Management shall be responsible for responding to inquiries and complaints it receives within **forty-eight (48) hours** of receipt.

10. **Insurance.** Throughout the duration of this contract, Waste Management shall maintain an insurance policy, for which the Village of Beckemeyer should be named as the certificate holder and named as an additional insured by endorsement, in amount of **One Million Dollars ($1,000,000.00)** per occurrence with **Two Million Dollars ($2,000,000.00)** aggregate.

11. **Conduct.** Waste Management shall require its employees to be courteous at all times, to work quietly and not to use loud or profane language. Waste Management employees shall follow traffic regulations of the Village and be qualified and licensed, as appropriate, of the type of vehicle being driven or equipment being operated. Waste Management shall not discriminate against any person because of race, sex, age, color, religion or national origin.

12. **Missed Collections.** In the case of a missed garbage or recyclable pickup that is the fault of Waste Management and that is reported to Waste Management by the Village or a resident, Waste Management shall collect the missed items from such resident within **twenty-four (24) hours** of notification.

13. Waste Management shall defend, indemnify, protect and hold harmless the Village of Beckemeyer, its officers, agents, servants and employees from any and all loss, damage, expense, liability or claim of liability, causes of action, claims or suits arising out of the work called herein, including cost of defense and attorney fees.

14. Waste Management shall not damage any Village streets or rights of way. Alleys should not be used except where absolutely necessary. Waste Management agrees to repair all damage to Village or customer property caused by actions of Waste Management personnel or equipment.

15. **Billing.** The billing to customers for garbage/trash and recyclable collection shall be made by the Village of Beckemeyer. Waste Management shall bill the Village monthly for collections made and shall look solely to the Village for payment. Each bill shall be submitted to the Village **one (1) week** prior to the regular meeting of the Board of Trustees. Meetings are on the **second (2nd) Monday** of each month. The Village shall make payment within **five (5) days** after the bill is approved.

16. The Village of Beckemeyer agrees to pay Waste Management the following sum per month, per customer having Manual Garbage and Fully Automated Recycling Collection Service. The Village will determine the number of households receiving service in accordance with current practices. Senior households with at least **one (1) person sixty-two (62) years** of age or older will receive the senior rate.

November 1, 2019 to October 31, 2020:	$17.00/resident
$15.30/senior rate	
November 1, 2020 to October 31, 2021:	$17.40/resident
$15.60/senior rate	
November 1, 2021 to October 31, 2022:	$17.95/resident
$15.90/senior rate	

17. Waste Management shall not be permitted to assign or transfer its obligations under this contract without written permission of the Village.
18. **Breach of Contract.** In the event Waste Management shall fail to carry out the terms of this contract, Waste Management shall be given notice to correct such breach. Upon failure to correct the breach within **thirty (30) days** of the date of mailing of such notice, Waste Management shall forfeit all rights it may have under this contract and the Village shall have the right to terminate this contract without further notice or seek such other remedy which the Village may have under law or equity.
19. This contract shall be in force for the period beginning **November 1, 2019**, with no adjustment in rate.
20. The term of this contract is for **three (3) years** beginning on **November 1, 2019** and ending on **October 31, 2022**.

(Ord. No. 19-2; 04-08-19)

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CHAPTER 38

UTILITIES

ARTICLE I – DEPARTMENT ESTABLISHED

38-1-1 DEPARTMENT ESTABLISHED. There shall be an executive department of the Village known as the **Utilities Department.** It shall include the Superintendent and employees of the Department. The designated office shall be the Village Hall.

38-1-2 WATER AND SEWER COMMITTEE. The Village Board standing committee on Water and Sewer shall exercise a general supervision over the affairs of the Departments. They shall ascertain the condition and needs thereof; and shall, from time to time, report the same to the Mayor and Village Board so that a full understanding thereof shall be had; and generally, shall do all acts necessary to promote the efficiency of the Departments.

38-1-3 SUPERINTENDENT. The Superintendent of Water and Sewer shall be subject to the supervision of the Water and Sewer Committee and shall hereinafter be referred to as the **"Superintendent".** The Superintendent shall be appointed by the Mayor, by and with the advice and consent of the Village Board and shall hold office until his successor is appointed and qualified. He shall receive such salary as may be provided by the annual budget of the Village Board at the time of his appointment.

38-1-4 DUTIES OF THE SUPERINTENDENT. The Superintendent shall exercise general management and control over his respective department.

(A) He shall supervise over and be responsible for the conduct and performance of all employees of the department as a Department Head in accordance with the Employee Code, if any.

(B) He shall be responsible for the operation and maintenance of the Village 's water system and sewer system as provided in this Code.

(C) He shall be the custodian of all vehicles, equipment, structures, and property provided by the Village for the use of his department.

(D) He shall enforce the provisions of this Code and make such inspections, measurements, and tests as necessary for that purpose.

(E) He shall perform such other duties as may be assigned to him by the provisions of this Code or by the Village Board.

ARTICLE II – UTILITY REGULATIONS

38-2-1 CONTRACT FOR UTILITY SERVICES.

(A) **Customer Accepts Service.** The rates, rules and regulations contained in this Code shall constitute and be considered a part of the contract with every person, company or corporation who is supplied with water and sewer services from the waterworks and sewer system and every person, company or corporation, hereinafter called a **"customer"** who accepts and uses Village water and sewer services shall be held to have consented to be bound thereby.

(B) **Not Liable for Interrupted Service.** The Department shall endeavor at all times to provide a regular and uninterrupted supply of service, however, in case the supply of service shall be interrupted or irregular or defective or fail from causes beyond its control or through ordinary negligence of employees, servants or agents, the Departments shall not be liable therefor.

(C) **Using Services Without Paying.** Any person using utility services from the Village without paying therefor, or who shall be found guilty of breaking the seal of any meter or appurtenances, or bypassing any meter, shall be guilty of violating this Code, and upon conviction, shall be fined a sum as provided in Section 1-1-20 of the Revised Code.

(D) **Destroying Property.** Any person found guilty of defacing, tampering, injuring or destroying, or in any manner, limiting the use or availability of any meter or any property of the waterworks system and sewer system, or erecting signs on the property of the Department without permission shall, upon conviction of such act, be fined as provided in Section 1-1-20 of the Revised Code. **(See Sec. 5.06)**

(E) **Service Obtained By Fraud.** All contracts for water and sewer services shall be made in the name of the head of the household, firm or corporation using the established spelling of that person's or firm's name. Attempts to obtain service by the use of other names, different spellings or by substituting other persons or firms shall be considered a subterfuge and service shall be denied. If service has been discontinued because of nonpayment of bills, or any unpaid obligation and service has again been obtained through subterfuge, misrepresentation or fraud, that service shall be promptly disconnected and the whole or such part of the advanced payment as may be necessary to satisfy the unpaid obligation shall be retained by the Village and credited to the appropriate account.

(F) **Failure to Receive Bill.** Failure to receive a bill shall not excuse a customer from his obligation to pay within the time specified. Should the Department be unable to bill a customer for services used during any month, the following billing shall include the charges for services used during the unbilled month.

(G) **Request to Discontinue Service.** Services shall have been deemed to have been supplied to any property connected to the Water and Sewer Systems during a month unless the customer notifies the Village prior to the first day of the new billing month in which the services are to be discontinued.

(H) **Billing; Utility Shut-off; Hearing.**

(1) All bills for utility and refuse services shall be due and payable upon presentation. If a bill is not paid by the **twenty-fifth (25th) day** of the month, a penalty equal to **ten percent (10%)** of the amount due on said bill shall be added thereto. This penalty shall be in addition to the charges heretofore established for the utility services.

(2) Any customer who fails to pay the utility and refuse bills within **thirty-five (35) days** of presentation shall have the utility services disconnected after a written notice by the Deputy Clerk has been mailed by first-class mail or personal service to the customer, affording the customer an opportunity for a hearing. The aforesaid notice shall be mailed to the customer **thirty (30) days** after billing, specifically advising the customer of the following:

(a) Name and address of the customer and amount of the bill.

(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 utility 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 Deputy Clerk or the Treasurer. 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 or services 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 utility services. 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 utility services without further proceedings.

(6) If the customer who has been notified for nonpayment of utility bills is not the owner of record, then the Village shall notify the owner of the property by first-class mail.

(7) Once utility services have 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 **Ten Dollars ($10.00)** for each connection of such utility services, plus expenses incurred in the reconnecting of the utility services. There will be an additional fee of **Forty Dollars ($40.00)** to have the utility turned on after hours.

(8) A customer whose check or debit payment is returned for lack of funds in the account shall be charged a service charge of **Twenty Dollars ($20.00)**.

(I) **Lien Notice.** Whenever a bill for utility services remains unpaid for **sixty (60) days** after it has been rendered, the Deputy 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 utility services whose bill is unpaid is not the owner of the premises and the Deputy Clerk has notice of this, then notice shall be mailed to the owner of the premises if his address is known to the Deputy Clerk whenever such bill remains unpaid for a period of **fifty (50) days** after it has been rendered.

The failure of the Deputy 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 utility bills as mentioned herein. **(See 65 ILCS 5/11-139-8)**

(J) **Foreclosure of Lien.** Property subject to a lien for unpaid utility 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 utility services has remained unpaid **sixty (60) 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 Clerk to prepare or cause to be prepared a complete and accurate list of all premises and properties receiving utility services, showing the name and address of the occupant and the owner of the same. The list shall be kept up-to-date and shall be corrected from time to time to allow changes in the occupancy or ownership of any such property or premises. It shall be presented at the regular monthly meeting if requested.

38-2-3 FILED IN RECORDER OF DEEDS. A copy of this Code properly certified by the Village Clerk, shall be filed in the officer 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 utilities consumed during the time the meter fails to operate and the consumer shall be charged with such estimated amount. Bills may be estimated whenever it is impossible to read the meters during inclement weather.

38-2-6 WATER LEAKS. If customer has a water leak, the water usage shall be billed at **three (3) month** average or at Village's cost, whichever is higher. There may only be one water leak rate per household per year.

38-2-7 NO FREE UTILITY SERVICE. No free utility service shall be furnished to any person, public or private, and all rates and charges shall be non-discriminatory, provided that the Mayor and Village Board reserve the right to impose special rates and charges in cases where particular circumstances render the regular rates inadequate or unjust.

38-2-8 METER MALFUNCTION.

(A) In the event a customer disputes the accuracy of water consumption indicated on a utility bill, the customer may request a meter to be tested for accuracy.

(B) If the meter so tested shall be found to be within **three percent (3%)** of being accurate, the customer requesting such test shall be liable for any charges or fees incurred by the Village in coordinating the test. If upon test the meter is not within **three percent (3%)** of being accurate, it shall be repaired or replaced, and the fee be returned to the consumer.

(Ord. No. 22-02; 01-10-22)

38-2-9 UTILITY DEPOSITS.

(A) **Property Owner/Tenant.** All persons who are renting or leasing shall pay a utility deposit of **Two Hundred Dollars ($200.00)** to the Deputy Clerk by the 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, provided however, that said user shall have a good payment record, making all monthly payments timely.

(B) **Increased Deposits.** The Village may at any time require a larger deposit or an increase in any deposit previously made if the Village has reasonable cause to believe that the deposits required above are insufficient to fully protect the Village in the event of nonpayment. The amount of such deposit shall be in an amount of at least **two and one-half (2 ½) months** of the reasonably anticipated water and sewer charges to the premises. Such deposits may also be required of customers who are neither renting or leasing.

(C) **Security for Payment - No Interest.** The deposits made under the provisions of this Section 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.

(D) **Liability for Deposit.** The owner of the premises and the tenant thereof shall be jointly and severally liable to pay the required deposit herein established before water and sewer services shall be made available to the tenant-occupied premises. In the case a portion of the deposit is used as aforesaid, the tenant or owner of the premises shall immediately deposit with the Village Clerk an amount sufficient to bring the deposit to the established rate of deposit.

(E) **Deposit Refunds.** Provided all accounts have been paid, the deposit shall be refunded to the customer when service is terminated. The customer must render his receipt of deposit to the Village Clerk or deposits will not be refunded.

38-2-10 SERVICES OUTSIDE OF VILLAGE LIMITS.

(A) New applications for water or sewer service to premises not within the corporate limits will be considered as set forth elsewhere in this Code. If the Village Board deems such connection feasible and in the best interests of the Village, the applicant will be notified of tentative approval by the Village, however final approval for such connection shall be denied until all of the owners of the premises take such action as the Village Board deems appropriate to insure annexation of the premises to the Village. If the property is contiguous to the Village limits and eligible for immediate annexation or could be made contiguous by any of the owners or parties interested in obtaining water and sewer service to the premises, the owners and other necessary parties shall sign and file with the Village a proper petition for annexation and shall cooperate with the Village in such annexation.

(B) If in the judgment of the Village Board, any of the owners of the property proposed for service, prior owners thereof, or other persons under their control or influence have taken action to evade or avoid annexation, or to make the property ineligible for annexation, or have acted in bad faith to attempt to obtain service without annexation, such services shall be denied.

(C) If the property cannot be made contiguous to the Village or is otherwise ineligible for annexation, all of the property owners shall sign and deliver to the Village in form approved by the Village, a legally binding agreement to annex such property to the Village as soon as it becomes eligible for annexation and such agreement shall be recorded with the County Recorder of Deeds and be binding on all subsequent owners of the premises.

(D) If at the time such property is or could be eligible for annexation, any of the owners fail or refuse to cooperate in such annexation, water and sewer services to the premises shall be terminated immediately.

(E) Notwithstanding any of the foregoing, if water or sewer services are provided to any premises located outside of the corporate limits, all persons receiving such services shall do so in accordance with all of the other provisions of ordinances and regulations of the Village concerning such services, as amended from time to time, including without limitation all tap-in charges, rate charges, deposits, delinquent charges, turn-on charges, and penalties.

(F) If connection for water and sewer services is allowed under this Section, such connection shall be on the express condition that there shall be no further extensions of the water and sewer services to any premises not approved by the Village Board and qualifying under this Section of the Code. If any such water or sewer service is extended from a qualifying property to a non-qualifying property, such extension shall be grounds for immediate termination of service to both properties.

38-2-11 MOBILE HOME PARKS AND SUBDIVISIONS.

(A) **Plans.** All proposed manufactured home park/subdivision developers or owners shall file plans for the proposed park prior to applying for utilities. These plans shall show proposed utility lines, line sizes, street specifications and other information as may be required by the Village Board. The Village's Engineer shall review all plans for recommendation to the Village Board. This cost shall be bored by the developer, not the Village. All such plans shall be subject to the approval of the Village Board.

(B) **Tap-In Charges.** After applying for the required water and sewer services, a manufactured home park/subdivision shall pay the same water and sewer tap-in charges described in this Code, and such charges shall be applicable to each unit or space within the manufactured home park/subdivision.

(C) **Rates.** Water and sewer rates, deposits, turn-on charges, delinquent charges, and other charges shall be imposed upon each separate family living unit upon such premises, in the same manner as provided in this Code for other water or sewer users.

38-2-12 MANDATORY WATER AND SEWER USE.

(A) It is unlawful for any person to occupy as a residence any home, mobile home, apartment, or other premises within the Village unless such premises is lawfully connected to the Village water system and to Village sanitary sewer system at all times. Temporary disconnections for a period of **twenty-four (24) hours** or less for repair purposes shall not constitute a violation of this Code. Occupancy of a premises to which the water supply has been disconnected for nonpayment of water or sewer bills is a violation of this Code.

(B) It is unlawful for any person who is an owner or is in possession, control, or management of any home, mobile home, apartment or other premises within the Village to allow any other person to rent, occupy, or enter into possession of any such premises for residential purposes unless at the commencement of such rental, occupancy, or possession the premises are lawfully connected to the Village water and sanitary sewer systems and that such services are not at such time disconnected for nonpayment of water or sewer bills.

(C) It is unlawful for ay person to knowingly use the Village water or sewer systems at any residence, business, or other premises connected to the Village water or sewer systems if said person knows or reasonably should know that the water or sewer tap-in charges, deposit, turn-on charges, or delinquent charges for said premises have not been paid in full as required by the Beckemeyer Code of Ordinances as from time to time amended.

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 Beckemeyer 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 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.

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.

38-3-6 INSPECTION.

(A) **Access to Premises.** The Village shall have access to all portions of the premises of the consumer at any reasonable time for inspection of the use of water and the consumer's

pipe, fixtures, plumbing, and any other apparatus in any manner connected to the Waterworks System of the Village. The Village shall have the right and option to demand change or stopping of use or to require any repair, change, removal or improvement of any pipe, fixture, plumbing or other apparatus that would in any manner affect the water supply or system of the Village or the supply or fixtures of other consumers.

(B) **Meters to be Open to Inspection.** All water meters and water fixtures, connections and appurtenances on private property connected with the Waterworks System of the Village shall be open to the inspection of the proper officers and employees of the Village at all reasonable hours.

38-3-7 METER DAMAGED. The Water Department shall furnish and install, on the premises, a water meter, meter lid and ring, and transmitter module, all of which shall remain the property of the Department. The transmitter module is mounted on top of the meter lid, with an approximate **one-half (1/2) inch** rise. In the event the customer or customer's agent damages the water meter, meter lid, meter ring, or transmitter module, and it becomes necessary to replace any of these components, the customer shall be liable for the replacement cost of each damaged component. The replacement cost may be up to **Two Hundred Fifty Dollars ($250.00)** total, depending on the actual cost of replacement and installation. Said costs will be billed separately to the customer following installation of the replacement component(s). **(Ord. No. 25-06; 06-09-25)**

38-3-8 DAMAGE DUE TO INTERRUPTION OF SERVICE; LIABILITY. All connections for the water services applied for hereunder and all connections now attached to the present Village Waterworks System and all use or service of the system shall be upon the express condition that the Village shall not be liable for nor shall any claim be made against it for damages or injury caused by reason of the breaking of any main, service, pipe, apparatus or appurtenance connected with the Waterworks System or for any interruption of the supply of water by reason of the breaking of machinery or by reason of stoppages, alterations, extensions or renewals.

38-3-9 RESALE OF WATER. No water supplied by the waterworks system shall be resold by any user. No water user may supply water to other families or allow them to take it, except for use on the premises and for the purpose specified in such user's approved application, nor after water is introduced into any building or upon any premises shall any person make or employ any other person to make any tap or connection with work upon the premises for alterations, repairs, extension or attachments without written permit therefore. Resale or unauthorized use of water shall be grounds for discontinuance of water service to the user, or the premises, or both.

38-3-10 DISCONTINUING SERVICE - DANGEROUS USAGE. The Village shall have the right to refuse water service or to discontinue water service, without notice, at any time to any consumer if the Village finds any apparatus or appliances, the operation of which will be detrimental to the water system of the Village or to any or all of its consumers. Standpipes, hydrants, gate valves and any other apparatus that cause water hammer or any danger to the water system or other customer's plumbing shall be immediately repaired or removed upon notice from the Village or, at its option, the Village may immediately discontinue service without notice and without any liability for direct or resulting damages therefrom.

38-3-11 ELECTRIC GROUND WIRES. All persons are strictly forbidden to attach any electric ground wire to any plumbing or water piping which is or may be connected to any water service pipe, water meter, or water main belonging to the Village.

The Village shall hold the owner of the premises responsible and liable for any damage to the property or injury to the employees of the Village caused by such ground wire. Any and all owners and consumers shall remove any existing ground wires immediately upon written notice from the Village. If not so disconnected **five (5) days** after notice, the Village, through its officials, may enter the property and remove such ground wires and the consumer shall pay all costs.

38-3-12 WATER FOR BUILDING OR CONSTRUCTION PURPOSES. Applicants desiring to use water from the Village Waterworks System for building or construction purposes shall make application therefor to the Superintendent on a form provided by the Water and Sewer Department for that purpose.

Upon a permit being granted, the service pipe shall be carried at the expense of the applicant to the inside of the curb line where a service cock and meter shall be placed with pipe leading to the surface and a faucet placed at the end thereof above the surface. When the building or construction is completed, the faucet and meter shall be removed, and the water shut off unless permanent connection is made in accordance with the provisions of this Code. Charge for the use and connection of the meter shall be prescribed by the Superintendent.

38-3-13 FIRE HYDRANTS.

(A) All public fire hydrants with gate valves, tees, and connections from the main, inside the Village Limits, shall be owned, maintained and used only by the Village and shall be solely responsible for same. Use of water from fire hydrants by contractors and others shall be only upon permission by the Village and after approved application to the Village.

(B) The Village shall not be held liable and will not assume any responsibility for the condition of any fire hydrant inside or outside of the Village Limits or the pressure or amount of water obtainable therefrom or any damage either direct or resultant because of the condition, pressure or amount of water available at any fire hydrant.

(C) All public fire hydrants located outside the Village Limits owned by the Village shall be maintained in as good order as reasonably possible, but the Village will not undertake or assume any responsibility or liability for their condition or use or abuse. Such public fire hydrants shall be used only for the purpose of extinguishing fires except when the Village may issue a special permit for their use to contractors who shall then be responsible for the hydrants and the use of water from them.

38-3-14 LIMITED WATER USAGE IN EMERGENCIES.

(A) The Mayor is hereby authorized to proclaim the existence of an emergency whenever it appears that the Village water supply is inadequate for all general uses and purposes, which proclamation shall be published in a newspaper of general circulation in the community and the Mayor is further authorized to declare in similar manner the end of an emergency period.

(B) From and after the publication of a proclamation as provided for in subsection (A) of this Section, the following uses of water shall be prohibited:

(1) the washing of cars and other vehicles;
(2) the sprinkling of lawns and shrubbery;
(3) the watering of gardens;
(4) other nonessential uses;

and it shall be unlawful for any person to so use water from the Village supply during such an emergency.

38-3-15 SHORTAGE AND PURITY OF SUPPLY. The Village shall not be held responsible for or in any manner liable to any person, company, consumer or public body for any claim or damage, either direct or resultant because of any shortage of water supply, any shutoff of water for any reason, any bursting or leakage of either the consumer's or Village 's mains, pipes and fixtures, any pollution or impurity in water supply or any fire or water damage.

38-3-16 NON-COMPLIANCE WITH RULES AND REGULATIONS. If any consumer fails to comply with any of the rules and regulations in force, the Village shall notify the consumer of such failure. If the consumer does not remedy the same as the rules provide and within a reasonable time, the Village shall have the right to discontinue service. Except in case of non-payment, emergency, necessity, or as otherwise provided, the Village will not discontinue service for violation of any rule until **five (5) days** after notice has been given and the violation has not been remedied.

38-3-17 EASEMENTS. The consumer shall give such easements and rights-of-way as necessary to the Village and allow access for the purpose of construction, repair, maintenance, meter reading, relocation or expansion of the water system. The necessity shall be determined by the Superintendent.

38-3-18 USE OF WATER ON CONSUMER'S PREMISES. The Village shall reserve the right to use the water from the consumer's facilities at any time deemed necessary. No charge shall be made by the consumer for the use of the facilities and no charge shall be made by the Village for the water used by the Village.

38-3-19 ALLOCATION OF MAINTENANCE COSTS BETWEEN USER AND VILLAGE. The Village shall maintain and repair all water service pipes between the water mains and the curb lines. Any repairs to service lines or taps between the water mains and the sidewalk or property line shall be the Village 's expense. Any repairs or renewals of water service pipes between the property line or curb line and extending to the owner's premises shall be made at the sole expense of the consumer or owner of the premises.

38-3-20 VILLAGE NOT LIABLE FOR INTERRUPTION OF SUPPLY. The Village shall have the right to shut off the supply of water whenever it is necessary to make repairs, improvements, enforce rules or for any notice as circumstances allow, will be given to consumers but in emergencies, the water may be shut off without notice. All hot water faucets shall be left open during any shut-off to prevent damage to plumbing. Such necessary work will be done as rapidly as may be practical and whenever feasible at such times as will cause the least inconvenience. The Village shall not be held responsible for or liable because of any shut-off of supply for any direct or resultant damages to any person, company or consumer or to any pipe, fixtures, or plumbing.

Water for steam boilers, gas engines, ice plants, or other industrial use, shall not be furnished by direct pressure from the mains, but only to tanks holding ample reserve supply. Should any equipment be supplied direct from mains, then in case of any shutoff of water, the Village will not be held responsible or liable for any direct or resulting damage because of interrupted supply, insufficient pressure, or otherwise.

Whenever water mains, pipes and service connections are taken up, shut-off or interfered with by reason of any Village street improvements, the Village will endeavor to maintain service so far as reasonably possible, but will not be directly or indirectly liable for any interruption, poor pressure, or damage of any kind either to consumers, adjacent or to other consumers affected thereby.

The Village expressly stipulates with all its consumers and other persons that it will not insure or be responsible or liable in any manner for any losses, or damages, direct or resultant by reason of any fire, and all water service furnished shall always be conditional upon acts of God, inevitable accidents, fire, strikes, riots, war, or any other cause not within the reasonable control of the Village.

38-3-21 WATER WELL PERMITS REQUIRED. It shall be unlawful to drill a water-well in the Village without the proper permits from the State of Illinois and the Village Board. All wells shall comply with the Cross-Connection Code in this Code. No wells shall be drilled when the property is within **two hundred (200) feet** of the municipal water main.

38-3-22 ABANDONED CONNECTION. Whenever any connection to the waterworks system is abandoned, because the building to which the water connection is made has been abandoned, destroyed or removed, the Superintendent may remove the meter and any pipe or connections in the public right-of-way or easement, and cap, plug or otherwise seal the pipe or main. Before taking any such steps the Superintendent shall notify the owner of the real estate if the owner’s name and address is known, and shall notify the person shown on the real estate tax records as having paid taxes on the

property the last time taxes were paid. Such notice shall be made by mail, at least **thirty (30) days** before any action is taken under this Section. If water is leaking, the Superintendent shall take immediate action, and send the notices within **three (3) working days** of the time action was taken.

38-3-23 ALTERNATIVE WATER SOURCE. Any customer with critical water requirements shall have an alternate water source. Failure to provide such shall be considered a violation of customer rules and loss or damages resulting therefrom shall be the responsibility of the customer. Those customers shall include but not be limited to manufacturers, hospitals, nursing homes, schools, greenhouses, hatcheries or any other building or business which might suffer any type of loss due to interruption of water service.

The Village expressly stipulates with all customers and other persons who may be affected by the discontinuance of service that it will neither insure nor be responsible or liable in any manner for any loss or damages, direct or indirect, by reason of fire or any other cause and all water service furnished shall also be conditional upon acts of God, inevitable accidents, failure of supply, fire, strikes, riots or any other causes.

38-3-24 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.

38-3-25 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.

38-3-25 - 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 Superintendent of Water 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 **Two Hundred Dollars ($200.00)** 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 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, shall bear the cost of clean-up of the potable water supply system.

(Ord. No. 90-8; 08-13-90)

38-3-37 - 38-3-40 RESERVED.

DIVISION III - CROSS-CONNECTION CONTROL CODE

38-3-41 PURPOSE. The purpose of these Rules and Regulations is:

(A) To protect the public water supply system from contamination or pollution by isolating within the customer's water system contaminants or pollutants which could backflow through the service connection into the public water supply system.

(B) To promote the elimination or control of existing cross-connections, actual or potential, between the public or consumer's potable water system and non-potable water systems, plumbing fixtures and sources or systems containing substances of unknown or questionable safety.

(C) To provide for the maintenance of a continuing program of cross-connection control which will prevent the contamination or pollution of the public and consumer's potable water systems.

38-3-42 APPLICATION. These Rules and Regulations shall apply to all premises served by the public potable water supply system of the Village.

38-3-43 RESPONSIBILITY OF OWNER. The owner or official custodian shall be responsible for protection of the public water supply system from contamination due to backflow or back-siphonage of contaminants through the customers water service connection. If, in the judgment of the Superintendent or his authorized representative, an approved backflow prevention device is necessary for the safety of the public water supply system, the Superintendent shall give notice to the consumer to install such approved backflow prevention device at each service connection to the premises. The consumer shall immediately install such approved device or devices at his own expense; failure, refusal or inability on the part of the consumer to install such device or devices immediately shall constitute grounds for discontinuing water service to the premises until such device or devices have been installed. The consumer shall retain records of installation, maintenance, testing and repair as required in **Section 38-3-37(D)** below for a period of at least **five (5) years**. The Superintendent may require the consumer to submit a cross-connection inspection report to the Village to assist in determining whether or not service line protection will be required. All cross-connection inspections shall be conducted by a Cross-Connection Control Device Inspector certified by the Illinois Environmental Protection Agency.

38-3-44 DEFINITIONS. The following definitions shall apply in the interpretation and enforcement of these regulations:

"Fixed Proper Air Gap" means the unobstructed vertical distance through the free atmosphere between the water discharge point and the flood level rim of the receptacle.

"Agency" means Illinois Environmental Protection Agency.

"Approved" means backflow prevention devices or methods approved by the Research Foundation for Cross-Connection Control of the University of Southern California, Association of State Sanitary Engineers, American Water Works Association, American National Standards Institute or certified by the National Sanitation Foundation.

"Auxiliary Water System" means any water source or system on or available to the premises other than the public water supply system and includes the water supplied by the system. These auxiliary waters may include water from another purveyor's public water supply system; or water from a source such as wells, lakes, or streams or process fluids; or used water. These waters may be polluted or contaminated or objectionable or constitute a water source or system over which the water purveyor does not have control.

"Backflow" means the backflow of water or other liquids, mixtures, or substances into the distribution pipes of a potable water system from any source other than the intended source of the potable water supply.

"Backflow Prevention Device" means any device, method, or type of construction intended to prevent backflow into a potable water system. All devices used for backflow prevention in Illinois must meet the standards of the Illinois Plumbing Code and the Illinois Environmental Protection Agency.

"Consumer" or "Customer" means the owner, official custodian or person in control of any premises supplied by or in any manner connected to a public water system.

"Consumer's Water System" means any water system located on the customer's premises. A building plumbing system is considered to be a customer's water system.

"Contamination" means an impairment of the quality of the water by entrance of any substance to a degree which could create a health hazard.

"Cross-Connection" means any physical connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other a substance of unknown or questionable safety or quality, whereby there may be a flow from one system into the other.

"Direct Cross-Connection" means a cross-connection formed when a water system is physically joined to a source of unknown or unsafe substance.

"Indirect Cross-Connection" means a cross-connection through which an unknown substance can be forced, drawn by vacuum or otherwise introduced into a safe potable water system.

"Double Check Valve Assembly" means an assembly composed of single, independently acting check valves approved under ASSE Standard 1015. A double check valve assembly and suitable connections for testing the watertightness of each check valve.

"Health Hazard" means any condition, device or practice in a water system or its operation resulting from a real or potential danger to the health and well-being of consumers. The word "severe" as used to qualify "health hazard" means a hazard to the health of the user that could be expected to result in death or significant reduction in the quality of life.

"Inspection" means a plumbing inspection to examine carefully and critically all materials, fixtures, piping and appurtenances, appliances and installations of a plumbing system for compliance with requirements of the Illinois Plumbing Code, 77 Ill. Admn. Code 890.

"Non-potable Water" means water not safe for drinking, personal, or culinary use as determined by the requirements of 35 Ill. Adm. Code 604.

"Plumbing" means the actual installation, repair, maintenance, alteration or extension of a plumbing system by any person. Plumbing includes all piping, fixtures, appurtenances and appliances for a supply of water for all purposes, including without limitation lawn sprinkler systems, from the source of a private water supply on the premises or from the main in the street, alley or at the curb to, within and about any building or buildings where a person or persons live, work or assemble. Plumbing includes all piping, from discharge of pumping units to and including pressure tanks in water supply systems. Plumbing includes all piping, fixtures, appurtenances, and appliances for a building drain and a sanitary drainage and related ventilation system of any building or buildings where a person or persons live, work or assemble from the point of connection of such building drain to the building sewer or private sewage disposal system **five (5) feet** beyond the foundation walls.

"Pollution" means the presence of any foreign substance (organic, inorganic, radiological, or biological) in water that tends to degrade its quality so as to constitute a hazard or impair the usefulness of the water.

"Potable Water" means water which meets the requirements of 35 Ill. Adm. Code 604 for drinking, culinary, and domestic purposes.

"Potential Cross-Connection" means a fixture or appurtenance with threaded hose connection, tapered spout, or other connection which would facilitate extension of the water supply line beyond its legal termination point.

"Process fluid(s)" means any fluid or solution which may be chemically, or biologically or otherwise contaminated or polluted in a form or concentration such as would constitute a health, pollutional, or system hazard if introduced into the public or a consumer's potable water system. This includes but is not limited to:

(A) polluted or contaminated waters;

(B) process waters;

(C) used waters originating from the public water supply system which may have deteriorated in sanitary quality;

(D) cooling waters;

(E) questionable or contaminated natural waters taken from wells, lakes, streams, or irrigation systems;

(F) chemicals in solution or suspension;

(G) oils, gases, acids, alkalis and other liquid and gaseous fluids used in industrial or other processes, or for fire fighting purposes.

"Public Water Supply" means all mains, pipes and structures through which water is obtained and distributed to the public, including wells and well structures, intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water for drinking or general domestic use and which serve at least 15 service connections or which regularly serve at least 25 persons at least 60 days per year. A public water supply is either a "community water supply" or a "non-community water supply".

"Reduced Pressure Principle Backflow Prevention Device" means a device containing a minimum of two independently acting check valves together with an automatically operated pressure differential relief valve located between the two check valves and approved under ASSE Standard 1013. During normal flow and at the cessation of normal flow, the pressure between these two checks shall be less than the supply pressure. In case of leakage of either check valve, the differential relief valve, by discharging to the atmosphere, shall operate to maintain the pressure between the check valves at less than the supply pressure. The unit must include tightly closed shutoff valves located at each end of the device, and each device shall be fitted with properly located test cocks.

"Service Connection" means the opening, including all fittings and appurtenances, at the water main through which water is supplied to the user.

"Survey" means the collection of information pertaining to a customer's piping system regarding the location of all connections to the public water supply system and must include the location, type and most recent inspection and testing date of all cross-connection control devices and methods located within that customer's piping system. The survey must be in written form, and should not be an actual plumbing inspection.

"System Hazard" means a condition through which an aesthetically objectionable or degrading material not dangerous to health may enter the public water supply system or a consumer's potable water system.

"Used Water" means any water supplied by a public water supply system to a consumer's water system after it has passed through the service connection and is no longer under the control of the water supply official custodian.

"Water Purveyor" means the owner or official custodian of a public water system.

38-3-45 WATER SYSTEM.

(A) The water system shall be considered as made up of two parts: the public water supply system and the consumer's water system.

(B) The public water supply system shall consist of the source facilities and the distribution system and shall include all those facilities of the potable water system under the control of the Superintendent up to the point where the consumer's water system begins.

(C) The source shall include all components of the facilities utilized in the production, treatment, storage, and delivery of water to the public water supply distribution system.

(D) The public water supply distribution system shall include the network of conduits used to deliver water from the source to the consumer's water system.

(E) The consumer's water system shall include all parts of the facilities beyond the service connection used to convey water from the public water supply distribution system to points of use.

38-3-46 CROSS-CONNECTION PROHIBITED.

(A) Connections between potable water systems and other systems or equipment containing water or other substances of unknown or questionable quality are prohibited except when and where approved cross-connection control devices or methods are installed, tested and maintained to insure proper operation on a continuing basis.

(B) No physical connection shall be permitted between the potable portion of a supply and any other water supply not of equal or better bacteriological and chemical quality as determined by inspection and analysis by the Agency.

(C) There shall be no arrangement or connection by which an unsafe substance may enter a supply.

38-3-47 SURVEY AND INVESTIGATIONS.

(A) The consumer's premises shall be open at all reasonable times to the approved cross-connection control device inspector for the inspection of the presence or absence of cross-connections within the consumer's premises, and testing, repair and maintenance of cross-connection control devices within the consumer's premises.

(B) On request of the Superintendent, or his authorized representative, the consumer shall furnish information regarding the piping system or systems or water use within the customer's premises. The consumer's premises shall be open at all reasonable times to the Superintendent for the verification of information submitted by the inspection consumer to the public water supply custodian regarding cross-connection inspection results.

(C) It shall be the responsibility of the water consumer to arrange periodic surveys of water use practices on his premises to determine whether there are actual or potential cross-connections to his water system through which contaminants or pollutants could backflow into his or her public potable water system. All cross-connection control or other plumbing inspections must be conducted in accordance with Ill. Comp. Stat., Ch. 225, Sec. 320/3.

(D) It is the responsibility of the water consumer to prevent backflow into the public water system by ensuring that:

(1) All cross-connections are removed; or approved cross-connection control devices are installed for control of backflow and back-siphonage.

(2) Cross-connection control devices shall be installed in accordance with the manufacturer's instructions.

(3) Cross-connection control devices shall be inspected at the time of installation and at least annually by a person approved by the Agency as a cross-connection control device inspector (CCCDI). The inspection of mechanical devices shall include physical testing in accordance with the manufacturer's instructions.

(4) Testing and Records

(a) Each device shall be tested at the time of installation and at least annually or more frequently if recommended by the manufacturer.

(b) Records submitted to the community public water supply shall be available for inspection by Agency personnel in accordance with Ill. Comp. Stat., Ch. 415, Sec. 5/4(e).

(c) Each device shall have a tag attached listing the date of most recent test, name of CCCDI, and type and date of repairs.

(d) A maintenance log shall be maintained and include:

1. date of each test;
2. name and approval number of person performing the test;
3. test results;
4. repairs or servicing required;
5. repairs and date completed; and
6. serving performed and date completed.

38-3-48 WHERE PROTECTION IS REQUIRED.

(A) An approved backflow device shall be installed on all connections to the public water supply as described in the Plumbing Code, 77 Ill. Adm. Code 890 and the Agency's regulations 35 Ill. Adm. Code 680. In addition, an approved backflow prevention device shall be installed on each service line to a consumer's water system serving premises, where in the judgment of the Superintendent, actual or potential hazards to the public water supply system exist.

(B) An approved backflow prevention device shall be installed on each service line to a consumer's water system serving premises where the following conditions exist:

(1) Premises having an auxiliary water supply, unless such auxiliary supply is accepted as an additional source by the Superintendent and the source is approved by the Illinois Environmental Protection Agency.

(2) Premises on which any substance is handled which can create an actual or potential hazard to the public water supply system. This shall include premises having sources or system containing process fluids or waters originating from the public water supply system which are no longer under the sanitary control of the Superintendent.

(3) Premises having internal cross-connections that, in the judgment of the Superintendent, are not correctable or intricate plumbing arrangements it make which impractical to determine whether or not cross-connections exist.

(4) Premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete cross-connection survey.

(5) Premises having a repeated history or cross-connections being established or reestablished.

(C) An approved backflow device shall be installed on all connections to the public water supply as described in the Plumbing Code, 77 Ill. Adm. Code 890 and the Agency's regulations 35 Ill. Adm. Code 653. In addition, an approved backflow prevention device shall be installed on each service line to a consumer's water system serving, but not necessarily limited to, the following types of facilities unless the Superintendent determines that no actual or potential hazard to the public water supply system exists:

(1) Hospitals, mortuaries, clinics, nursing homes.
(2) Laboratories.
(3) Piers, docks, waterfront facilities.
(4) Sewage treatment plants, sewage pumping stations or storm water pumping stations.
(5) Food or beverages processing plants.
(6) Chemical plants.
(7) Metal plating industries.
(8) Petroleum processing or storage plants.
(9) Radioactive material processing plants or nuclear reactors.
(10) Car washes.
(11) Pesticide, or herbicide or extermination plants and trucks.
(12) Farm service and fertilizer plants and trucks.

38-3-49 TYPE OF PROTECTION REQUIRED.

(A) The type of protection required under **Section 38-3-48** 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 38-3-48** of these regulations shall be an approved fixed proper air gap separation or an approved reduced pressure principle backflow prevention connected to the public water supply when:

(C) Where a public water supply or an auxiliary water supply is used for a fire protection system, reduced pressure principle backflow preventers shall be installed on fire safety systems connected to the public water supply when:

(1) The fire safety system contains antifreeze, fire retardant or other chemicals;
(2) water is pumped into the system from another source; or
(3) water flows by gravity from a non-potable source; or water can be pumped into the fire safety system from any other source;
(4) there is a connection whereby another source can be introduced into the fire safety system.

(D) All other fire safety systems connected to the potable water supply shall be protected by a double check valve assembly on metered service lines and a double detector check valve assembly on unmetered service lines.

38-3-50 BACKFLOW PREVENTION DEVICES.

(A) All backflow prevention devices or methods required by these rules and regulations shall be approved by the Research Foundation for Cross-Connection Control of the University of Southern California, American Water Works Association, American Society of Sanitary Engineering, or American National Standards Institute or certified by the National Sanitation Foundation to be in compliance with applicable industry specification.

(B) Installation of approved devices shall be made in accordance with the manufacturer's instructions. Maintenance as recommended by the manufacturer of the device shall be performed. Manufacturer's maintenance manual shall be available on-site.

38-3-51 INSPECTION AND MAINTENANCE.

(A) It shall be the duty of the consumer at any premises on which backflow prevention devices required by these regulations are installed to have inspection, tests, maintenance and repair made in accordance with the following schedule or more often where inspections indicate a need or are specified in manufacturer's instructions.

(1) Fixed proper air gap separations shall be inspected to document that a proper vertical distance is maintained between the discharge point of the service line and the flood level rim of the receptacle at the time of installation and at least annually thereafter. Corrections to improper or by-passed air gaps shall be made within 24 hours.

(2) Double check valve assemblies shall be inspected and tested at time of installation and at least annually thereafter, and required service performed within **five (5) days**.

(3) Reduced pressure principle backflow prevention assemblies shall be tested at the time of installation and at least annually or more frequently if recommended by the manufacturer, and required service performed within **five (5) days**.

(B) Testing shall be performed by a person who has been approved by the Agency as competent to service the device. Proof of approval shall be in writing.

(C) Each device shall have a tag attached listing the date of most recent test or visual inspection, name of tester, and type and date of repairs.

(D) A maintenance log shall be maintained and include:

(1) date of each test or visual inspection;

(2) name and approval number of person performing the test or visual inspection;

(3) test results;

(4) repairs or servicing required;

(5) repairs and date completed; and

(6) servicing performed and date completed.

(E) Whenever backflow prevention devices required by these regulations are found to be defective, they shall be repaired or replaced at the expense of the consumer without delay as required by **Section 38-3-41(A)**.

(F) Backflow prevention devices shall not be bypassed, made inoperative, removed or otherwise made ineffective without specific authorization by the Superintendent.

38-3-52 BOOSTER PUMPS.

(A) Where a booster pump has been installed on the service line to or within any premises, such pump shall be equipped with a low-pressure cut-off device designed to shut-off the booster pump when the pressure in the service line on the suction side of the pump drops to 20 psi or less.

(B) It shall be the duty of the water consumer to maintain the low-pressure cut-off device in proper working order and to certify to the Superintendent, at least once a year, that the device is operable.

38-3-53 VIOLATIONS AND PENALTIES.

(A) The Superintendent shall deny or discontinue, after reasonable notice to the occupants thereof, the water service to any premises wherein any backflow prevention device required by these regulations is not installed, tested, maintained and repaired in a manner acceptable to the

Superintendent, or if it is found that the backflow prevention device has been removed or bypassed, or if an unprotected cross-connection exists on the premises, or if a low pressure cut-off required by these regulations is not installed and maintained in working order.

(B) Water service to such premises shall not be restored until the consumer has corrected or eliminated such conditions or defects in conformance with these regulations and to the satisfaction of the Superintendent, and the required reconnection fee is paid.

(C) Neither the Village, the Superintendent, or its agents or assigns, shall be liable to any customers of the Village for any injury, damages or lost revenues which may result from termination of said customer's water supply in accordance with the terms of this ordinance, whether or not said termination of the water supply was with or without notice.

(D) The consumer responsible for back-siphoned material or contamination through backflow, if contamination of the potable water supply system occurs through an illegal cross-connection or an improperly installed, maintained or repaired device, or a device which has been bypassed, must bear the cost of clean-up of the potable water supply system.

(E) Any person found to be violating any provision of this Code shall be served with written notice stating the notice of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violation.

(F) Any person violating any of the provisions of this Code in addition to the fine provided, shall become liable to the Village for any expense, loss or damage occasioned by the Village by reason of such violation, whether the same was caused before or after notice.

38-3-54 USE OF GROUNDWATER AS A POTABLE WATER SUPPLY PROHIBITED. The use or attempt to use as a potable water supply groundwater from within the corporate limits of the Village by the installation or drilling of wells or by any other method is hereby prohibited, including at points of withdrawal by the Village. **(Ord. No. 03-03; 07-14-03)**

(Ord. No. 98-1; 04-13-98)

38-3-55 - 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. **(See Chapter 34 for Design Requirements) (See Appendix #2)**

38-3-62 EASEMENTS. Applicants for main extensions shall deliver, without cost to the Village, permanent easements or right-of-way when necessary for the installation and maintenance of the extensions or subsequent additions thereto. The Village shall not be obligated to authorize any construction until all requirements of this Chapter have been met.

38-3-63 SIZE AND TYPE. The Village reserves the right to determine and specify the diameter and type of pipe required to provide the service requested, and subject to the requirements of municipal authorities, its location within or without the limits of a street. The Village further reserves the right to install a main larger in diameter than the main required to render the service requested, in which case, the Village will pay the difference in cost.

38-3-64 TITLE. Title to all main extensions shall be vested in the Village and the Village shall have the right to further extend any main installed in and to other streets or premises without repayment or refund to any applicant. However, the Village reserves the right to consider extensions made at the applicant's expense and without written agreement as to service lines. Upon such lines, the Village will set a meter at the beginning of the extension to measure all water used and title to the line beyond the meter will be vested in the customer who shall be responsible for maintenance and replacement, when necessary.

38-3-65 MAINTENANCE AND REPLACEMENT. The Village, at its own expense, shall maintain and when necessary, replace the Village -owned mains used to supply water to its customers, and if adequate service requires the reconstruction or replacement of such mains, the mains shall be reconstructed or replaced by the Village at its expense.

38-3-66 - 38-3-69 RESERVED.

DIVISION V – WATER RATES

38-3-70 BUILDING UNIT DEFINED. All persons or families residing in a building under one roof, be it an apartment or homes converted into more than one dwelling place, each family or individual resident residing therein shall be deemed an individual customer or such homes or apartments or dwellings shall be billed for at least one minimum water and/or sewer account according to the number of families or individual residents residing therein. When **two (2)** or more families live in **one (1) dwelling**, **one (1) minimum** per dwelling shall be charged. If more than the minimum is used, the owner or occupant of such dwelling shall pay the additional over such minimum as provided.

When a dwelling or apartment has only **one (1) water meter** and consist of more than **one (1)** apartment/unit, the owner of the dwelling will be responsible for at least a minimum water and/or sewer bill monthly for each apartment/unit regardless if occupies or vacant.

38-3-71 WATER REVENUES. All revenues and moneys derived from the operation of the Water system shall be deposited in the water account of the water fund. All such revenues and moneys shall be held by the Village Treasurer separate and apart from its private funds and separate and apart from all other funds of the Village Treasurer not more than **ten (10) days** after receipt of the same, or at such more frequent intervals as may from time to time be directed by the Board of Trustees. The Village Treasurer shall receive all such revenues from the water system and all other funds and moneys incident to the operation of such system as the same may be delivered to him and deposit the same in the account of the fund designated as the "Water and Sewer System Fund of the Village". The Treasurer shall administer such fund in every respect in the manner provided by **65 ILCS 5/3.1-35-40 et seq.**

38-3-72 WATER ACCOUNTS. The Village Treasurer shall establish a proper system of accounts and shall keep proper books, records, and accounts in which complete and correct entries shall be made of all transactions relative to the system, and at regular annual intervals shall cause to be made

an audit by an independent auditing concern of the books to show the receipts and disbursements of the water system. In addition to the customary operating statements, the annual audit report shall also reflect the revenues and operating expenses of the water facilities, including a replacement cost. The financial information to be shown in the audit report shall include the following:

(A) Flow data showing total gallons received at the water plant for the current fiscal year.

(B) Billing data to show total number of gallons billed per fiscal year.

(C) Debt service for the next succeeding fiscal year.

(D) Number of users connected to the system.

(E) Number of non-metered users.

38-3-73 ACCESS TO BOOKS. The Illinois Environmental Protection Agency or its authorized representative shall have access to any books, documents, papers and records of the Village which are applicable to the Village system of user charges for the purpose of making audit, examination, excerpts and transcriptions thereof to insure compliance with the terms of any Loan Agreement with the Village.

38-3-74 NOTICE OF RATES. A copy of this Article, properly certified by the Village Clerk, shall be filed in the office of the County Recorder of Deeds and shall be deemed notice to all owners of real estate of the charges of the sewer system of the Village on their properties. Each user shall be notified at least annually, in conjunction with a regular bill, of the rate and that portion of the user charges which are attributable to sewer treatment services.

38-3-75 APPEALS. The method for computation of rates and service charges established for user charges in **Article IV Division I** shall be made available to a user within **fifteen (15) days** of receipt of a written request for such. Any disagreement over the method used, or in the computation thereof, shall be remedied by a third party selected by both parties within **ninety (90) days** after notification of a formal written appeal outlining the discrepancies.

38-3-76 ADEQUACY OF SERVICE CHARGES. The adequacy of the water service charge shall be reviewed, not less often than annually by the Village Board of Trustees with assistance if requested by the Board from the Village Engineer and any accountant performing audit services for the Village. The water service charge rates shall be revised periodically to reflect the change in local capital costs or operation, maintenance and replacement costs. The rates established by the Village from time to time shall include a basic user charge, a debt service charge, and a capital improvement charge. The basic user charge is levied on all users to recover the operation, maintenance plus replacement (O, M & R) costs and shall be based on water usage as recorded by water meters. The basic user charge shall be computed as follows:

(A) Estimate the annual water volume;

(B) Estimated the projected annual revenue required to operate and maintain the water facilities, including a replacement fund for the year, for all works categories;

(C) Compute costs per **one thousand (1,000) gallons**.

The debt service charge is computed by apportioning the annual debt service as a charge per **one thousand (1,000) gallons**. The capital improvement charge is levied on users to provide for capital improvements, extensions or reconstruction of the water works. The capital improvement charge is computed by apportioning the annual amount to be accrued as a charge per **one thousand (1,000) gallons**.

38-3-77 COMPUTATION. The method for computation of rates and service charges established for user charges in this Article shall be made available to a user within **twenty (20) days** of receipt of a written request for such. Any disagreement over the method used or in the computations thereof shall be remedied by the Village within **forty-five (45) days** after notification of a formal written appeal outlining the discrepancies.

38-3-78 CONNECTION CHARGE.

(A) **Inside Village.** Applicants for **three-fourths (3/4) inch** water service inside the Village shall pay a charge of **One Thousand Five Hundred Dollars ($1,500.00)**. When the labor and materials such as connecting pipes, meter vaults and covers, valves, and connections exceed the **One Thousand Five Hundred Dollars ($1,500.00)** the applicant shall be billed, and the charges paid prior to the water being turned on.

(B) **Outside Village.** Applicants for **three-fourths (3/4) inch** water service outside the Village limits shall pay **One Thousand Two Hundred Dollars ($1,200.00)** plus the cost of labor and materials.

(C) **Illinois Plumbing Code.** All water tap and service connections made to the mains of the Waterworks System of the Village shall conform to the regulations of this Code and of the Illinois Plumbing Code. All connections and installations shall be made by the Water and Sewer Department employees.

(D) **Maintenance of Water Lines. The Village shall replace all water mains when it has been deemed necessary to do so in order to maintain service in the Village. The Village shall limit its responsibility to maintaining water lines to the water mains and to the service lines up to the meter. The property owner shall be responsible for the service line from the meter into the premises served.**

(See 65 ILCS 5/11-150-1)

38-3-79 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)	**Inside Village Limits.**	
First	2,000 gallons per month	$23.11 MINIMUM CHARGE
Over	2,000 gallons per month	$8.69 per 1,000 gallons
(B)	**Outside Village Limits.**	
First	2,000 gallons per month	$27.79 MINIMUM CHARGE
Over	2,000 gallons per month	$10.78 per 1,000 gallons
(C)	**Water Rates: Industrial - Inside Village.**	
Over	40,000 gallons per month	$6.99 per 1,000 gallons
(D)	**Water Rates: Industrial - Outside Village.**	
Over	40,000 gallons per month	$7.81 per 1,000 gallons
(E)	**Bulk Water at Machine.**	
	150 gallons	$0.75

(Ord. No. 22-08; 06-13-22)

38-3-80 REQUESTED SHUT-OFF. If user requests water to be shut off, there will be a **Two Hundred Dollar ($200.00)** fee to have the water turned on again.

DIVISION VI – WATER PURCHASE AGREEMENT

38-3-81 CARLYLE WATER PURCHASE AGREEMENT. The contract with the City of Carlyle is hereby included in Appendix 8 at the conclusion of this Chapter. **(Ord. No. 14-04; 03-10-14)**

ARTICLE IV - WASTEWATER SYSTEM

DIVISION I - DEFINITIONS

38-4-1 DEFINITIONS. Unless the context specifically indicates otherwise, the meaning of terms used in this Code shall be as follows:

"GOVERNMENT, FEDERAL".

(A) **"Administrator"** means the Administrator of the U.S. Environmental Protection Agency.

(B) **"Federal Act"** means the Federal Clean Water Act **(33 U.S.C. 466 et seq)** as amended, **(Pub. L. 95-217).**

(C) **"Federal Grant"** shall mean the U.S. government participation in the financing of the construction of treatment works as provided for by Title II-Grants for Construction of Treatment Works of the Act and implementing regulations.

"GOVERNMENT, LOCAL".

(A) **"Approving Authority"** shall mean the Superintendent of the Village or his authorized deputy, agent, or representative.

(B) **"NPDES Permit"** means any permit or equivalent document or requirements issued by the Administrator, or, where appropriated by the Director, after enactment of the Federal Clean Water Act to regulate the discharge of pollutants pursuant to Section 402 of the Federal Act.

(C) **"Person"** shall mean any and all persons, natural or artificial including any individual, firm, company, municipal or private cooperation, association, society, institution, enterprise, governmental agency or other entity.

(D) **"Inspector"** shall mean the Superintendent or other person or persons duly authorized by the Village to inspect and approve the installation of building sewer and their connection to the sanitary sewer system.

"GOVERNMENT, STATE".

(A) **"Director"** means the Director of the Illinois Environmental Protection Agency.

(B) **"State Act"** means the Illinois Anti-Pollution Bond Act of 1970.

(C) **"State Grant"** shall mean the State of Illinois participation in the financing of the construction of treatment works as provided for by the Illinois Anti-Pollution Bond Act and for making such grants as filed with the Secretary of State of State of Illinois.

"CLARIFICATION OF WORD USAGE". "Shall" is mandatory; "may" is permissible.

"WASTEWATER TYPES AND APPURTENANCES".

(A) **"Building Drain"** shall mean that part of the lowest piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer or other approved point of discharge, beginning **five (5) feet (1.5 meters)** outside the inner face of the building wall.

(B) **"Building Sewer"** shall mean the extension from the building drain to the public sewer or other place of disposal.

(C) **"Combined Sewer"** shall mean a sewer which is designed and intended to receive sewer, storm, surface and groundwater drainage.

(D) **"Easement"** shall mean an acquired legal right for the specific use of land owned by other.

(E) **"Public Sewer"** shall mean a sewer provided by or subject to the jurisdiction of the Village. It shall also include sewer within or outside the Village boundaries that serve **one (1)** or more persons and ultimately discharge into the Village sanitary sewer or combined sewer system, even though those sewers may not have been constructed with Village funds.

(F) **"Sanitary Sewer"** shall mean a sewer that conveys sewage or industrial wastes or a combination of both, and into which storm, surface and groundwaters or unpolluted industrial wastes are not intentionally admitted.

(G) **"Sewer"** shall mean a pipe or conduit for conveying sewage or any other waste liquids, including storms, surface and groundwater drainage.

(H) **"Sewer"** shall mean the system of sewer and appurtenances for the collection, transportation and pumping of sewage.

(I) **"Storm Sewer"** shall mean a sewer that carries storm, surface and groundwater drainage, but excludes sewage and industrial wastes other than unpolluted cooling water.

(J) **"Stormwater Runoff"** shall mean that portion of the precipitation that is drained into the sewer.

"TREATMENT":

(A) **"Pretreatment"** shall mean the treatment of sewer from sources before introduction into the sewer treatment works.

(B) **"Sewer Treatment Works"** shall mean an arrangement of devices and structures for treating sewer, industrial wastes, and sludge. Sometimes used as synonymous with "waste treatment plant" or "sewer treatment plant" or "pollution control plant".

"TYPES OF CHARGES":

(A) **"Basic User Charge"** shall mean the basic assessment levied on all users of the public sewer system.

(B) **"Capital Improvement Charge"** shall mean the charge levied on users to improve, extend or reconstruct the sewage treatment works.

(C) **"Debt Service Charge"** shall be the amount to be paid each billing period for payment of interest, principal and coverage of (loan, bond, etc.) outstanding.

(D) **"Local Capital Cost Charge"** shall mean charges for costs other than the Operation, Maintenance and Replacements costs, i.e., debt service and capital improvement costs.

(E) **"Replacement"** shall mean expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the service life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement.

(F) **"Sewer Fund"** is the principal accounting designation for all revenues received in the operation of the sewer system.

(G) **"Surcharge"** shall mean the assessment in addition to the basic user charge and debt service charge which is levied on those persons whose wastes are greater in strength than average concentration values as established by code.

(H) **"Useful Life"** shall mean the estimated period during which the collection system and/or treatment works will be operated.

(I) **"User Charge"** shall mean a charge levied on users of treatment works for the cost operation, maintenance and replacement.

(J) **"Sewer Service Charge"** shall be the charge per quarter or month levied on all users of the Sewer Facilities. The service charge shall be computed as outlined in Article IV of this Code and shall consist of the total or the Basic User Charge, the local capital cost and a surcharge, if applicable.

(K) **"Reserve Fund Charge"** shall mean a revolving fund for expansion and construction of the sewer system.

"USER TYPES":

(A) **"Control Manhole"** shall mean a structure located on a site from which industrial wastes are discharged. Where feasible, the manhole shall have an interior drop. The purpose of a "control manhole" is to provide access for the Village representative to sample and/or measure discharges.

(B) **"Industrial User"** shall include establishments engaged in manufacturing activities involving the mechanical or chemical transformation of materials of substance into products.

(C) **"Residential User"** shall mean all dwelling units such as houses, buildings, mobile homes, apartments, permanent multi-family dwellings.

(D) **"User Class"** shall mean the type of user either "residential or commercial" (non-industrial) or "industrial" as defined herein.

(E) **"Commercial User"** shall include transit lodging, retail and wholesale establishments or places engaged in selling merchandise or rendering services.

(F) **"Institutional/Governmental User"** shall include schools, churches, penal institutions, and users associated with Federal, State and local governments.

"WASTEWATER FACILITIES" shall mean the structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and transport effluent to a watercourse.

"WATERCOURSE AND CONNECTIONS":

(A) **"Watercourse"** shall mean a channel in which a flow of water occurs, either continuously or intermittently.

(B) **"Natural Outlet"** shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

"WASTEWATER AND ITS CHARACTERISTICS":

(A) **"BOD"** (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in **five (5) days** at **20 degrees centigrade (20°C)**, expressed in milligrams per liter.

(B) **"Effluent Criteria"** are defined in any applicable "NPDES Permit".

(C) **"Floatable Oil"** is oil, fat, or grease in a physical state such that it will separate by gravity from sewer by treatment in an approved pretreatment facility. A sewer shall be considered free of floatable fat if it is properly pretreated, and the sewer does not interfere with the collection system.

(D) **"Garbage"** shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.

(E) **"Industrial Waste"** shall mean any solid, liquid or gaseous substance discharged, permitted to flow or escaping from any industrial, manufacturing, commercial or business establishment or process or from the development, recovery or processing of any natural resource as distinct from sanitary sewage.

(F) **"Major Contributing Industry"** shall mean an industrial user the publicly owned treatment works that:

(1) Has a flow of 50,000 gallons or more per average workday; or

(2) Has a flow greater than **ten percent (10%)** of the flow carried by the municipal system receiving the waste; or

(3) Has in its waste, a toxic pollutant in toxic amounts as defined in standards issued under Section 307(a) of the Federal Act; or

(4) Is found by the permit issuance authority, in connection with the issuance of the NPDES permit to the publicly owned treatment works receiving the waste, to have significant impact, either singly or in combination with other contributing industries, on that treatment works or upon the quality of effluent from that treatment works.

(G) **"Milligrams per Liter"** (mg/1) shall mean a unit of the concentration of water or sewer constituent. It is 0.001 gram of the constituent in 1,000 milliliter of water. It has replaced the unit formerly used commonly, parts per million, to which it is approximately equivalent, in reporting the results of water and sewer analysis.

(H) **"pH"** shall mean the logarithm (base 10) of the reciprocal of the hydrogen-ion concentration expressed by one of the procedures outlined in the IEPA Division of Laboratories Manual of Laboratory Methods.

(I) **"Population Equivalent"** is a term used to evaluate the impact of industrial or other waste on a treatment works or stream. One population equivalent is 100 gallons of sewage per day, containing 0.17 pounds of BOD and 0.20 pounds of suspended solids.

(J) **"ppm"** shall mean parts per million by weight.

(K) **"Properly Shredded Garbage"** shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewer, with no particle greater than **one (1/2) half inch (1.27 centimeters)** in any dimension.

(L) **"Sewage"** is used interchangeably with "sewer".

(M) **"Slug"** shall mean any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than **fifteen (15) minutes more than five (5) times** the average **twenty-four (24) hour** concentration or flows during normal operation.

(N) **"Suspended Solids"** (SS) shall mean solids that either float on the surface of, or are in suspension in water, sewage, or industrial waste, and which are removable by a laboratory filtration device. Quantitative determination of suspended solids shall be made in accordance with procedures set forth in the I.E.P.A. Division of Laboratories Methods.

(O) **"Unpolluted Water"** is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewer and sewer treatment facilities provided.

(P) **"Sewer"** shall mean the spent water of a community. From this standpoint of course, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and stormwater that may be present.

(Q) **"Water Quality Standards"** are defined in the Water Pollution Regulations of Illinois.

38-4-2 - 38-4-3 RESERVED.

DIVISION II - USE OF PUBLIC WASTEWATERS REQUIRED

38-4-4 DEPOSIT OF WASTES. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Village or in any area under the jurisdiction of the Village, any human or animal excrement, garbage or other objectionable waste.

38-4-5 SEWAGE IN NATURAL OUTLET. It shall be unlawful to discharge to any natural outlet within the Village, or in area under the jurisdiction of the Village, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

38-4-6 PRIVATE SYSTEM, UNLAWFUL. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

38-4-7 CONNECTION TO SYSTEM REQUIRED. The owner of all the houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the Village and abutting on any street, alley, right-of-way in which there is now located or may in the future be located any public sanitary (or combined) sewer of the Village is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper

public sewer in accordance with the provisions of this Code, within **ninety (90) days** after date of official notice to do so, provided that said public sewer is within **two hundred (200) feet** of the nearest property line and adequate to handle the additional connection, where determined to be required.

38-4-8 - 38-4-9 RESERVED.

DIVISION III - PRIVATE SEWAGE DISPOSAL

38-4-10 PRIVATE SEWAGE SYSTEM. Where a public sanitary sewer is not available under the provisions of **Section 38-4-7**, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this division.

38-4-11 HEALTH DEPARTMENT APPROVAL. Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit from the appropriate Health Department. The application for such permit shall be made on a form furnished by the Village **(reference Appendix #3)** which the applicant shall supplement by any plans, specifications and other information as deemed necessary by the Superintendent. A permit and inspection fee of **One Hundred Dollars ($100.00)** shall be paid to the Village at the time the application is filed.

38-4-12 PERMIT APPROVAL. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within **forty-eight (48) hours** of the receipt of written notice by the Superintendent.

38-4-13 COMPLIANCE WITH STATE REQUIREMENTS. The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the State of Illinois Private Sewage Disposal Licensing Act and Code and with the State of Illinois Environmental Protection Agency. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than **seven thousand five hundred (7,500) square feet.** No septic tank or cesspool shall be permitted to discharge to any natural outlet.

38-4-14 AVAILABILITY OF PUBLIC WASTEWATER. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in **Section 38-4-7**, a direct connection shall be made to the public sewer in compliance with this Code, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

38-4-15 RESPONSIBILITIES OF THE OWNER. The owner shall maintain a private sewage disposal system in a sanitary manner at all times and at no expense to the Village. The Village shall have the option of notifying in writing, the property owner or customer of sewer line repairs that need to be made on their property. Upon failure to make proper repairs within **ten (10) days**, the water service shall be disconnected. It shall be the duty of the Public Works Superintendent to shut off or have shut off, the water service to the property until the proper repairs have been made.

38-4-16 ADDITIONAL RESTRICTIONS. No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the Local Health Officer.

38-4-17 TIME CONSTRAINTS FOR PUBLIC WASTEWATER. When a public sewer becomes available, the building sewer shall be connected to said sewer within **ninety (90) days** and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

38-4-18 - 38-4-20 RESERVED.

DIVISION IV - BUILDING WASTEWATER AND CONNECTIONS

38-4-21 DISTURBING SYSTEM UNLAWFUL. No unauthorized person shall uncover, make any connections with, or opening into; use; alter; or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent.

38-4-22 COMPLIANCE WITH REGULATING AUTHORITIES. All disposal by any person into the sewer system is unlawful except those discharges in compliance with Federal Standards promulgated pursuant to the Federal Act and more stringent State and local standards.

38-4-23 CLASSES OF PERMITS.

(A) There shall be **two (2)** classes of building sewer permits as follows:

(1) Residential sewer service.

(2) Service to Commercial or Institutional establishments or industrial sewer service.

(B) In either case, the owner or his agent shall make applications on a special form furnished by the Village. **(See Appendix #4)** The fee per connection shall be paid to the Village at the time the application is filed pursuant to this Division of this Article.

(C) The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. The industry, as a condition of permit authorization, shall provide information describing its sewer constituents, characteristics and type of activity.

38-4-24 COST BORNE BY OWNER. All costs and expenses including labor and material incidental to the installation, connection and maintenance of a lateral sewer line shall be borne by the owner(s). The owner(s) shall indemnify the Village from any loss or damage that may directly or indirectly be occasioned by the installation, connection and maintenance of the lateral sewer lines. This section shall apply even where the lateral sewer line runs under a public street, public right-of-way, or public easement.

38-4-25 SEPARATE WASTEWATER: EXCEPTION. A separate and independent building sewer shall be provided for every building, except that where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer; except for sewer connection charges accruing from such buildings or properties.

38-4-26 OLD BUILDING WASTEWATER. Old building sewer may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this Code.

38-4-27 CONSTRUCTION METHODS. The size, slope, depth and alignment, of the building sewer shall be subject to the approval of the Superintendent. In no case shall the inside diameter of the building sewer be less than **four (4) inches.** If **six (6) inch diameter pipe** is used, the slope shall not be less than **one-eighth (1/8) inch** per foot. If **four (4) inch or five (5) inch diameter pipe** is used, the slope shall not be less **one-fourth (1/4) inch** per foot. The depth of the building sewer shall be sufficient to afford protection from frost. The building sewer shall be laid at a uniform grade and in straight alignment, insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings, unless the break in alignment is made at a manhole facilitating servicing. Installation shall be in accordance with Standard Specifications for Water and Sewer Main Construction in Illinois.

All building sewers shall be constructed of materials approved by the Village. Generally all building sewer shall be constructed of the following materials:

(A) Ductile iron pipe

(C) PVC solid wall plastic pipe (6" diameter maximum) SDR-35

All pipe joints must be gastight and watertight and are subject to the approval of the Village. Transition joints from one pipe material to another shall be made using fittings manufactured for such transitions.

38-4-28 PLUMBING CODE REQUIREMENTS. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Village. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society of Testing materials, **Water Pollution Control Federation Manual of Practice No. 9**, and **Standard Specifications for Water and Sewer Main Construction in Illinois** shall apply.

38-4-29 ELEVATION. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by a means which is approved in accordance with **Section 38-4-22** and discharged to the building sewer.

38-4-30 PROHIBITED CONNECTIONS. No person(s) shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to public sanitary sewer.

38-4-31 CONNECTIONS TO WASTEWATER MAINS. Building Sewer connections with any sewer shall be made only at manholes or other such junctions as may be provided or designated by the Village, and then only in such manner as directed. The connection of the building sewer shall be made at a wye branch, if such branch is available. The building service sewer shall generally enter the sewer main or lateral by way of an existing wye. In the event of absence of the wye, the connection to the sewer main or lateral shall be made by one of the methods indicated below.

(A) Installation of a manhole

(B) Circular saw-cut sewer main by proper tools ("Sewer Tap" machine or similar), and proper installation of hub wye saddle, in accordance with manufacturer's recommendation. This

method shall not be allowed when the wye branch is larger than **four (4) inches** in diameter. The entire sewer main in the location of the wye and the wye shall be encased in concrete.

(C) Using the pipe cutter only, neatly and accurately cut out desired length of pipe for insertion of proper fitting. Remove both hub and bell ends, or other compression couplings from wye branch fitting to allow the wye branch to be inserted with no more than a total of **one-half (1/2) inch** gap. Use "Band Seal" couplings, or similar couplings, and shear rings and clamps to fasten the inserted fitting and hold it firmly in place. The entire section shall then be encased in concrete having a minimum thickness of **four (4) inches** and extending **eight (8) inches** beyond each joint.

If another method is desired, a detail shall be submitted for review and approval by the Village before the connection is made. Indiscriminate breaking of the sewer main pipe is not allowed.

On Site Inspection. After the wye branch has been inserted and jointed, and before any additional fittings have been placed in the service line, the installation shall be approved by the Superintendent, or his authorized representative. After approval is granted the contractor shall encase the work area as specified herein.

Backfill. To be placed in accordance with The Standard Specifications for Water and Sewer Main Construction in Illinois, Current Edition. In addition, any building sewer crossing any street, or traveled alley shall be backfilled with CA-86 backfill material.

Concrete Encasement. When a riser is constructed and its height is **four (4) feet** or more measured from the flowline of the sewer main to the top of the riser pipe, the wye connection shall be encased in concrete to a height of at least **one foot six inches (1' 6")** above the flowline of the sewer main. When the height of the riser is less than **four (4) feet** above the flowline of the sewer main, the wye connection shall be backfilled to the top of the riser pipe with carefully placed and compacted granular backfill.

38-4-32 CAPACITY OF WASTEWATER. A building sewer permit will only be issued and a sewer connection shall only be allowed if it can be demonstrated that the downstream sewer facilities, including sewer, pump stations and sewer treatment facilities, have sufficient reserve capacity to adequately and efficiently handle the additional anticipated waste load.

38-4-33 TAP-IN SUPERVISION AND TESTING. The applicant for the building sewer permit shall notify the Village when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Village or its representative.

At any time after the installation of the building sewer, the Village may test the building sewer for violation of this ordinance.

38-4-34 INSPECTION. After the building sewer has been constructed in the trench but before the sewer is backfilled, the applicant for the building sewer permit shall notify the Superintendent that the building sewer is ready for inspection. If the sewer has been constructed properly, permission will be given to backfill the trench. If the sewer construction is found to be unsuitable, the permit applicant will correct the installation to meet Village 's requirements.

38-4-35 PUBLIC WASTEWATER CONNECTION. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code, or other applicable rules and regulations of the Village, or the procedures set forth in appropriate specifications of the American Society of Testing Materials, **Water Pollution Control Federation Manual of Practice No. 9**, and **Standard Specifications for Water and Sewer Main Construction in Illinois**. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Village before installation.

38-4-36 PROTECTION OF PROPERTY. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Village.

38-4-37 BOND REQUIRED. If the applicant for the building sewer permit does not have a general bond on file with the Village, the applicant shall furnish a corporate surety bond in an amount **one and one-half (1 1/2) times** the cost of the contemplated work for which the permit is to be issued.

38-4-38 UNLAWFUL DISCHARGES. All disposal by any person into the sewer system is unlawful except those discharges in compliance with Federal Standards promulgated pursuant to the Federal Act and more stringent State and local standards.

38-4-39 SEPARATE SERVICES. Each residence, home, mobile home, separate family living unit, or business shall have separate water meters and shall have separate water and sewer service lines connected directly to the Village's water mains and sewer mains. Duplexes and two-family apartments shall have separate water meters, separate water service lines, and separate sewer service lines for each living unit. Each duplex unit shall have their own **four (4) inch** sewer service lines. At that time, they can be hooked to a **six (6) inch** riser and **six (6) inch** lateral extended at the property line. Apartments (up to 20 units) shall have their own **four (4) inch** sewer service line. At that time, they can be hooked up to a **six (6) inch** riser and **six (6) inch** lateral extended at the property line. Separate water and sewer tap-in charges shall be paid for each separate water and sewer service line in the manner and amount described elsewhere in this Chapter.

38-4-40 - 38-4-41 RESERVED.

DIVISION V - EXTENSION OF COLLECTING WASTEWATERS

38-4-42 PERMIT REQUIRED; AUTHORIZED PERSONNEL. No person, other than an authorized employee of the Village, shall make any connection with, uncover, alter or disturb a Village sewer, or open any manhole, intercepting chamber, or any appurtenance thereof without first obtaining a written permit to do so from the Village, and no person shall make any connection or opening into any sewer, the flow of which is directly or indirectly discharged into any Village sewer, without first obtaining a written permit to do so from the Village. **(See Appendix #2)**

38-4-43 EXTENSION PERMITS. Issuance of sewer extension permits shall be initiated by an application for construction permit. The application shall be made on the forms provided by the IEPA, shall be fully completed by the applicable persons or parties, and shall be accompanied by a set of plans, specifications, and any other information as may be required by the Village.

Plans and specifications shall be prepared by a registered professional engineer and approval thereof must be obtained from the Village and IEPA.

If the application is in proper form, and the sewer extension indicated therein appears to be in accordance with this ordinance and all state and federal requirements, the Village shall issue the permit for construction of the sewer. If otherwise, the application for permit shall be denied by the Village. There shall be no fee charged for sewer extension application or permits.

If the application is denied by the Village, they shall state the reason or reasons therefore in writing, mailed or personally delivered to the applicant. The applicant shall have the right to amend such

application in conformity with the reasons given for denial and resubmit it to the Village for further consideration.

All permits issued under this Article V shall have an expiration date of **two (2) years** after the date of issuance. Any sewer not constructed prior to the date of expiration shall have a new application submitted and a new permit issued prior to their construction.

The applicant for the permit shall furnish a corporate surety bond in an amount **one and one-half (1 1/2) times** the cost of the contemplated work for which the permit is to be issued.

38-4-44 **MATERIALS.** All sewer extensions shall be constructed of the following materials:

(A) Sewer pipe with diameters **eight (8) inches** and larger shall be one of the following:

(1) ABS composite pipe conforming to ASTM D-2680 with solvent weld joints or O-ring rubber gasket joints as referenced in ASTM D-2680.

(2) PVC sewer pipe SDR-35 conforming to ASTM 03033 or D3034 with joints conforming to ASTM D3212.

(B) Laterals and fittings from the sewer to the property lines shall be **six (6) inch** diameter and

(1) of comparable material to the sewer main for VCP and PVC pipe.

(2) for ABS pipe use ABS solid wall pipe SDR-23.5 conforming to ASTM D-2751.

38-4-45 **INSPECTIONS OF CONSTRUCTION.** Construction of the sewer shall be inspected under competent supervision supplied by a registered professional engineer and upon completion of construction, accurate detailed plans as constructed ("record drawings") shall be certified and submitted by the professional engineer to the Village before any applications for building sewer permits are filed; all at the expense of the Owner. These plans shall show all elevations as installed as well as accurate measurements showing the locations of service connections. The Engineer shall also submit a certified statement showing the source, place and volume of foreign waters.

All sewers shall be subjected to:

(A) A lamp test which shall provide that from one manhole to another, at least **one-half (1/2)** of the pipe end area shall be visible.

(B) Infiltration or exfiltration test with acceptable allowance of 200 gallons per day per inch diameter per mile;

(C) Under special circumstances, when approved by the Village, air pressure testing with allowance to be specified by the Village.

When any sewer line fails to pass the infiltration test, the exfiltration test, or an air pressure test, the sewer line shall be televised in the presence of the Village 's representatives to determine points of faulty construction. The Owner shall repair all defects; the method of repair shall be subject to the approval of the Village. **(See Appendix #5)**

38-4-46 **MANHOLES REQUIRED.** Manholes shall be installed at all changes in grade and/or direction and at distances not greater than **four hundred (400) feet** apart. All manhole covers shall be watertight and self-sealing, incorporating an "O" ring gasket. All covers shall have concealed pick holes. Where manhole covers may be subjected to frequent and extreme submergence, additional watertightness shall be ensured by using bolt down covers.

38-4-47 - 38-4-48 **RESERVED.**

DIVISION VI - USE OF PUBLIC WASTEWATER FACILITIES

38-4-49 DISCHARGE OF STORM WATER. No person shall discharge, or cause to be discharged, any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

38-4-50 STORM WATER. Stormwater and all other unpolluted drainage shall be discharged to such sewer as are specifically designated as storm sewer, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged on approval of the Village, to a storm sewer, or natural outlet.

38-4-51 REGULATIONS OF WASTES. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

(A) Any gasoline, benzene, naptha, fuel oil, or other flammable or explosive liquid, solids, or gas.

(B) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.

(C) Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

(D) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewer, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

38-4-52 HARMFUL EFFECTS OF CERTAIN MATERIALS. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewer, sewage treatment process or equipment; have an adverse effect on the receiving stream; or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewer, materials of construction of the sewer, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and maximum limits established by regulatory agencies. The substances prohibited are:

(A) Any liquid or vapor having a temperature higher than **One Hundred Fifty degrees Fahrenheit (150°F), (65°C).**

(B) Any waters or wastes containing toxic or poisonous materials; or oils, whether emulsified or not, in excess of **One Hundred (100) mg/l** or containing substances which may solidify or become viscous at temperatures between **Thirty-Two (32) and One Hundred Fifty degrees Fahrenheit (150°F), (O and 65°C).**

(C) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of **three-fourths (3/4) horsepower (0.76 hp metric)** or greater shall be subject to the review and approval of the Village.

(D) Any waters or wastes containing strong acid, iron pickling wastes, or concentrated plating solution whether neutralized or not.

(E) Any waters or wastes containing iron, chromium, copper, zinc, or similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree

that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Village for such materials.

(F) Any waters or wastes containing phenols or other waste odor-producing substances, in such concentration exceeding limits which may be established by the Village as necessary after treatment of the composite sewage, to meet the requirements of the State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

(G) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Village in compliance with applicable State or Federal regulations.

(H) Any mercury or any of its compounds in excess of **0.0005 mg/l as Hq** at any time except as permitted by the Village in compliance with applicable State and Federal regulations.

(I) Materials which exert or cause:

(1) unusual concentrations or inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate);

(2) excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions);

(3) unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works;

(4) unusual volume of flow or concentrations of wastes constituting "slugs" as defined herein. **(Reference Appendix #7)**

(J) Waters or wastes containing substances which are not amendable to treatment or reduction by the sewage treatment processes employed, or are amendable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of agencies having jurisdiction over discharge to the receiving waters.

(K) Any waters or wastes having a pH in excess of 9.5.

(L) Any cyanide in excess of 0.025 mg/l at any time except as permitted by the Village in compliance with applicable State and Federal regulations.

38-4-53 HARMFUL WASTES; APPROVAL.

(A) If any waters or wastes are discharged or are proposed to be discharged to the public sewer, which waters contain the substances or possess the characteristics enumerated in **Section 38-4-52** of this Division, and/or which are in violation of the standards for pretreatment provided in 40 CFR 403, June 26, 1978 and any amendments thereto, and which in the judgment of the Superintendent may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

(1) reject the wastes;

(2) require pretreatment to an acceptable condition for discharge; and/or;

(3) require control over the quantities and rates for discharge; and/or;

(4) require payment to cover the added costs of handling and treating the wastes not covered by existing taxes or sewer charges, under the provisions of **Section 38-4-42.**

(B) If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent, and subject to the requirements of all applicable codes, articles, and laws.

(C) The owner of the pretreatment or equalization facilities shall obtain construction and operating permits from the Illinois Environmental Protection Agency prior to the issuance of final approval by the Superintendent.

(D) Where multiple process or discharges are present or contemplated at an industry, the Village shall have the authority to require the owner or person to furnish and install more than one control manhole with appurtenances and/or require that all sewer be discharged through a single control manhole or structure with appurtenances described herein.

38-4-54 INTERCEPTORS PROVIDED.

(A) Grease, oil, and sand interceptors shall be provided in accordance with the Illinois State Plumbing Code to assure the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Village and shall be located as to be readily and easily accessible for cleaning and inspection. All grease interceptors shall be serviced and emptied of accumulated waste content as required or at a minimum of once every **four (4) months** in order to maintain minimum design capability or effective volume of the grease interceptor and to prevent carry over of grease into the sanitary sewer system. All fast food and sit-down restaurants shall install a grease interceptor with a capacity of at least **one thousand five hundred (1,500) gallons** and designed in accordance with **Appendix "A"**. Food establishments that serve a minimum amount of fried foods such as deli sandwich shops, shall install a grease interceptor with a capacity of at least **one thousand (1,000) gallons**, and designed in accordance with **Appendix "B"**.

(B) Users whose operations cause or allow excessive grease to discharge or accumulate in the Village wastewater collection and treatment system may be liable to the Village for costs related to service calls for sewer line blockages, line cleaning, line and pump repairs, etc. including all labor, materials, and equipment. Failure to pay all service-related charges may also be grounds for sewer service discontinuance.

(C) **Maintenance Log.** A grease trap cleaning/maintenance log indicating each pumping for the previous **twenty-four (24) months** shall be maintained by each Food Service Facility. This log shall include the date, time, amount pumped, hauler, and disposal site and shall be kept in a conspicuous location for inspection. Said log shall be made available to the Village or his representative upon request.

(D) **Submittal of Records.** Each user shall submit all cleaning and maintenance records to the Village. The maintenance records shall include the following information:

(1) Facility name, address, contact person, and phone number.

(2) Company name, address, phone number, and contact name of person responsible for performing the maintenance, cleaning, pumping, or repair of grease trap.

(3) Types of maintenance performed.

(4) Dates maintenance was performed.

(5) Date of next scheduled maintenance.

(6) Copies of manifests.

(7) The user shall be required to submit maintenance records to the Village on an annual basis. Records shall be submitted by **September 1st** of each year. The records shall be submitted to:
Attn: Wastewater Superintendent

(E) The Village will perform periodic inspections of these facilities and shall notify the user of any additional required maintenance or repairs. Upon written notification by the Village, the user shall be required to perform the maintenance and records of said maintenance within **fourteen (14) calendar days**. Upon inspection by the Village the user may be required to install, at his expense, additional controls to provide a complete system which prevents discharges of undesirable materials into the wastewater collection system.

(F) **Control Plan for Fats, Oils, Greases (FOG) and Food Waste.**

(1) Any new construction, renovation, or expansion of Food Service Facilities shall be required to submit to the Village a FOG and food waste control plan that will effectively control the discharge of undesirable materials into the wastewater collection system.

(2) Any existing Food Service facilities shall also be required to submit a FOG and food waste control plan that will effectively control the discharge of undesirable materials into the wastewater collection system. Existing facilities shall not be exempt from the requirements of this Section. There will be no "Grandfathering".

(G) **Exceptions to the Above.** Should existing facilities be hampered by space constraints or restrictions caused by unchangeable plumbing, an alternative interceptor may be approved, provided that:

(1) Said interceptor and installation is endorsed by a licensed plumbing contractor in regard to its operability.

(2) Said interceptor and installation is endorsed by the Village Engineer.

(3) Said interceptor and installation is approved by the Superintendent and the Water and Sewer Committee.

Such installations may be subject to more stringent inspections and maintenance schedules.

38-4-55 FLOW-EQUALIZING FACILITIES. Where preliminary treatment or flow-equalizing facilities are provided, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

38-4-56 INDUSTRIAL WASTES CONTROL MANHOLE. Each industry shall be required to install a control manhole and, when required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessible and safety located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

38-4-57 INDUSTRIAL WASTE TESTING.

(A) The owner of any property serviced by a building sewer carrying industrial wastes shall provide laboratory measurements, tests, and analyses of waters and wastes to illustrate compliance with this Code and any special conditions for discharge established by the Village or regulatory agencies having jurisdiction over the discharge.

(B) The number, type, and frequency of laboratory analyses to be performed by the owner shall be as stipulated by the Village, but no less than once per year the industry must supply a complete analysis of the constituents of the sewer discharge to assure that compliance with the Federal, State, and local standards are being met. The owner shall report the results of measurements and laboratory analyses to the Village at such times and in such a manner as prescribed by the Village. The owner shall bear the expense of all measurements, analyses, and reporting required by the Village. At such times as deemed necessary the Village reserves the right to take measurements and samples for analysis by an outside laboratory service.

38-4-58 MEASUREMENTS AND TESTS. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Code shall be determined in accordance with the latest edition of **IEPA Division of Laboratories Manual of Laboratory Methods,** and shall be determined at the control manhole provided, or upon suitable samples taken at the control manhole. In the event that no special manhole has been required the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a **twenty-four (24) hour** composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from **twenty-four (24) hour** composites of all outfalls, whereas pH's are determined from periodic grab samples.)

38-4-59 SPECIAL ARRANGEMENTS. No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the Village and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Village for treatment, subject to payment therefore, in accordance with the Code, hereof, by the industrial concern provided such payments are in accordance with Federal and State guidelines for User Charge System and Industrial Cost Recovery System. **(See Article IV - Division I of this Code)**

38-4-60 - 38-4-64 RESERVED.

DIVISION VII - EXTENSION OF MAINS

38-4-65 DETERMINATION OF WHO PAYS EXPENSE OF EXTENSION. The Village Board shall first determine if an extension of a sewer main is economically feasible based on the estimated cost of the extension and the number of existing potential users that will be served by 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 sewer main, then the person or persons desiring sewer service shall install the extension at their own personal expense upon written consent by the Village Board. The Village shall not pay for any extension to an undeveloped area such as a subdivision being developed unless there are sufficient existing residents or businesses to make the extension economically feasible.

38-4-66 REQUIREMENTS IF EXTENSION IS INSTALLED BY SOMEONE OTHER THAN THE VILLAGE.

(A) The Village must approve all plans and specifications for any extensions.

(B) Before any extensions are installed, the plans and specifications must be reviewed and approved by the State of Illinois, Environmental Protection Agency.

(C) Ownership, rights-of-way, and title must be conveyed to the Village for all extensions installed by anyone rather than the Village. The Village will maintain the mains thereafter.

(D) No extension will be permitted if in the opinion of the Village Board, the System does not have necessary capacity to serve the proposed extension.

38-4-67 - 38-4-69 RESERVED.

DIVISION VIII - INSPECTIONS

38-4-70 DAMAGE. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, or tamper with any structure, appurtenance, or equipment which is part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

38-4-71 INSPECTION AND TESTING.

(A) The Superintendent and other duly authorized employees of the Village, the Illinois Environmental Protection Agency, and the United States Environmental Agency, bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Code.

(B) The Superintendent or his representative shall have no authority to inquire into any processes, including metallurgical, chemical, oil refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewer or waterway or facilities for waste treatment. **(See Appendix #5)**

38-4-72 LIABILITY OF VILLAGE. While performing the necessary work on private properties referred to in **Section 38-4-71** above, the Superintendent or duly authorized employees of the Village, the Illinois Environmental Protection Agency, and the United States Environmental Protection Agency shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the Village employees and the Village shall indemnify the company against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain conditions as required in **Section 38-4-57.**

38-4-73 PRIVATE PROPERTY INSPECTIONS. The Superintendent and other duly authorized employees of the Village bearing proper credentials and identification shall be permitted to enter all private properties through which the Village holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within the easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

38-4-74 - 38-4-75 RESERVED.

DIVISION IX – SEWER RATES

38-4-76 BUILDING UNIT DEFINED. All persons or families residing in a building under one roof, be it an apartment or homes converted into more than one dwelling place, each family or individual resident residing therein shall be deemed an individual customer or such homes or apartments or dwellings shall be billed for at least one minimum water and/or sewer account according to the number of families or individual residents residing therein.

38-4-77 SEWER REVENUES. All revenues and moneys derived from the operation of the sewer system shall be deposited in the Water Fund. All such revenues and moneys shall be held by the Treasurer separate and apart from his private funds and separate and apart from all other funds of the Village and all of said sum, without any deductions whatever, shall be delivered to the Treasurer not more than **ten (10) days** after receipt of the same, or at such more frequent intervals as may, from time to time, be directed by the Village Board.

The Treasurer shall receive all such revenues from the water and sewer systems and all other funds and moneys incident to the operation of such system as the same may be delivered to him and deposit the same in the account of the fund designated as the "Water and Sewage Fund of the Village".

The Treasurer shall administer such fund in every respect in the manner provided by **65 ILCS 5/3.1-35-40 et seq.**

38-4-78 SEWER ACCOUNTS. The Treasurer shall establish a proper system of accounts and shall keep proper books, records, and accounts in which complete and correct entries shall be made of all transactions relative to the water and sewer systems and at regular annual intervals, he shall cause

to be made an audit by an independent auditing concern of the books to show the receipts and disbursements of the water and sewer systems.

In addition to the customary operating statements, the annual audit report shall also reflect the revenues and operating expenses of the sewer facilities, including a replacement cost, to indicate that sewer service charges under the waste cost recovery system and capital amounts required to be recovered under the industrial cost recovery system do, in fact, meet these regulations. In this regard, the financial information to be shown in the audit report shall include the following:

(A) Flow data showing total gallons received at the sewer plant for the current fiscal year.

(B) Billing data to show total number of gallons billed.

(C) Debt service for the next succeeding fiscal year.

(D) Number of users connected to the system.

(E) Number of non-metered users.

(F) A list of users discharging non-domestic wastes (industrial users) and volume of waste discharged.

38-4-79 NOTICE OF RATES. A copy of this Article, properly certified by the Village Clerk, shall be filed in the office of the County Recorder of Deeds and shall be deemed notice to all owners of real estate of the charges of the sewer system of the Village on their properties. Each user shall be notified at least annually, in conjunction with a regular bill, of the rate and that portion of the user charges which are attributable to sewer treatment services.

38-4-80 ACCESS TO RECORDS. The Illinois Environmental Protection Agency, United States Environmental Protection Agency, or its authorized representative shall have access to any books, documents, papers and records of the Village which are applicable to the Village's system of user charges or industrial cost recovery for the purpose of making audit, examination, excerpts and transcriptions thereof to insure compliance with the terms of the special and general conditions to any state grant.

38-4-81 APPEALS. The method for computation of rates and service charges established for user charges shall be made available to a user within **fifteen (15) days** of receipt of a written request for such. Any disagreement over the method used, or in the computation thereof, shall be remedied by a third party selected by both parties within **ninety (90) days** after notification of a formal written appeal outlining the discrepancies.

38-4-82 BASIS FOR WASTEWATER SERVICE CHARGES. The wastewater service charge for the use of and for service supplied by the wastewater facilities of the Village shall consist of a basic user charge, applicable surcharges, and debt service charge.

(A) The **debt service charge** is computed by dividing the annual debt service of all outstanding bonds by the number of users.

(B) The **basic user charge** shall be based on water usage as recorded by water meters for wastes having the following normal domestic concentrations:

(1) A **five (5) day twenty degree centigrade (20°C)** biochemical oxygen demand **BOD of 200 mg/1**.

(2) A suspended solids (SS) content of **225 mg/l**.

(C) It shall be computed as follows:

(1) Estimate wastewater volume, pounds of SS and pounds of BOD to be treated.

(2) Estimate the projected annual revenue required to operate and maintain the wastewater facilities including a replacement fund for the year, for all work categories.

(3) Proportion the estimated operation, maintenance and replacement (OM&R) costs to each user class by volume, BOD, and SS.

(4) Proportion the estimated operation, maintenance and replacement (OM&R) costs to wastewater facility categories by Volume, Suspended Solids and BOD.

(5) Compute costs per **one thousand (1,000) gallons** for normal sewage strength.

(6) Compute surcharge costs per pound per **one thousand (1,000) gallons** in excess of normal sewage strength for BOD and SS.

(D) A **surcharge** will be levied to all users whose waste waters exceed the normal domestic concentrations for **BOD (200 mg/l)** and **SS (225 mg/l)**. The surcharge will be based on water usage as recorded by water meters or sewage meters for all wastes which exceed the **200 mg/l and 225 mg/l** concentration for BOD and SS respectively. **(Section 38-4-85** specifies the procedure to compute a surcharge.)

(E) The **adequacy of the wastewater service charge** shall be reviewed, not less often than annually, by Certified Public Accountants for the Village in their annual audit report. The wastewater service charge shall be revised periodically to reflect a change in operation and maintenance costs, replacement costs and reserve fund costs.

(F) The **capital improvement charge** is levied on users to provide for capital improvements, extensions or reconstruction of the sewage treatment works. The capital improvement charge is computed by apportioning the annual amount to be accrued as a charge per **one thousand (1,000) gallons**.

(G) The **users** of wastewater treatment services will be notified annually, in conjunction with a regular bill, of the rate and that portion of the user charges which are attributable to the wastewater treatment operation, maintenance and replacement.

38-4-83 MEASUREMENT OF FLOW. The volume of flow used for computing basic user charges and surcharges shall be the metered water consumption read to the lowest even increments of **one hundred (100) gallons.**

(A) If the person discharging wastes into the public sewers procures any part, or all, of his water from sources other than the Public Waterworks System, all or a part of which is discharged into the public sewers, the person shall install and maintain, at his expense, water meters of a type approved by the Village for the purpose of determining the volume of water obtained from these other sources.

(B) Devices for measuring the volume of waste discharged may be required by the Approving Authority if these volumes cannot otherwise be determined from the metered water consumption records.

(C) Metering devices for determining the volume of waste shall be installed, and maintained by the person and owned by the Village. Following approval and installation, such meters may not be removed, unless service is canceled, without the consent of the Village.

38-4-84 SEWER USER CHARGE SYSTEM. The following rates are established for the User Charge System:

(A) **Sewer Rates Inside Village.**

First	2,000 gallons	$16.32 per 2,000 gallons
Over	2,000 gallons	$17.85 per 1,000 gallons

(B) **Sewer Rates Outside Village.**

First	2,000 gallons	$16.32 per 2,000 gallons
Over	2,000 gallons	$17.85 per 1,000 gallons

(Ord. No. 22-09; 06-13-22)

38-4-85 COMPUTATION OF WASTEWATER SERVICE CHARGE. The wastewater service charge shall be computed by the following formula:

$$CW = CC + CD + CM + (Vu-X)CU + CS$$

Where CW = Amount of wastewater service charge ($) per bill period.
CC = Capital Improvement Charge
CD = Debt Service Charge
CM = Minimum Charge for Operation, Maintenance and Replacement
Vu = Wastewater Volume for the billing period
X = Allowable consumption in gallons for the minimum charge
CU = Basic User Rate for Operation, Maintenance and Replacement
CS = Surcharge, if applicable **(Section 38-4-86)**

38-4-86 SURCHARGE RATE. The rates of surcharges for BOD and SS shall be as follows:

per lb. of BOD: $0.26 in excess of 200 mg/l
per lb. of SS: $0.39 in excess of 225 mg/l

38-4-87 SEWER TAP-IN FEES. Any person, firm or corporation inside the corporate limits of the Village who desires to connect to the sewer system of the Village for a **four (4) inch** service connection shall pay a minimum of **Five Hundred Dollars ($500.00)**. Any person outside the corporate limits who desires to connect to the sewer system of the Village for a **four (4) inch** service connection shall pay a minimum of **Six Hundred Dollars ($600.00)**. In all cases where the cost of such connection shall exceed the minimum cost or the corresponding size tap-in service, such person shall pay the cost thereof in excess of said minimum fee.

Such hook-up or connection fee does not include the laying of the sewer line from the property line of the applicant of the sewer and the connection with such sewer.

38-4-88 - 38-4-90 RESERVED.

DIVISION X - PENALTIES

38-4-91 PENALTY. Any person found to be violating any provision of this Code except **Section 38-4-70** shall be served by the Village with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

The Village may revoke any permit for sewage disposal as a result of any violation of any provision of this ordinance.

38-4-92 CONTINUED VIOLATIONS. Any person who shall continue any violation beyond the time limit provided for in **Section 38-4-50** shall be, upon conviction, be fined in the amount not exceeding **Seven Hundred Fifty Dollars ($750.00)** for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

38-4-93 LIABILITY TO VILLAGE. Any person violating any of the provisions of this Code shall become liable to the Village by reason of such violation.

APPENDIX "8"

WATER PURCHASE CONTRACT

THIS AGREEMENT made and entered into by and between the **City of Carlyle, Clinton County, Illinois**, a municipal corporation, herein after referred to as the **"Seller"** and Village of Beckemeyer, an Illinois municipal corporation, hereinafter referred to as the **"Purchaser"**.

WITNESSETH:

WHEREAS, the Seller has access to a consistent raw water supply and owns and operates a water treatment plant, for the purpose of treating, sterilizing and purifying water for public consumption;

WHEREAS, Purchaser owns and operates a potable water distribution system in an unincorporated area of Clinton County, Illinois and is in need of a reliable source of potable water for its residents and customers;

WHEREAS, Seller has sufficient capacity under present and future conditions as now foreseen, to furnish the Purchaser with an ample supply of purified and sterilized water to meet its demands;

WHEREAS, the Seller desires to sell to Purchaser and the Purchaser desires to purchase from Seller a continuing supply of sterilized, filtered and purified water;

WHEREAS, Seller, has passed a Resolution or Ordinance approving and authorizing the execution of this contract and the sale of water to Purchaser in accordance therewith; and

WHEREAS, Purchaser, has passed a Resolution or Ordinance approving and authorizing the execution of this Contract and the purchase of water from Seller in accordance therewith; and

NOW, THEREFORE, in consideration of the foregoing and mutual agreements hereinafter set forth,

A. <u>The Seller Agrees:</u>

1. **<u>Quality and Quantity.</u>** To furnish the Purchaser at the point of delivery hereinafter specified, during the term of this contract or any renewal or extension thereof, potable treated water meeting the applicable purity standards of the Ten State Standards, The Safe Drinking Water Act (Public Law 93-523) and such requirements and regulations of the State of Illinois, in such quantities as purchaser may desire, but not to exceed 4,500,000 gallons per month and/or 150,000 gallons per day, except in case of emergency. The water provided hereunder shall comply with the Illinois Environmental Protection Agency's purity standards for public suppliers of potable water.
2. **<u>Pressure at Point of Delivery.</u>** That water will be furnished at a reasonably constant static pressure calculated to meet or exceed IEPA regulations from an existing main at the point of delivery. If a greater pressure than that normally available at the point of delivery is required by the Purchaser, the cost of providing such pressure shall be borne by the Purchaser. Emergency failures of pressure or supply due to main supply line breaks, power failure, flood, fire, earthquake or other catastrophe shall excuse the Seller from this provision for such reasonable period of time as may be necessary to restore service.
3. **<u>Billing.</u>** To furnish the Purchaser, not later than **thirty (30) days** after the reading of the meter, an itemized statement of the amount of water furnished to the Purchaser during the preceding month specifying the amount due from Purchaser to Seller.
4. **<u>Verification of Meter Reading.</u>** To permit a representative of the Purchaser to be present and observe the reading of the delivery master meter or meters involved in determining Purchaser's usage at the central metering points when so requested.

B. <u>The Purchaser Agrees:</u>

1. **<u>Minimum Purchases.</u>** To purchase a minimum of **seventy percent (70%)** of its potable water requirements from Seller. Records reflecting aggregate gallons purchased by district from all sources shall be maintained and made available to Seller at the end of Seller's fiscal year (i.e. June 30) each year to verify compliance with this Purchase Agreement. In the event Seller requests Purchaser to Purchase less than **seventy percent (70%)** of Purchaser's potable water requirements during any given time period, Purchaser shall be relieved from its minimum purchase requirement for said time period.

2. **<u>Water Rate.</u>** To pay the Seller within **thirty (30) days** after receipt of each monthly invoice for water delivered, in accordance with the following schedule of rates:

   a. For each **one thousand (1,000) gallons** of water delivered to the Purchaser, a sum equal to cost of production as hereinafter defined pus a **twenty-three percent (23%)** mark up on the cost of production.

   b. The "cost of production" will be determined by the Seller and verified by Purchaser as a result of an annual audit of the Seller's accounts by a certified public accountant; Said cost of production will include costs of operation and maintenance of the Seller's treatment plant and a proportionate share (currently 9.17%) of administrative, financial, supervisory and other indirect overhead costs of the Seller reasonably attributable to water production, but shall <u>not</u> include any portion of the costs of installing, maintaining, repairing or operating any part of the Seller's distribution system. Likewise, the cost of production shall not include any portion of the cost for constructing, repairing, replacing, operating or maintaining any of Seller's existing or proposed ground or elevated storage tanks or any depreciation on the foregoing as the Purchaser maintains its own storage and the Seller is <u>not</u> hereby required to maintain storage for Purchaser. The parties agree to allocate salaries, FICA, IMRF and Health insurance for Administrative Personnel based upon the percentage that the Water Production Fund Expenses bear to all expenses for all funds maintained by the Seller.

3. **<u>Point of Delivery, Metering, Testing, and Calibration.</u>** Purchaser agrees to furnish, install, operate, maintain, repair and replace, at its expense, delivery master meter(s), metering equipment and metering housing, (at the locations specified in **Exhibit "A"**), in accordance with applicable standards and specifications of the American Water Works Association (AWWA). Seller is <u>not</u> responsible for distribution or metering beyond the delivery master meter. The master delivery meters shall measure the quantity of water flowing through the meters, and Seller reserves the right to test and calibrate any of the master meters at any time during the performance of this contract. Any time Seller tests and calibrates the master meter, Seller shall notify Purchaser at least **five (5) calendar days** in advance of the scheduled test date. A meter registering not more than **three percent (3%)** above or below the test result shall be deemed accurate. The previous readings of any meter disclosed by test to be inaccurate shall be corrected for the **six (6) months** before such test in accordance with the percentage inaccuracy found by such tests. If the master meter(s) fails to register for any period, the amount of water furnished during such period shall be deemed to be the amount of water flowing through such meter(s) in the corresponding period immediately prior to the failure, unless Seller and Purchaser otherwise agree. The metering equipment shall be read on the **sixteenth (16th) day** of each month. Seller and Purchaser shall both have access to the meter(s) to verify its readings.

4. **<u>Metering Customer Usage.</u>** That all water purchased from the Seller under the terms of this contract will be distributed by it to its customers and/or members through standard water meters which will, from time to time, reflect the gallons consumed by the Purchaser's customers, excepting only water used for flushing, emergency purposes by recognized volunteer fire departments or fire districts, or water lost through leakage or breaks in the Purchaser's distribution system. All of Purchaser's customers, including new customers, shall be served and metered from Purchaser's water distribution system. Records reflecting Purchaser's customer's aggregate usage, flushing and water loss shall be maintained and made available to Seller at the end of Seller's fiscal year (i.e. June 30) each year to verify compliance with this Purchase agreement.

5. **Emergency Relief.** The Seller will be temporarily relieved from any duty hereunder to supply water to the Purchaser during periods of emergency, increased consumption by reason of firefighting or during extreme and prolonged drought. In each instance it is understood and agreed that the representative of the Seller and the Purchaser will cooperate to provide sufficient water to protect the health and welfare of all of the residents and/or customers of both the Seller and the Purchaser.

6. **Payment and Discontinuance of Service.** The Purchaser agrees to pay to the Seller all amounts properly billed to it under the terms hereof within **thirty (30) days** after such bill is received. If the Purchaser fails to make any payments required hereunder the Seller may, upon giving **ten (10) days**' notice in writing to the Purchaser of its intention to do so, discontinue the supply of water to the Purchaser.

7. **Force Majeure.** The Seller shall not be liable to the Purchaser or to any of its customers or members because of any failure to provide a constant and ample supply of water hereunder which results from causes not within the reasonable control of the Seller, nor shall it be liable to deliver or supply water in the event of fire, flood, tornado, Acts of God or other calamity resulting in damage to or destruction of water supply system of the Seller.

C. Seller and Purchaser Agree that:

1. **Term.** This contract shall be in full force and effect from the date hereof for a period of **forty (40) years**.

2. **Purchaser's Usage.** The water distributed hereunder, shall be metered at the point of delivery to Purchaser from Seller and the meter reading shall be deemed to be the Purchaser's usage, for purposes of this contract, except as otherwise provided for in paragraph B(3).

3. **Diligent Operations and Cooperation.** Seller will, at all times, operate and maintain its system in an efficient manner and will take such action as may be necessary to furnish Purchaser with sufficient quantities of water as required by Purchaser. Temporary or partial failures to deliver water shall be repaired with all possible dispatch. If there is an extended shortage of water to supply to Purchaser, the quantity of water allocable to Purchaser shall be reduced in the same proportion as the supply to the Seller's other customers. The parties shall cooperate with each other in good faith in time of emergency so as to attempt to enable each to provide potable water service to its customers or residents.

4. **Good Faith.** The Seller agrees to act in good faith and to use every reasonable means to furnish and maintain a constant and ample supply of water to the Purchaser in accordance with the terms of this Agreement, so that the Purchaser will have at all times during the terms of this Agreement, an ample supply of water for the use of its customers and members for their general, commercial, and domestic purposes; provided, however, nothing herein contained shall require or obligate the Seller to deprive the citizens of the City of Carlyle, Illinois of an ample supply of water for all general, commercial and domestic uses, or to deprive the City of Carlyle of ample water for fire protection purposes. Furthermore, Purchaser shall provide Seller with Purchaser's telemetry readings upon request and shall coordinate with Seller to schedule times to draw said water. Both parties shall take into consideration, water emergencies of either Purchaser or Seller.

5. **Annual Review of the Cost of Production.** The "cost of production" as herein described is subject to annual audit, verification and review each year, at the end of Sellers' fiscal year (i.e. June 30). Any increase or decrease in rates shall be based on a demonstrable increase or decrease in the costs of production as defined above, but such costs shall not include any cost associated with the Seller's distribution system. A Certified Public Accountant or other duly qualified person for each party shall review the Seller's year end audit and specify in writing if he or she agrees with the rate determined thereby. In the event of a dispute, the two parties shall meet to review the audit together and discuss each line item to identify the precise area of disagreement. Once identified, the parties shall attempt in good faith to resolve any dispute prior to instituting litigation.

6. **Illinois Law.** This contract is subject to such rules, regulations, or laws as may be applicable to similar agreements in the State of Illinois.

7. **Modification.** This Agreement may only be modified in writing signed by both parties.

8. **Compliance with IEPA.** To comply with all Environmental Protection Agency regulations which are in effect at the time of water delivery as regards the operation and maintenance of the parties' respective water distribution systems, including but not limited to the maintenance of at least 20 psi of water pressure in each party's system.

9. **Assignability.** This contract is subject to successors and assigns of both parties.

10. **Effective Date.** This contract shall be effective as of the **first (1st) day of July, 2012**.

(Ord. No. 14-04; 03-10-14)

EXHIBIT "A"

MASTER METER DELIVERY LOCATION

A quarter mile west of Carlyle on the South side of Old Route 50.

(Ord. No. 14-04; 03-10-14)

APPENDIX #3

VILLAGE OF BECKEMEYER

PRIVATE WASTE DISPOSAL APPLICATION
(SEPTIC TANK ETC.)

The undersigned, being the _____ of the property
(owner, owner's agent)
located at _____ does hereby request a permit to install
(Number) (Street)
sanitary sewage disposal facilities to serve the _____ at the location.
(residence, commercial building, etc.)

1. The proposed facilities include: _____ to be constructed in complete accordance with the plans and specifications attached hereunto as **Exhibit "A"**.
2. The area of the property is [_____] square feet or [_____] square meters.
3. The name and address of the person or firm who will perform the work is _____
_____
4. The maximum number of persons to be served by the proposed facilities is _____
5. The location and nature of all sources of private or public water supply within **one hundred (100) feet [30.5 meters]** of any boundary of said property are shown on the plat attached hereunto as **Exhibit "B"**.

IN CONSIDERATION OF THE GRANTING OF THIS PERMIT, THE UNDERSIGNED AGREES:

1. To furnish any additional information relating to the proposed work that shall be requested by the Village.
2. To accept and abide by all provisions of the **Revised Code** and of all other pertinent codes or ordinances that may be adopted in the future.
3. To operate and maintain the wastewater disposal facilities covered by this application in a sanitary manner at all times, in compliance with all requirements of the Village and at no expense to the Village.
4. To notify the Village **at least twenty-four (24) hours** to commencement of the work proposed, and again **at least twenty-four (24) hours** prior to the covering of any underground portions of the installation.

DATE: _____, 20_____ SIGNED: _____
(APPLICANT)

_____
(ADDRESS OF APPLICANT)

(CERTIFICATION BY CLERK)

$_____ (Inspection Fee Paid) DATE: _____, 20_____

$_____ (Connection Fee Paid) SIGNED:_____
(CLERK)

(APPLICATION APPROVED AND PERMIT ISSUED)

DATE: _____, 20_____ SIGNED: _____
(PUBLIC WORKS DIRECTOR OR SUPERINTENDENT)

APPENDIX #4

VILLAGE OF BECKEMEYER

RESIDENTIAL OR COMMERCIAL BUILDING SEWER APPLICATION

The undersigned, being the _____ of the
(owner, owner's agent)
property located at _____ does hereby request a permit to install and
(Number) (Street)
connect a building sewer to serve the _____ at said location.
(residence, commercial building, etc.)

1. The following indicated fixtures will be connected to the proposed building sewer:

NUMBER	FIXTURE	NUMBER	FIXTURE
_____	Kitchen Sinks	_____	Water Closets
_____	Lavatories	_____	Bathtubs
_____	Laundry Tubs	_____	Showers
_____	Urinals	_____	Garbage Grinders

Specify Other Fixtures: _____

2. The maximum number of persons who will use the above fixtures is _____.
3. The name and address of the person or firm who will perform the proposed work is _____
_____
4. Plans and specifications for the proposed building sewer are attached hereunto as **Exhibit "A".**

IN CONSIDERATION OF THE GRANTING OF THIS PERMIT, THE UNDERSIGNED AGREES:

1. To accept and abide by all provisions of the **Revised Code,** and of all other pertinent ordinances and codes that may be adopted in the future.
2. To maintain the building sewer at no expense to the Village.
3. To notify the Village when the building sewer is ready for inspection and connection to the public sewer, but before any portion of the work is covered.

DATE: _____, 20_____ SIGNED: _____
(APPLICANT)

_____
(ADDRESS OF APPLICANT)

(CERTIFICATION BY CLERK)

$_____ (Inspection Fee Paid) DATE: _____, 20_____

$_____ (Connection Fee Paid) SIGNED:_____
(CLERK)

(APPLICATION APPROVED AND PERMIT ISSUED)

DATE: _____, 20_____ SIGNED:_____
(PUBLIC WORKS DIRECTOR OR SUPERINTENDENT)

APPENDIX #4

VILLAGE OF BECKEMEYER

INDUSTRIAL SEWER CONNECTION APPLICATION

The undersigned, being the _____ of the
(owner, owner's agent)
property located at _____ does hereby request a permit to _____
(Number) (Street) (install, use)
an industrial sewer connection serving the _____. which company is engaged in _____ at said location.

1. A plan of the property showing accurately all sewers and drains now existing is attached hereunto as **Exhibit "A".**
2. Plans and specifications covering any work proposed to be performed under this permit is attached hereunto as **Exhibit "B".**
3. A complete schedule of all process waters and industrial wastes produced or expected to be produced at said property, including a description of the character of each waste, the daily volume and maximum rates of discharge and representative analyses is attached hereunto as **Exhibit "C".**
4. The name and address of the person or firm who will perform the work covered by this permit is _____
_____

IN CONSIDERATION OF THE GRANTING OF THIS PERMIT, THE UNDERSIGNED AGREES:

1. To furnish any additional information relating to the installation or use of the industrial sewer for which this permit is sought as may be requested by the Village.
2. To accept and abide by all provisions of the **Revised Code,** and of all other pertinent ordinances or codes that may be adopted in the future.
3. To operate and maintain a control manhole and any waste pretreatment facilities, as may be required as a condition of the acceptance into the public sewer of the industrial wastes involved in an efficient manner at all times, and at no expense to the Village.
4. To cooperate at all times with the Village and its representative(s) in their inspecting, sampling, and study of the industrial wastes, and any facilities provided for pretreatment.
5. To notify the Village immediately in the event of any accident, negligence, or other occurrence that occasions discharge to the public sewers of any wastes or process waters not covered by this permit.

DATE: _____, 20_____ SIGNED: _____
(APPLICANT)

_____
(ADDRESS OF APPLICANT)

(CERTIFICATION BY CLERK)

$_____ (Inspection Fee Paid) DATE: _____, 20_____

$_____ (Connection Fee Paid) SIGNED:_____
(CLERK)

(APPLICATION APPROVED AND PERMIT ISSUED)

DATE: _____, 20_____ SIGNED:_____
(PUBLIC WORKS DIRECTOR OR SUPERINTENDENT)

APPENDIX #1

VILLAGE OF BECKEMEYER

APPLICATION FOR WATER SYSTEM SERVICE CONNECTION

The undersigned, representing himself as owner of the property located at _____ _____, hereby makes application for connection to the Water System of the Village for said property, and in consideration of the furnishing of said service covenants and agrees as follows:

1. I agree to abide by all rules and regulations as specified in and by the ordinances of the Village now in effect or enacted and passed from time to time providing for the regulation of service furnished by the Village, it is further acknowledged and agreed that the undersigned, his heirs, executors, administrators, successors and assigns shall pay all charges for connection fees and water usage which shall become due as the result of the connecting of the water mains and the furnishing of water service to the above property, and that all such charges and fees for water service rendered to the property, together with penalties, if any, and the costs of collection are to be considered and become a charge against the property, the lien so created to be enforced in accordance with the ordinances of the Village.
2. All bills for the aforesaid charges are payable on or before the due date following the receipt of said bill and if not paid, are subject to a **ten percent (10%)** penalty.
3. Each and all of the agreements and covenants herein contained shall run with the real estate above described whose present owner is signatory to this application.
4. I understand that after making this application, I am to await installation permit and instructions therewith.
5. SERVICE CONNECTION FEE: $ _____ is enclosed herewith, payable to the Village.
6. Permission is hereby granted to the Village and its authorized representatives at any reasonable time to enter the premises of the applicant and any portion thereof for the purposes of inspecting all connections appurtenant to the Water System.

CONNECTION MUST BE INSPECTED BEFORE BACKFILLING:

SIGNATURE: _____ _____

_____
(STREET NUMBER AND NAME OF STREET)

_____
(VILLAGE, STATE AND ZIP CODE)

_____
(TELEPHONE NUMBER) (DATE)

Do not fill in the spaces to the right if the information is the same as the applicant above.

MAIL BILLS TO:

(
(_____
(NAME)
(_____
(STREET NUMBER AND NAME OF STREET)
(
(_____
(VILLAGE, STATE AND ZIP CODE)

APPENDIX #4

VILLAGE OF BECKEMEYER

APPLICATION FOR SANITARY SEWER SERVICE CONNECTION

The undersigned, representing himself as owner of the property located at _____ _____, hereby makes application for Sanitary Sewerage Service for said property, and in consideration of the furnishing of said service covenants and agrees as follows:

1. I agree to abide by all rules and regulations as specified in and by the ordinances of the Village now in effect or ordinances enacted and passed from time to time providing for the regulation of the sanitary sewer system or specifying fees and rates to be charged for connection and sanitary sewer service furnished by the Village. It is further acknowledged and agreed that the undersigned, his heirs, executors, administrators, successors and assigns shall pay all charges for connection fees and sewer usage which shall become due as the result of the connecting of the sewerage mains and the furnishing of sanitary sewerage service to the above property, and that all such charges and fees for sanitary sewerage service rendered to the property, together with penalties, if any, and the costs of collection are to be considered and become a charge against the property, the lien so created to be enforced in accordance with the ordinances of the Village.
2. All bills for the aforesaid charges are payable on or before the due date following the receipt of said bill and if not paid, are subject to a **ten percent (10%)** penalty.
3. Each and all of the agreements and covenants herein contained shall run with the real estate above described whose present owner is signatory to this application.
4. I understand that after making this application, I am to await installation permit and instructions therewith.
5. SERVICE CONNECTION FEE: $ _____ is enclosed herewith, payable to the Village.
6. Permission is hereby granted to the Village and its authorized representatives at any reasonable time to enter the premises of the applicant and any portion thereof for the purposes of inspecting all connections appurtenant to the sewerage outlets, pipes and mains.

_____ (APPLICANT'S SIGNATURE)

_____ (OWNER'S SIGNATURE, IF NOT APPLICANT)

_____

_____ (STREET NUMBER AND NAME OF STREET)

_____ (VILLAGE, STATE AND ZIP CODE)

_____ (TELEPHONE NUMBER) (DATE)

Do not fill in the spaces to the right if the information is the same as the applicant above.

MAIL BILLS TO:

(
(_____
(NAME)
(_____
(STREET NUMBER AND NAME OF STREET)
(
(_____
(VILLAGE, STATE AND ZIP CODE)

APPENDIX #4

VILLAGE OF BECKEMEYER

R E C E I P T

Receipt is hereby acknowledged of the executed Application for Sanitary Sewer Service Connection from the person and for the property indicated below.

This receipt does not authorize service connection is made, inspection and approval of the customer service line by an authorized representative of the Village is required, and approval of such connection and issuance of a Certificate of Inspection and Approval and Permit is conditioned upon compliance with all the Ordinances, Codes, Rules and Regulations of the **Village.**

NOTE:

1. In the event the location of the sewer service connection is unknown, the Superintendent is to be contacted.

2. This office is to be notified the day before the work is to be done so that inspection may be arranged in accordance with specifications furnished. For example, if you desire inspection on Tuesday, contact us on Monday. If you desire inspection on Monday, contact us on Friday, etc.

3. If the sewer line is deep enough to drain your basement, if you have one, then the wastes from the basement as well as the other floor(s) of the property must go into the sanitary sewers. Downspout and surface drainage are prohibited inasmuch as this is not a storm sewer system.

WARNING! In order to coordinate our inspections, we must be advised a day in advance before the work is done. The inspection must be made before the trench is backfilled. If trench is backfilled before the inspection is made, it will have to be reopened to permit inspection.

NO. _____

DATE: _____

ADDRESS: _____

OWNER(S): _____

_____

VILLAGE OF BECKEMEYER
COUNTY OF CLINTON

APPENDIX #5

VILLAGE OF BECKEMEYER

CERTIFICATE OF INSPECTION, APPROVAL AND PERMIT

IT IS HEREBY CERTIFIED THAT inspection has been made of the individually-owned sewer mains and sanitary service connection for the property described below, and said installation is hereby approved as in compliance with the Specifications, Rules and Regulations established by the Revised Code (Ch. 38) of this Municipality.

Permission is hereby granted to complete the construction of said individually-owned sewer main to the Village Sanitary Sewerage System and to utilize the same for waste disposal in compliance at all times, with the Revised Code of this Village.

NO. _____

ADDRESS: _____

TYPE OF CONNECTION:

_____ Single-Family Residence
_____ Multiple dwelling or trailer court
_____ Commercial
_____ Industrial
_____ Institutional
_____ Governmental

INSTALLATION BY: _____

THE SERVICE IS IN OPERATION AS OF THIS _____ DAY OF _____, 20_____.

VILLAGE OF BECKEMEYER
COUNTY OF CLINTON

SIGNED: _____

APPENDIX #2

VILLAGE OF BECKEMEYER

UTILITY MAIN EXTENSION CONTRACT

AGREEMENT made and entered into this _____ day of _____, by and between the Utility System of the **Village of Beckemeyer, Illinois**, hereinafter called the "Utility Department" and _____, hereinafter called the "Depositor".

FIRST: That the Utility Department contracts and agrees to have installed by contract in accordance with its rules, utility mains as shown on the plat thereof, and the specifications are attached hereto and made a part hereof.

SECOND: Bids having been taken and the lowest responsible bid having been in the amount of $_____, the Depositor agrees to deposit and does deposit herewith the cost thereof.

(A) The lowest responsible bid $_____.
(B) Engineering and Inspection Charge $_____.
(C) TOTAL: $_____.

THIRD: Final costs to be adjusted up or down according to completed job cost.

FOURTH: The ownership of the utility mains laid herein shall be at all times in the Utility Department, its successors and assigns.

FIFTH: This Agreement shall be valid and binding on the Utility Department only when signed by the Mayor and Clerk.

SIXTH: This Agreement shall be binding upon the heirs, executors, administrators, successors or assigns of the respective parties.

EXECUTED in duplicate by the parties hereto on the date first above written.

UTILITY DEPARTMENT
VILLAGE OF BECKEMEYER

BY: _____
SUPERINTENDENT

ATTEST:

_____
VILLAGE CLERK

_____
DEPOSITOR

WITNESSES:

_____

_____

APPENDIX #6

VILLAGE OF BECKEMEYER

UTILITY SHUTOFF HEARING NOTICE

This notice is being sent to you pursuant to the provisions of **CHAPTER 38 OF THE REVISED CODE OF ORDINANCES** as adopted by the corporate authorities.

CUSTOMER'S NAME: _____

ADDRESS: _____

TOTAL AMOUNT OF BILL: $_____WATER

$_____SEWER

$_____OTHER

SUB-TOTAL: $_____

PENALTY: $_____

TOTAL DUE: $_____

DATE OF HEARING _____

TIME OF HEARING_____

LOCATION OF HEARING _____

_____

PHONE: _____

If the consumer/customer fails to appear at the hearing, the applicable utility services shall be **terminated** [shut off] without further proceedings.

If payment for the charges and fees is received prior to the date of the hearing, you may disregard this hearing notice.

The Mayor and Village Clerk, or their designated representative(s), shall preside at the hearing.

_____

VILLAGE CLERK

DATED THIS _____ DAY OF _____, 20_____.

NOTE: **After services have been shut off there will be a reconnection fee of $_____.**

APPENDIX #7

VILLAGE OF BECKEMEYER

OBJECTIONABLE MATERIAL EFFLUENT LIMITS

Waste or Chemical	Concentration mg/l
Boron	1.0
Chromium (Hexavalent)	5.0
Chromium (Trivalent)	10.0
Copper	3.0
Cyanide	0.005
Iron	15.0
Lead	0.1
Mercury or its compounds	0.005
Nickel	3.0
Oil & Grease, etc. (carbon tetrachloride extraction)	100.0
Temperature not over 150º F. (65º C.)	
Acid iron pickling waste or concentrated plating waste	Zero
Free acids and alkalis pH	Between 5.5 and 9.5
Zinc	2.0
Cadmium	2.0
Chlorine Demand	30.0
Phenols	0.5

ZONING CODE

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CHAPTER 40

ZONING CODE

ARTICLE I – GENERAL PROVISIONS

40-1-1 TITLE. This Code shall be known as and cited as the **"Zoning Code of the Village of Beckemeyer, Illinois"**.

40-1-2 INTENT AND PURPOSE. It is the intent and purpose of this Code:

(A) To promote and protect the public health, safety, morals, comfort and general welfare of the people;

(B) To serve as an implementing tool of comprehensive planning;

(C) To fix reasonable standards to which buildings or structures shall conform;

(D) To encourage the development and arrangement of land uses and structures that will yield the greatest social and economic benefits for the Village;

(E) To provide adequate light, air, privacy and safe, convenient access to property;

(F) To divide the Village into zoning districts restricting and regulating the location, erection, construction, reconstruction, alteration, and use of buildings, structures and land for residential, business, manufacturing and other specified land uses;

(G) To provide for the location, width, access points and design of existing and future streets;

(H) To establish the extent to which water, sewer, storm water and other utility and community services are to be provided;

(I) To establish minimum requirements and standards for development and redevelopment within the area of the Village's jurisdiction to achieve reasonable initial costs and to reduce future maintenance costs of public and private improvements and services;

(J) To conserve the taxable value of land and buildings throughout the Village;

(K) To provide for the efficient administration and fair enforcement of all the substantive regulations in this Code. **(65 ILCS 5/1-13-1)**

40-1-3 JURISDICTION. This Code shall be applicable only within the corporate limits of the Village.

40-1-4 INTERPRETATION, CONFLICT WITH OTHER ORDINANCES. Every provision of this Code shall be construed liberally in favor of the Village and every requirement imposed herein shall be deemed minimal. Whenever the requirements of this Code differ from the requirements of any other lawfully adopted and effective ordinance, regulation, deed restriction, or covenant, the more stringent requirement shall prevail.

40-1-5 DISCLAIMER OF LIABILITY.

(A) Except as may be provided otherwise by statute or ordinance, no official, board member, agent, or employee of the Village shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this Code. **(See "Local Governmental and Governmental Employees Tort Immunity Act", 745 ILCS 10/1-101)**

(B) Any suit brought against any official, board member, agent, or employee of the Village as a result of any act required or permitted in the discharge of his duties under this Code, shall be defended by the Village Attorney until the final determination of the legal proceedings.

40-1-6 SEPARABILITY. If any part or provision of this Code or the application thereof to any person, property, or circumstance is adjudged invalid by any court of competent jurisdiction such judgment shall be confined in its operation and direction to the part, provision, section or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the integrity or validity of the remainder of this Code or the application thereof to other persons, property or circumstances. The Village Board hereby declares that it would have enacted the remainder of this Code even without any such part, provision, section, or application.

40-1-7 REVIEW. This Code shall be reviewed every **ten (10) years** after its effective date by the Zoning Board of Appeals. After the review, they shall file their reports and recommendations with the Mayor and the Village Board.

40-1-8 EXISTING RESTRICTIONS. Where this Code imposes a greater restriction upon land, buildings or structures than is imposed or required by existing provisions of law, ordinance, contract or deed, the provisions of this Code shall govern.

(A) **Existing Permits.** This Code is not intended to abrogate or annul any building permits, certificates of occupancy, variances or other lawful permits issued before the effective date of this Code.

(B) **Completion Permitted.** Any building or structure for which a building permit has been issued prior to the date of enactment of this Code may be completed and used in accordance with the plans, specifications, and permits on which said building permit was granted, provided construction commences within **one hundred eighty (180) days** of passage of this Code and is diligently prosecuted to completion.

ARTICLE II - DEFINITIONS

40-2-1 CONSTRUCTION OF TERMS. In construing the intended meaning of terminology used in this Code, the following rules shall be observed:

(A) Words and phrases shall have the meanings respectively ascribed to them in **Section 40-2-2** unless the context clearly indicates otherwise; terms not defined in **Section 40-2-2** shall have their standard English meanings.

(B) Words denoting the masculine gender shall be deemed to include the feminine and neuter genders.

(C) Words used in the present tense shall include the future tense.

(D) Words used in the singular number shall include the plural number, and the plural the singular.

(E) The term "shall" is mandatory.

(F) The term "may" is discretionary.

(G) The words "lots," "parcel," "tract," and "site" shall be synonymous.

(H) The phrases "used for," "arranged for," "designed for," "intended for," "maintained for," and "occupied for" shall be synonymous.

(I) All distances shall be measured to the nearest integral foot; **six (6) inches** or more shall be deemed **one (1) foot.**

(J) References to sections shall be deemed to include all subsections within that section; but a reference to a particular subsection designates only that subsection.

(K) A general term that follows or is followed by enumerations of specific terms shall not be limited to the enumerated class unless expressly limited.

40-2-2 SELECTED DEFINITIONS.

Abandonment: An action to give up one's rights or interests in property.

Abutting: As applied to lots, "abutting" means having a common lot line or district line, or so located in relation to each other that there would be a common lot line or district line but for the existence of a street, alley, or other public right-of-way.

Access Way: A curb cut, ramp, or other means for providing vehicular access to an off-street parking or loading area from a street.

Accessory Building or Structure: A detached subordinate building or structure, the use of which is customarily incidental to that of the main use of the land and which is located on the same lot with the main building or use.

Accessory Use: Any structure or use that is:

(A) Subordinate in size or purpose to the principal use or structure which it serves;

(B) Necessary or contributing to the comfort and convenience of the occupants of the principal use or structure served; and

(C) Located on the same lot as the principal use or structure served.

Administrator: The official appointed by the Mayor with the advice and consent of the Village Board to administer this Code, or his representative. **(Synonymous with "Zoning Administrator.")**

Agriculture: Any one or any combination of the following: the growing of farm or truck garden crops, dairying, pasturage, horticulture, floriculture, or animal/poultry husbandry. The term "agriculture" encompasses the farmhouse, and accessory uses and structures customarily incidental to agricultural activities.

Alley: A public access way which affords only a secondary means of access to abutting property and is not intended for general traffic circulation.

Alterations: As applied to a building or structure, a change or rearrangement in the structural parts or in the exit facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

Alterations, Structural: A change in the supporting members of a building, such as bearing walls, columns, beams or girders.

Amendment: A change in the provisions of this Code (including those portions incorporated by reference), properly effected in accordance with State law and the procedures set forth herein.

Animal, Farm: Farm animals are those which have historically been bred, reared and utilized for the production of meat, wool, leather and similar products. This definition is inclusive of all farm animals, fowl, reptiles and fish, such as horses, cattle, rabbits, sheep, geese, chickens, ducks, snakes and catfish.

Animal Hospital: Any building or portion thereof designed or used for the care, observation, or treatment of domestic animals.

Animal, Wild: Wild animals are those animals, fowl, reptiles and fish of the North American Continent not domesticated such as bears, raccoons, squirrels, alligators, and gila monsters; animals, fowl, reptiles and fish from other continents shall automatically be considered wild.

Animals, Domestic: A domesticated animal is one which has extensively and historically been a part of a family or household for pleasure, companionship and protection. Domesticated animals are household pets and are inclusive of animals, fowl, reptiles and fish such as dogs, cats, parakeets, goldfish and painted turtles.

Apartment: A suite of rooms or a room in a building arranged and intended for a place of residence of a single family or a group of individuals living together as a single housekeeping unit.

Apartment Hotel: An apartment house which furnishes for the use of its tenants services ordinarily furnished by hotels, but the privileges of which are not primarily available to the public.

Apartment House: A multi-family dwelling used or occupied by **four (4)** or more families living independently of each other in dwelling units, such dwelling units normally being rented or used other than by the day, by the same occupant for a continuous period ordinarily of **six (6) months** or more.

Area, Gross: The entire area within the boundary lines of the territory proposed for subdivision, including the area to be dedicated for street and alley rights-of-way and public use.

Area, Net: The entire area within the boundary lines of the territory proposed for subdivision, less the area to be dedicated for streets and alley rights-of-way and public use.

Area of Zoning Lot: The total area within the property lines of a lot, excluding public streets and alleys, meeting the district requirement of this Code.

Attached Building: A building attached to another building by a common wall (such wall being a solid wall with or without windows and doors) and a common roof with a least horizontal dimension of **six (6) feet**.

Auditorium: A room, hall or building made a part of a church, theater, school, recreation building, or other building assigned to the gathering of people as an audience, to hear lectures, plays and other presentations.

Automobile Parking Area: A lot or part thereof used for the storage or parking of motor vehicles with or without the payment of rent or charges.

Automobile and Manufactured Home Sales Area: An open area, other than a street, used for the display or sale of new or used automobiles or manufactured homes, and where no repair work is done except for minor incidental repair of automobiles or manufactured homes to be displayed and sold on the premises.

Automobile Repair: General repair, rebuilding or reconditioning of engines, motor vehicles or trailers; collision service, including body, frame or fender straightening or repair; overall painting or paint shop; vehicle steam cleaning.

Automobile Wrecking Yard: Any place where **two (2)** or more motor vehicles, not in running condition, or parts thereof, are stored in the open and are not being restored to operation, or any land, building or structure used for wrecking or storing of such motor vehicles or parts thereof, and including any used farm vehicles or farm machinery, or parts thereof, stored in the open and not being restored to operating condition; and including the commercial salvaging of any other goods, articles or merchandise.

Barrier (Natural or Artificial): Any street, highway, river, pond, canal, railroad, levee, embankment, screening by a fence or hedge, or similar obstruction.

Basement: A story having more than **one-half (1/2)** its height below the average level of the adjoining ground.

Bed and Breakfast: Bed and breakfast shall mean an operator-occupied residence providing accommodations for a charge to the public with no more than **five (5) guest rooms** for rent, in operation for more than **ten (10) nights** in a **twelve (12) month** period. Breakfast and light snacks/refreshments may be provided to the guests only. Bed and breakfast establishments shall not include motels, hotels, boarding houses or food service establishments.

Billboard: A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the premises where such sign is located or to which it is affixed.

Block: An area of land entirely bounded by streets, highways, barriers, or ways (except alleys, pedestrian ways, or exterior boundaries of a subdivision unless exterior boundary is a street, highway, or way) or bounded by a combination of streets, public parks, cemeteries, railroad rights-of-way, waterways, or corporate boundary lines.

Board of Appeals: The Zoning Board of Appeals of the Village.

Boarding House: A building other than a hotel or restaurant where meals are provided for compensation to **three (3)** or more persons, but not more than **ten (10)**, who are not members of the keeper's family, but not open on a daily, overnight or per meal basis to transient guests.

Buffer Strip: An area of land undeveloped except for landscaping fences, etc., used to protect a use situated on **one (1) lot** from the deleterious effects of the use on the adjacent lot.

Buildable Area: The space remaining on a zoning lot after the minimum open space requirements of this Code have been complied with.

Building: Any structure having a roof supported by columns or walls, and designed or intended for the shelter, support, enclosure or protection of persons, animals or chattels.

Building, Enclosed: A building covered by a permanent roof and separated on all sides from adjacent open space or other buildings by fixed exterior walls or by common walls, with openings only for windows and doors.

Building or Structure Height: The vertical distance measured from the average grade at the front wall of a building to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip or gambrel roofs.

Building Line: The line nearest the front of and across a lot, delineating the minimum open space required between the front of a structure and the street right-of-way line.

Building, Principal: A non-accessory building in which the principal use of the premises is conducted.

Bulk: Any one or any combination of the following:

(A) Size or height of structure;

(B) Location of exterior walls at all levels in relation to lot lines, streets, or other structures;

(C) Floor/area ratio;

(D) Yards or setbacks;

(E) Lot coverage.

Camping Trailer: A trailer, not used commercially, constructed with partial side walls which fold for towing and unfold to provide temporary living quarters for recreational camping or travel use and of a size or weight not requiring an over-dimension permit when towed on a highway. **(625 ILCS 5/1-109.01)**

Camping Trailer Park: A lot developed with facilities for accommodating temporarily occupied camping trailers.

Centerline:

(A) The centerline of any right-of-way having a uniform width;

(B) The original centerline, where a right-of-way has been widened irregularly;

(C) The new centerline, whenever a road has been relocated.

Certificate of Zoning Compliance, Initial: A permit issued by the Administrator indicating that proposed construction work is in conformity with the requirements of this Code and may, therefore may be occupied or used.

Certificate of Zoning Compliance, Final: A permit issued by the Administrator indicating that a newly completed structure complies with all pertinent requirements of this Code and may, therefore, be occupied or used.

Church or Building for Religious Worship: A building used by a corporate religious institution that people regularly attend to participate in religious services, meetings and other customary, integrally related religious activities. The term "church" shall not carry a secular connotation and shall include buildings in which the religious services of any denomination are held.

Clinic: An establishment where licensed physicians or dentists practice medicine or dentistry, but where overnight lodging for sick or injured persons is not provided.

Club/Lodge: A nonprofit association or persons who are bona fide members organized for some purpose(s) and paying regular dues and whose facilities are restricted to members and their guests; not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

Commercial Use/Establishment: Any use or establishment wherein goods are purchased or sold, whether to the consuming public (retail) or to other businesses (wholesale).

Common Area: Any area of space designed for joint use of tenants or owners occupying a Mobile Home Development or other development.

Community Residence: **(See "Residential Care Facility")**

Community Residence - Large: A community residence serving **nine (9)** to **fifteen (15) persons** with handicaps.

Community Residence - Small: A community residence serving **eight (8)** or fewer persons with handicaps in a family-like atmosphere.

Comprehensive Plan: The plan or any portion thereof adopted by the Village for the coordinated physical development including among other things plans and programs regarding the location, character and extent of highways, transportation routes, bridges, public buildings or uses, utilities, schools, residential, commercial or industrial land uses, parks, forests, dams, drainage facilities and projects affecting the conservation of natural resources of the Village.

Conforming: In compliance with the applicable provisions of this Code.

Convenience/Gasoline Service Station means a building or premises or portion thereof used for retail sales of gasoline, oil and accessories of motor vehicles, and general convenience service goods to include the retail sale of alcoholic beverages, not for consumption on the premises where it is sold.

Corrective Action Order means a legally binding order issued by the Administrator in accordance with the procedures set forth herein to effect compliance with this Code.

Coverage: Total square footage of ground floor area expressed as square footage.

Cul-de-sac: A short minor local street having only one end open for vehicular traffic and the other permanently terminated by a turn-around for vehicles.

Day Care Center means an establishment for the part-time care and/or instruction at any time of day of **four (4)** or more unrelated children or pre-elementary or elementary school age.

Deck: An open porch which has no roof, is generally open on the sides, is above ground level, and its intended use is for leisure enjoyment.

Department: The Illinois Department of Public Health unless otherwise stated.

Design: The arrangement of uses on the land and use of land for easements, lots and rights-of-way, including materials, alignment, grade, and width of these elements.

Detached: As applied to buildings, "detached" means surrounded by yards on the same lot as the building.

Develop: To erect any structure or to install any improvements on a tract of land, or to undertake any activity (such as grading) in preparation therefor.

Dish-Type Satellite Signal-Receiving Antennas: Also referred to as "earth stations" or "ground stations" or "Television Receive Only Systems, (TVRO)" shall mean **one (1)**, or a combination or **two (2)** or more of the following:

(A) A signal-receiving device (antenna, dish antenna, or dish-type antenna), the purpose of which is to receive communications or other signals from satellites in earth orbit and other extraterrestrial source.

(B) A Low-Noise Amplifier (LNA), or a Low Noise Block Converter (LNB), or a Low Noise Converter (LNC), which is situated at the focal point of the receiving component and the purpose of which is to magnify, store, transfer and/or transmit electronic or light signals.

(C) A coaxial cable the purpose of which is to carry or transmit said signals to a receiver.

District Zoning: A portion of the territory of this municipality wherein certain uniform requirements or various combinations thereof apply to structures, lots and uses under the terms of this Code.

Driveway: A minor way commonly providing vehicular access to a garage or off-street parking area.

Drive-In Restaurant or Refreshment Stand: An establishment principally used for the sale of fast order food for consumption off the premises or in parked cars on the premises. Fast order food means food that is:

(A) Primarily intended for immediate consumption;

(B) Available after a short waiting time; and

(C) Packaged or presented in such a manner that it can be readily eaten outside the premises where it is sold.

Dump: A lot or land or part thereof used primarily for the disposal by abandonment, dumping, burial, burning or any other means and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or waste material of any kind.

Dwelling: A building or portion thereof designed or used exclusively as living quarters for **one (1)** or more families, other than hotels, motels, tourist homes, clubs, hospitals, or similar uses.

Dwelling, Multiple-Family: A building or portion thereof containing **three (3)** or more dwelling units.

Dwelling, One-Family: A detached principal building designed for or used as a dwelling exclusively by **one (1) family** as an independent housekeeping unit.

Dwelling, Two-Family: A detached principal building designed for or used as a dwelling exclusively by **two (2) families** each living as an independent housekeeping unit.

Dwelling, Three-Family: A detached principal building designed for or used as a dwelling exclusively by **three (3) families** each living as an independent housekeeping unit.

Dwelling, Multiple-Family: A building or portion thereof, designed or altered for occupancy by **four (4)** or more families living independently of each other.

Dwelling Unit: One or more rooms designed or used as living quarters by one family. A "dwelling unit" always includes a bathroom and a kitchen.

Easement: A vested or acquired right to use land, other than as a tenant, for a specific purpose, such right being held by someone other than the owner who holds title to the land.

Enclosed Building: A building separated on all sides from adjacent open space or other buildings by fixed exterior walls or party walls, with openings only for windows and doors, and covered by a permanent roof.

Enlarge: To increase the size (floor area, height, etc.) of an existing principal structure or accessory use, or to devote more land to an existing use.

Erect: Build, construct.

Essential Governmental or Public Utility Services: The erection, replacement, construction, alteration, or maintenance by public utilities or governmental departments, of underground or overhead gas, electrical, steam, water transmission or distribution systems, collection, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, but not including buildings.

Establishment: Either of the following:

(A) an institutional, business, commercial, or industrial activity that is the sole occupant of one or more buildings; or

(B) an institutional, business, commercial, or industrial activity that occupies a portion of a building such that:

(1) the activity is a logical and separate entity from the other activities within the building and not a department of the whole; and

(2) the activity has either a separate entrance from the exterior of the building, or a separate entrance from a common and clearly defined entryway that has direct access to the exterior of the building.

Existing: Existing, constructed or in operation, on the effective date of this Code.

Extend: To increase the amount of floor area or land area devoted to an existing use.

Family:

(A) A single individual doing his own cooking and living upon the premises as a separate housekeeping unit; or

(B) A collective body of persons doing their own cooking and living together upon the premises as a separate housekeeping unit in a domestic relationship based upon birth, marriage, adoption or employment as domestic servants; or

(C) A group of not more than **three (3)** unrelated persons doing their own cooking and living together on the premises as a separate housekeeping unit pursuant to a mutual housekeeping agreement (not including a group occupying a boarding or rooming house, club, fraternity or hotel).

Farmhouse: A detached dwelling on a tract of land of not less than **ten (10) acres**, and occupied by a family whose income is primarily derived from agricultural activities conducted on the premises.

Filling Station: **(See Service Station)**

Flood Elevation, Regulatory: The elevation of the most severe flood that, on the basis of Corps of Engineer's data, may be expected to occur once every **one hundred (100) years**.

Flood Plain Area: The area adjacent to the water course and its tributaries having an elevation equal to or lower than the regulatory flood elevation. Tracts of land less than **ten (10) acres** in area that, naturally or by landfill, have an elevation higher than the regulatory flood elevation shall be included in the flood plain area if they are surrounded by land in the flood plain area.

Floor Area: The area included within outside walls of a building or portion thereof, including habitable penthouses and attic space, but not including vent shafts, courts or uninhabitable areas below ground level or in attics.

Floor Area, Gross: As used in determining floor/area ratios and parking requirements, the sum of the gross horizontal areas of the several floors of a building, measured from the exterior faces of the exterior walls or from the center of the common walls of attached buildings. Gross floor area includes all of the following: basement floors; attic floor space; halls, closets, stairwells; space devoted to mechanical equipment; enclosed porches.

Floor Area Ratio: The ratio of total floor area, in square feet, of all buildings on a lot to total lot area, in square feet.

Freestanding Sign: Any sign supported by one or more uprights, poles or braces placed in or upon the ground in a permanent manner.

Freight Terminal: as applied to motor carriers subject to the **Illinois Compiled Statutes, Chapter 625, Section 18c-1101 et seq.,** a station for commercial motor vehicles wherein said motor trucks are stored, repaired or parked.

Frontage: The lineal extent of the front (street-side) of a lot.

Garage: A structure designed and primarily used for the storage of motor vehicles, whether free of charge or for compensation.

Garage, Private: A building or portion thereof for the storage of **one (1)** or more vehicles for persons living on the premises.

Gasoline Service Station: A building or premises or portion thereof used for the retail sale of gasoline, oil or other fuel, automotive parts, supplies, or accessories for motor vehicles and which may include, as an incidental use only, facilities used for polishing, greasing, washing or otherwise cleaning or light servicing of motor vehicles but not including liquefied petroleum gas distribution facilities.

Grade: The average of the finished ground level at the midpoint of each wall of a building. In case walls are parallel to and within **five (5) feet** of a public sidewalk, said ground level shall be measured at the sidewalk.

Group Home: **(See Community Residence)**

Government: The act or process of administering public policy in a political unit; a political jurisdiction, the office or function thereof.

Guest House: Living quarters within a detached accessory building located on the same premises with the principal building, for use by temporary guests of the occupants of the premises. Such quarters shall have no kitchen facilities nor be rented or otherwise used as a separate dwelling.

Height: In the case of a wall, or part of a building, the vertical distance from the average established curb grade in front of the lot or from the average finished grade at the building line, if higher, to the average height of the top of the cornice or a flat roof, or roof line, or to the deck line of a mansard roof, or to the middle height of the highest gable or dormer in a pitched or hipped roof, or if there are no gables or dormers, to the middle height of such pitched or hipped roof.

Hillside Area: An area with an average slope of **twenty percent (20%)** or more.

Home Occupation: Any business, profession, or occupation conducted for gain or support entirely within a dwelling or on residential premises in conformity with the provisions of this Code. **(See Section 40-7-4.)**

Hospital: Any building or portion thereof used for diagnosis, treatment and care of human ailments including sanitariums but not including clinics, rest homes, convalescent homes or nursing homes.

Hotel: A building designed or used for occupancy normally as the temporary lodging place of individuals, having at least **six (6)** guest rooms, where a general kitchen and dining room may be provided but where there are no cooking facilities in any guest room.

Immobilize: As applied to a manufactured home, "immobilize" means to remove the wheels, tongue and hitch and place on a permanent foundation.

Improvement: Refers to site grading, street work and utilities (including water, sewer, electric, gas and storm water) 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.

Improvement Plans: The engineering plans showing types of materials and construction details for the physical structures and facilities to be installed both in, or in conjunction with, the subdivision.

Intensify: To increase the level or degree of.

Intersection: The point at which two or more public rights-of-way (generally streets) meet.

Junk Yard: A tract of land, including any accessory structures thereon, that is used for buying, selling, exchanging, storing, bailing, packing, disassembling, or handling waste or scrap materials. Such scrap materials include vehicles, machinery, and equipment not in operable condition (or part thereof), and metals, glass, paper, plastics, rags, and rubber tires. A rebuttable presumption as to the existence of a junk yard shall arise with regard to any lot upon which **three (3)** or more inoperable vehicles are located. An "inoperable vehicle" for purposes of this provision shall be defined by **Chapter 24** of the Village Code herein. A "junk yard" includes an automobile wrecking yard. **(See Chapter 25, Article IV)**

Kennel: Any structure or premises or portion thereof on which more than **four (4)** 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.

Land Use Plan: The long-range plan for the desirable use of land in the Village as officially adopted and as amended from time to time by the Village Board or appropriate authority.

Landscape Fence: A non-obstructive fence, no greater than **four (4) feet** in height, of approved design and materials. Picket, split-rail, and wrought iron fences are acceptable within this definition. Examples of unacceptable fence types include privacy, chain link, and welded wire.

Laundries:

(A) **Laundromat.** A business that provides home-type washing, drying and ironing machines for hire to be used by the customers on the premises.

(B) **Commercial Industrial Laundry.** A business that provides washing, drying and ironing services operated by the employees on the premises.

Loading Space: An off-street space or berth on the same lot with a building, or contiguous to a group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials and which abuts upon a street, alley or other appropriate means of access.

Lodging or Rooming House: A building with more than **three (3) guest spaces** where lodging is provided for compensation pursuant to previous arrangement, but not open on a daily, overnight, or per meal basis to transient guests.

Lot: A portion or parcel of land (whether a portion of a platted subdivision or otherwise) occupied or intended to be occupied by a building or use and its accessories together with such yards as are required under the provisions of this Code having not less than the minimum area, width and depth required by this Code for a lot in the district in which such land is situated and having its principal frontage on a stree4t o4r on such other means of access as permitted in accordance with the provisions of this Code. The minimum area of a lot as defined herein must be an integral unit of land under unified ownership in fee or in co-tenancy, or under legal control tantamount to such ownership, which ownership or control must continue for the existence of the building or buildings permitted to be situated on the lot.

Lot, Corner: A lot abutting upon **two (2)** or more streets at their intersection or upon **two (2)** parts of the same street, such streets or parts of the same street forming an interior angle of less than **one hundred thirty-five (135) degrees**. The point of intersection of the street lines is the "corner". **(See Figure #1)**

Lot, Interior: A lot whose side lines do not abut upon any street.

Lot, Through: A lot having a pair of approximately parallel lot lines that abut **two (2)** approximately parallel streets. Both such lot lines shall be deemed front lot lines.

Lot Area: The area of a horizontal plane bounded by the front, side, and rear lines of a lot.

Lot Coverage: The portion of a lot that is occupied by buildings or structures, including accessory buildings or structures.

Lot Depth: The average horizontal distance between the front lot line and the rear lot line of a lot.

Lot Line, Front: The line separating the lot from the street. The street on which a building's frontage is oriented shall determine the location of the front lot line provided the front setback is no less than the average setback of existing buildings.

Lot Line, Rear: An interior lot line which is most distant from and most nearly parallel to the front lot line. The rear lot on corner lots shall be defined as the line most distant and most nearly parallel to either of the front lot lines as defined elsewhere in these definitions.

Lot Line, Side: Any lot line other than front or rear lot line. A side lot line separating a lot from a street is called a side street lot line. A side lot line separating a lot from another lot or lots is called an interior side lot line.

Lot of Record: An area of land designated as a lot on a plat of subdivision recorded or registered with the County Recorder of Deeds, in accordance with State law.

Lot Size Requirement: Refers to the lot area, width, and depth requirements of the applicable district.

Lot Size/Bulk Variance: A relaxation of the strict application of the lot size and/or bulk requirements applicable to a particular lot or structure. A lot Size/Bulk Variance goes with the property.

Lot, Through: A lot having frontage on two parallel or approximately parallel streets.

Lot Width: The mean horizontal distance between the side lot lines of a lot measured at right angles to the depth; or the same distance measured at a point midway between the front lot line and the rear lot line; or at the rear line of the required front yard (building lines), especially on irregularly shaped lots.

Maintenance: The routine upkeep of a structure, premises, or equipment, including the replacement or modification of structural components to the extent necessary to keep a structure in sound condition.

Manufactured Home: A structure designed for permanent habitation and so constructed as to permit its transport on wheels, temporarily or permanently attached to its frame, from the place of its construction to the location or subsequent location at which it is intended to be a permanent habitation and designed to permit the occupancy thereof as a dwelling place for **one (1)** or more persons. The term shall only include manufactured homes constructed after **June 30, 1976**, in accordance with the Federal **"National Manufactured Housing Construction and Safety Standards Act of 1974"**. Compliance with this standard is indicated by a 2-inch by 4-inch metal plate attached to the exterior tail light end of the manufactured home. The average width and/or length of the living area (excluding garages, carports, porches, or attachments) of a manufactured home shall not exceed a ratio of 3 to 1. As with all residences, a manufactured home shall have a minimum 4/12 pitch roof with residential style siding and roofing, **six (6) inch** minimum eave overhand, and shall have a minimum living are of not less than **nine hundred (900) square feet**. Provided that any such structure resting on a permanent foundation with wheels, tongue and hitch permanently removed shall not be construed as a **"manufactured home"** but shall be an **"immobilized manufactured home"**. A manufactured home should not be confused with a **"camping trailer"** or **"recreational vehicle"**. **(210 ILCS 115/2.10)**

Manufactured Home, Dependent means a manufactured home which does not have a toilet and bath or shower facilities. **(210 ILCS 115/2.3)**

Manufactured Home, Double-Wide consists of **two (2) manufactured units** joined at the side into a single home, but kept on their separate chassis for repeated transportation to a site.

Manufactured Home, Independent means a manufactured home which has self-contained toilet and bath or shower facilities. **(210 ILCS 115/2.4)**

Manufactured Home Lot means a parcel of land for the placement of a manufactured home and the exclusive use of its occupants.

Manufactured Home Pad means that part of an individual manufactured home space or lot beneath the manufactured home, including the concrete portion of the pad.

Manufactured Home Park means a tract of land or **two (2)** or more contiguous tracts of land upon which contain sites with the necessary utilities for **two (2)** or more independent manufactured homes for permanent habitation either free of charge or for revenue purposes, and shall include any building, structure, vehicle, or enclosure used or intended for use as a part of the equipment of such manufactured home park. Separate ownership of contiguous tracts of land shall not preclude the tracts of land from common licensure as a manufactured home park if they are maintained and operated jointly. Neither an immobilized manufactured home nor a motorized recreational vehicle shall be construed as being a part of a manufactured home park. **(210 ILCS 115/2.5)**

Manufactured Home Park License: A permit issued by the Zoning Administrator authorizing the operation of a manufactured home park in accordance with all applicable regulations.

Manufactured Home Sales Area means a parcel of land used for the display, sale, and repair of new or used manufactured homes.

Manufactured Home Space means a portion of a manufactured home park designed for the use or occupancy of **one (1) manufactured home**.

Manufactured Housing Unit includes all forms of housing units listed in this Section and as regulated in this Code.

Mini-Warehouses: A building, or part of one, for the storage of goods, merchandise, etc. for rent to individuals or businesses for a monthly fee.

Mobile Home means a structure designed for permanent habitation and so constructed as to permit its transport on wheels, temporarily or permanently attached to its frame, from the place of its construction to the location or subsequent location at which it is intended to be a permanent habitation and designed to permit the occupancy thereof as a dwelling place for **one (1)** or more persons. The term **"mobile home"** shall only include homes constructed prior to **June 30, 1976**, not in accordance with the Federal **"National Manufactured Housing Construction and Safety Standards Act of 1974"**.

Mobile or Portable Marquee: A term used to describe any sign designed to be moved from place to place, including, but not limited to, signs attached to wood or metal frames designed to be self-supporting and movable; or paper, cardboard, or canvas signs wrapped around supporting poles.

Modular Home: A modular home is a factory-fabricated single-family home built in **one (1)** or more sections. The average width and/or length of the living area (excluding garages, carports, porches, or attachments) of a modular home shall not exceed a ratio of 3 to 1. All modular homes shall be placed on a full perimeter foundation, extending below the frost depth. All wheels and towing devices shall be removed. As with all residences, a modular home shall have a minimum 4/12 pitch roof with residential style siding and roofing, **six (6) inch** minimum eave overhang, and shall have a minimum living area of not less than **nine**

hundred (900) square feet. Modular homes shall have a yellow seal in the shape of the State of Illinois on the electrical panel box of the home or on the inside of the kitchen sink cabinet. Local officials may require additional items other than the minimum state requirements such as the National Manufactured Home Construction and Safety Standards (HUD Code) or the International Building Code (IBC). All structures shall be placed on a permanent foundation in order that they may be assessed as real estate.

Most Restrictive: See "Least Restrictive".

Motel or Motor Hotel: A series of attached, semi-attached or detached sleeping or living units, for the accommodation of transient guests and not customarily including individual cooking or kitchen facilities, said units having convenient access to off-street parking spaces for the exclusive use of the guests or occupants.

Noisome and Injurious Substances, Conditions and Operations:

(A) Creation of unreasonable physical hazard, by fire, explosion, radiation or other cause, to persons or property.

(B) Discharge of any liquid or solid waste into any stream or body of water or into any public or private disposal system or into the ground, so as to contaminate any water supply, including underground water supply.

(C) Maintenance or storage of any material either indoors or outdoors so as to cause or to facilitate the breeding of vermin.

(D) Emission of smoke, measured at the point of emission, which constitutes an unreasonable hazard to the health, safety, or welfare of any persons.

(E) Fly ash or dust which can cause damage to the health of persons, animals, or plant life or to other forms of property, or excessive soil, measured at or beyond the property line of the premises on which the aforesaid fly ash or dust is created or caused.

(F) Creation or causation of an unreasonably offensive odors discernible at or beyond any property line of the premises on which the aforesaid odor is created or caused.

(G) Creation or maintenance of any unreasonable reflection, or direct glare, by any process, lighting or reflective material at or beyond any property line of the premises on which the reflective or direct glare is created or caused.

(H) Creation or maintenance of any unreasonable distracting or objectionable vibration and/or electrical disturbances discernible at or beyond any property line of the premises on which the aforesaid vibration or electrical disturbance is created or maintained.

(I) Any public nuisance.

Nonconforming Building: A building or structure or portion thereof conflicting with the provisions of this Code applicable to the district in which it is situated.

Nonconforming Use: A use of a building or land legally existing at the time of adoption of this Code, or any amendment thereto, and which does not conform with the use regulations of the district in which located. **(See Article VIII)**

Nuisance: Any thing, condition, or conduct that endangers health, or unreasonably offends the senses, or obstructs the free use and comfortable enjoyment of property, or essentially interferes with the comfortable enjoyment of life or property. **(See Chapter 25 of the Revised Code)**

Nursery: A tract of land on which trees, shrubs, and other plants are raised for transplanting and sale, and including any structure in which said activities are conducted.

Nursery School: **(See Day Care Center)**

Nursing Home: A building used as a medical care facility for persons who need long-term nursing care and medical service, but do not require intensive hospital care.

Office, Professional: An office (other than a service office and other than an office for care and/or treatment of, or medical attention to, animals as distinguished from persons) for the practice of professions,

such as the offices of physicians, dentists, attorneys-at-law, architects, engineers, artists, musicians, teachers and other who through training are qualified to perform services of a professional nature and where there is no storage, sale or display of merchandise on the premises.

Office, Service: An office in which are offered services by real estate agents, insurance agents, public stenographers, brokers, or others who through training are duly qualified to perform services of an executive nature (as distinguished from a professional office) and where there is not storage, sale or display of merchandise on the premises.

Official Map: The portion of the master plan which designates land necessary for public facilities or uses. It shall include streets, alleys, public ways, parks, playgrounds, school sites and other public grounds and ways for public service facilities within the whole area included within the official comprehensive plan. It can be one or more separate geographical or functional parts or include all or any part of the contiguous, unincorporated area under the planning jurisdiction of the Village.

Off-Street Parking Area: Land that is improved and used primarily for the storage of passenger motor vehicles, free of charge or for compensation. An "off-street parking area," depending on the circumstances of its use, may either a principal use or an accessory use.

Off-Street Parking Space: An area at least **twenty (20) feet** long and **ten (10) feet** wide within an off-street parking area or garage, used for the storage of one passenger motor vehicle.

Overlay District: A zoning district superimposed over one or more standard (primary) zoning districts or portions thereof for the purpose of controlling developmental problems caused by such factors as steep slopes, wet soils, flooding, etc.

Parking Area, Private: An open, hard-surfaced area, other than a street or public way, designed, arranged, and made available for the storage of private passenger automobiles only, or occupants of the building or buildings for which the parking area is developed and is accessory.

Parking Area, Public: An open, hard-surfaced area, other than a street or other public way, used for the parking of automobiles or other motor vehicles and available to the public whether for a fee or free for clients or customers.

Patio: An at-grade -paved area without any walls usually adjacent to a building, and which is intended to be used as an outdoor lounging, dining, or entertaining area.

Parking Space, Automobile: Space within a public or private parking area of not less than **two hundred (200) square feet (ten (10) feet by twenty (20) feet)**, exclusive of access drives, or aisles, ramps, columns, or office and work areas, for the storage of one passenger automobile or commercial vehicle under **one and one-half (1 ½) ton** capacity.

Permanent Foundation: A foundation which extends into the ground below the frost line so as to attach and become a part of the real estate. Materials such as concrete, mortared concrete block, poured wall or mortared brick extending into the ground below the frost line shall satisfy the requirements for a permanent foundation. In addition, piers may be used, extending into the ground below the frost line, and sufficient in number to properly support the structure, provided the support beams are affixed to the permanent perimeter foundation.

Permanent Habitation: A period of **two (2)** or more months. **(210 ILCS 115/2.2)**

Permitted Uses: Any use which is or may be lawfully established in a particular district(s), provided it conforms with all the requirements applicable to said district(s).

Person: Any individual, firm, association, organization, or corporate body.

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 Planning Commission as to scale and details for submittal to the appropriate officials of the Village for consideration, approval, or disapproval.

Planned Development Project: A residential or commercial development on a parcel of land in single ownership and consisting of **two (2)** or more buildings having any yard, court, parking or loading space in common.

Plat: Any map, plan or chart of the Village, section or subdivision, indicating the location and boundaries of individual properties, public improvements, utility locations and which meets the requirements of this Code.

Plat, Final: A plat drawn in ink upon tracing cloth and conforming to the requirements of this Code.

Plat, Preliminary: The first plat prepared designating generally the methods, dimensions and conditions of land subdivision and the improvements proposed on a specific parcel of land.

Plot: A parcel of land consisting of one or more lots or portions thereof which is described by reference to a recorded plat or metes and bounds.

Porch: A structure attached to a building to shelter an entrance or to serve as a semi-enclosed space, usually covered with a roof, generally open-sided, and usually large enough to allow seating devices.

Premises: A lot and all the structures and uses thereon.

Principal Building/Structure/Use: The main structure erected on or the main use occupying a lot, as distinguished from an accessory (subordinate) structure or use.

Private Street: Any street providing access to abutting property that is not maintained by and dedicated to a unit of government.

Property Line: A recorded boundary of a plot or plat.

Public Buildings: Any building owned, operated, constructed or maintained at the expense of the public or a building which provides a service or function necessary for the general health, welfare, and convenience of the public.

Public Open Space: Any publicly owned open area, including, but not limited to the following: parks, playgrounds, forest preserves, beaches, waterways, parkways, and streets.

Public System (Water or Sewer): A system which is owned and operated by a local governmental authority or by an established public utility company. Such systems are usually existing systems serving a municipality, a township, an urban county, or a water or sewer district established and directly controlled under the laws of this State.

Quick Shop: Any small retail commercial or service establishment offering goods/services primarily to the residents of a particular multi-family complex, manufactured home park or similar development. No liquor or gasoline shall be sold in this shop.

Reconstruct: As applied to nonconforming structures, "reconstruct" means to rebuild after partial destruction.

Recreation Vehicle: Every camping trailer, motor home, mini motor home, travel trailer, truck camper or van camper used primarily for recreational purposes and not used commercially nor owned by a commercial business. **(625 ILCS 5/1-169)**

Recreational Vehicle (RV) Park: See Camping Trailer Park.

Refuse: Garbage (food wastes) and trash, but not sewage or industrial wastes.

Relocate: To move to another portion of a lot or to a different lot.

Repair: To restore to sound condition, but not to reconstruct.

Residence: A site-constructed building designed for use as a residence. The average width and/or length of the living area (excluding garages, carports, porches, or attachments) of a residence shall not exceed a ratio of 3 to 1. All residences shall be placed on a full perimeter foundation extending below the frost depth unless located in a Special Flood Hazard Area, and shall have a minimum 3/12 pitch roof. All residences shall have a minimum of **nine hundred (900) square feet** of living area and shall be built in conformity with the International Building Code.

Residential Care Facility: Any facility, other than a foster home, whether operated for profit or not, which through ownership or management provides residential care of **one (1)** to **eight (8) persons** who are not related by blood or marriage to either the owner or operator, or one of them, of such facility, or any classification of such facilities as defined in the Minimum Standards, Rules and Regulations, as amended, of the Department of Public Health of the State of Illinois, that provides supervised residential care for a person, or persons, who because of age, physical or mental disability, emotional or behavioral disorder, or mental retardation, are incapable of managing their person, whether or not under conservatorship or guardianship.

Residence Care Facility does not include a residence which serves persons as an alternative to incarceration for a criminal offense, or persons whose primary reason for placement is substance or alcohol abuse or for treatment of communicable disease. **(See Fair Housing Code)**

Retail (or Retailing): A business enterprise consisting primarily of the making of sales and/or rendering of services directly to ultimate consumers, where each sale or service transaction is in relatively small quantity or volume, as distinguished from a wholesale business or from a business where sales are made or services are rendered either in substantial volume to an individual customer and/or for resale to or reuse by ultimate consumers.

Right-of-Way, Public: A strip of land which the owner/subdivider has dedicated to the Village or to another unit of government for streets and alleys.

Room: An unsubdivided portion of the interior of a dwelling unit, excluding bathrooms, kitchens, closets, hallways and service porches and the like.

Satellite Dish: Any parabolic/dish-type apparatus, external to or attached to the exterior of a building or structure, capable of receiving, for the benefit of the principal use, television or radio signals. Satellite dishes are considered an accessory use.

Screening: Trees, shrubs, walls, solid fences, etc. used as a means of view and noise control.

Semi-Finished Materials: Materials which have been sufficiently processed at heavy industrial facilities so that they are no longer in their raw state but are readily usable by light industry for assembly or manufacture into consumer goods.

Service Office: An office in which are offered services by real estate agents, insurance agents, public stenographers, brokers, or others who through training are duly qualified to perform services of an executive nature (as distinguished from a professional office) and where there is no storage, sale or display of merchandise on the premises.

Service Station: A building and premises or portion thereof designed and used for the retail sale of gasoline or other automotive fuel, oil, and automotive parts, supplies, and accessories. A service station may include facilities for washing vehicles and for making minor automotive repairs.

Service Use/Establishment: Any use or establishment where services are provided for remuneration either to individuals or to other firms.

Setback: The distance between the front lot line and the building line; or between a side or rear lot line and the side of the structure which faces such lot line; or between the appropriate lot line and the nearest boundary of the area of operation which is approximately parallel to such lot line.

Sign: Any object, device, display or structure or part thereof used to advertise, identify, display or attract attention to a person, establishment, product, service or event by any means including words, letters, figures, designs, symbols, fixtures, colors, illuminations, etc. The term "sign" includes, but is not limited to, every projecting sign, freestanding sign, awning, canopy, marquee sign; changeable copy sign, illuminated sign; moving sign, temporary sign; portable sign; or other display whether affixed to a building or erected elsewhere on the premises. The term "sign" excludes features of a building which are an integral part of the building's design (e.g., the "castle-look" of a White Castle restaurant).

Sign, Advertising: A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than on the lot where the sign is located, or only incidentally on that lot if at all.

Sign Area: The total surface area of the entire sign, including all parts and appurtenances thereof (except principal supports, the total cross-sectional area of which does not exceed **one (1) square foot** and on which there is no display of advertising material or any lighting). In the case of any sign having display surfaces which are not continuous (e.g., separated letter displays or separated display surfaces), sign area shall include a theoretical display surface equal to the area of the smallest enclosure into which the combined non-continuous display surfaces can be fitted, and including intermediate structural supports. **(See Figure 3.)**

Sign, Bulletin Board: As used in this Code, a sign used for purposes of notification of the public of an event or other occurrence of public interest, such as a church service, political rally, civic meeting or similar event.

Sign, Business: A sign which directs attention to a business, profession, display or entertainment conducted upon a lot or to a commodity or service stored, sold, or displayed on a lot.

Sign, Construction: As used in this Code, a sign advertising the development or improvement of a property by a builder, contractor or other person furnishing services, materials, or labor to said premises, which sign is intended for a limited period of display, and erected on the same lot with the work being done.

Sign, Identification: A sign which establishes the identity of a person and his business or professional title occupying the premises, such as a name plate. As used in this Code, the term "identification sign" shall not be construed to include a sign identifying a commercial or industrial use or a commodity or service offered on the premises.

Sign, Combination: Any sign incorporating any combination of the features of free-standing, projecting and roof signs.

Sign, Flashing: Any sign utilizing the repeated or intermittent flashing of light.

Sign, Freestanding: A detached sign which is supported by **one (1)** or more uprights, poles or braces in or upon the ground.

Sign, Marquee: A display sign which is attached to or suspended from a marquee, canopy, or other covered structure projecting from and supported by the building and extending beyond the building wall or building line.

Sign, Projecting: A display sign which is attached directly to the wall of a building and which extends more than **fifteen (15) inches** from the face of the wall.

Sign, Real Estate: A sign indicating the availability for sale, rent or lease of the specific lot and/or building upon which the sign is erected or displayed.

Sign, Roof: A sign erected upon or above a roof or parapet wall of a building or structure.

Sign, Subdivision: A sign advertising the general sale, development or subdivision of land, and displayed or erected upon the subject property, as distinguished from a real estate sign.

Sign, Temporary: A sign, banner or other advertising device or display constructed of cloth, canvas, cardboard, wall board or other light temporary material, with or without a structural frame, intended for a temporary period of display; such as decorative displays for holidays or public demonstrations.

Sign, Wall: Any sign painted on, attached to, or erected against the wall of a building or structure, with the exposed face of the sign in a plane parallel to the plane of said wall and extending not more than **twelve (12) inches** from the face of the wall.

Skirting: The covering affixed to the bottom of the exterior walls of a mobile home to conceal the underside thereof.

Site: A parcel of land consisting of one or more lots or portions thereof which is described by reference to a recorded plat or by metes and bounds.

Slope: The degree of natural inclination of the existing ground.

Slope, Steep: Lands with a slope of **twelve percent (12%)** or greater and those lands with a **seven (7)** to **twelve percent (12%)** slope which are especially susceptible to soil erosion.

Special Use: A use that has unusual operational, physical, or other characteristics which distinguish it from the permitted uses of a district, but which can be made compatible with the intended overall development within a district. Special uses commonly must meet special standards not necessarily applicable to permitted uses in the district, and are allowed only by permit. A special use permit shall not be transferable.

Stable: A structure, situated on the same lot as a dwelling, and designed or used for housing horses for the private use of occupants of the dwelling, but not for hire.

Stoop: A small porch which is usually not covered with a roof and which is primarily used to provide access to the adjoining building.

Stop Order: A type of corrective action order used by the Administrator to halt work in progress that is in violation of this Code.

Storage Building: A structure designed to keep or store goods and equipment. Said building is not designed for occupancy by families or individuals.

Storage Container: A container that is hereby defined as either a railroad car, a train car, a truck body, a tractor trailer, licensed or unlicensed, a rail car or a sea container. **(See Section 40-5-12)**

Story: That portion of a building, included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.

Street: A general term denoting a public or private way for the purpose of vehicular travel. The term includes all facilities which normally occur within the right-of-way; it shall also include such other designation for a street as: a highway, thoroughfare, parkway, through way, road, pike, avenue, boulevard, lane, place, drive, court or as otherwise designated, but excluding an alley or a way for pedestrian use only.

Street, Arterial: 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 which may have direct access to abutting properties and on which geometric design and traffic control measures are used to expedite the safe movement of through traffic.

Street, Collector: 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.

Street Line: The street right-of-way line abutting a lot line.

Street, Local: A street used primarily for access to abutting properties, providing for minimum speeds and traffic volumes.

Street, Marginal Access or Service Road: A local street, parallel and adjacent to arterial streets providing access to abutting properties.

Street, Private: Any street providing access to abutting property that is not maintained by and dedicated to the Village or other public entity.

Structural Alteration: Any change in the supporting members of a building including but not limited to bearing walls, load-bearing partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

Structure: Anything constructed or erected which requires a permanent or temporary location in or on the ground or is attached to something having a permanent or temporary location in the ground or is attached to something having a permanent or temporary location on the ground but not including poles, lines, cables, and other transmission or distribution facilities of public utilities. **(Ord. No. 90-12; 12-10-90)**

Structure, Temporary: Any structure that is not attached to a permanent foundation.

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 herein defined. **(See Chapter 34)**

Subdivision:

(A) The division of land into **two (2)** 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.

(B) Establishment or dedication of a public street or alley through a tract of land regardless of size. Excluded from this definition is: the division of land into parcels each containing **five (5) acres** or more for agricultural purposes; division of land for cemetery usage; division and distribution of land pursuant to law or court order. The term "subdivision" shall also include all re-subdivision of land or lots.

Subdivision, Minor: A division of land into **two (2)** but not more than **six (6) lots**, all of which front upon an existing street, not involving any new streets or other rights-of-way, easements and improvements, or other provisions for public areas and facilities.

Swimming Pool (Permanent): Any swimming pool constructed in the ground or any above ground swimming pool designed and constructed to remain in place continuously for more than one summer swimming season.

Swimming Pool (Temporary): Any above ground swimming pool with non-rigid side walls which are self-standing or supported by a framework designed and assembled to remain in place one summer swimming season.

Telecommuting: Working in the home by using a computer terminal or other terminal connected by a telephone line or by other means to a central office or central computer.

Temporary Use Permit: A permit issued in accordance with the provisions of this Code and valid for not more than **one (1) year**, which allows the erection/occupation of a temporary structure or the operation of a temporary enterprise.

Topography: The relief features or surface configuration of an area.

Travel Trailer: Every vehicle without motive power in operation, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle. **(625 ILCS 5/1-209)**

Travel Trailer Park: A lot developed with facilities for accommodating temporarily occupied travel trailers in accordance with the requirements of this Code.

Use: The purpose or activity for which land or a structure thereon is designed, arranged, intended, occupied, or maintained.

Use Variance: A type of amendment (not a variance) that allows a use in a district where said use would not be allowed under existing provisions of this Code.

Utility Substation: A secondary utility facility such as an electrical substation, gas regulator station, telephone exchange facility, sewage treatment plant, etc.

Vacant as applied to a lot, means that no structure is situated thereon.

Variance: A relaxation of the strict application of the lot size, setbacks, or other bulk requirements applicable to a particular lot or structure.

Wading Pool: A plastic or inflatable pool of less than **two (2) feet** in depth, designed and assembled to be drained after each use.

Wholesale: Refers to the sale of goods or services by one business to another business.

Window Sign: Any sign visible from the exterior of a building or structure which is painted directly on the surface of a window or affixed to or suspended immediately behind the window for the purpose of informing passersby of the identity of the proprietor or business, or of the product or service which can be obtained on the premises.

Yard: Open space that is unobstructed except as specifically permitted in this Code and that is located on the same lot as the principal building.

Yard, Front: A yard which is bounded by the side lot lines, front lot line and the building line.

Yard, Rear: A yard which is bounded by side lot lines, rear lot lines, and the rear yard line.

Yard, Side: A yard which is bounded by the rear yard line, front yard line, side yard line, and side lot line.

Yard Line: A line in a lot that is parallel to the lot line along which the applicable yard extends and which is not nearer to such lot line at any point than the required depth or width of said yard.

Zoning Administrator: The Zoning Administrator, sometimes also referred to as Zoning Official and Zoning Inspector, shall be that person appointed by the Mayor by and with the consent of the Village Board who shall administer and enforce the provisions of the Zoning Code as hereinafter stated.

Zoning Board of Appeals: An appellate, interpretive and advisory body designated to assist in the administration of the zoning provisions of this Code. **(See Article X)**

Zoning Certificate: A document issued by the Zoning Inspector authorizing buildings, structures or uses consistent with the terms of this Code and for the purpose of carrying out and enforcing its provisions.

Zoning Inspector: The Zoning Administrator of the Village or his authorized representative.

Zoning Map: The zoning map or maps of the Village together with all amendments subsequently adopted.

ARTICLE III - GENERAL ZONING REGULATIONS

DIVISION I - GENERALLY

40-3-1 ESTABLISHMENT OF DISTRICTS. In order to implement the regulatory scheme of this Code so as to achieve the objectives enumerated in **Section 40-1-2**, the entire Village is hereby divided into the following zoning districts:

DISTRICT	DESIGNATION	MINIMUM AREA*
Agricultural	A-1	3 Acres
Single Family Residence	SR-1	1 Acre
Single Family Residence	SR-2	1 Acre
Multiple-Family Residence	MR-1	1 Acre
Manufactured Housing Residence	MH-1	2 Acres
Community Business	CB-1	1 Acre
Industrial	I-1	5 Acres

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* The "minimum area" requirement (which is intended to prevent spot zoning) refers to the smallest total area of contiguous parcels that can properly be given the particular district classification. The minimum area requirement is not satisfied merely because the acreage of numerous noncontiguous parcels, when aggregated, happens to equal or exceed the minimum area indicated above.

40-3-2 ZONING MAP AND DISTRICT BOUNDARIES. The boundaries of the listed zoning districts are hereby established as shown on the Official Zoning Map of the Village. This map, including all notations and other information thereof is hereby made a part of this Code by reference. The Official Zoning Map shall be kept on file in the Administrator's office.

40-3-3 ANNUAL PUBLICATION. In accordance with State Law, if any changes are made in the zoning districts or regulations during a calendar year, the Zoning Administrator shall publish the revised official zoning map of the Village not later than March 31st of the following year. (65 ILCS 5/11-13-19)

NOTE: The map shall be published if there were any annexations or zone district changes in the previous year.

40-3-4 ZONE DISTRICT MAP AND BOUNDARIES. The boundaries of the zoning districts are established as shown on the Village Zone District Map. The zoning districts and boundaries are hereby adopted and established as shown on the Zone District map, together with all notations, references, data, district boundaries and other information thereof, and are made a part of the developmental code by reference. The zoning map properly attested shall remain on file in the office of the Administrative Official. Zone district boundaries shall be as follows:

(A) Where district boundaries are so indicated that they are approximately parallel to the centerlines of streets, the centerlines of alleys, or the centerlines of highways, such district boundaries shall be construed as being the centerline of that street, alley or highway.

(B) Where district boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be such boundaries.

(C) Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located at the railroad right-of-way line.

(D) Where the boundary of a district follows a stream, lake or other body of water, said boundary line shall be construed to be the centerline of the stream, otherwise at the limit of the jurisdiction of the Village unless otherwise indicated.

(E) Where district boundaries are indicated as approximately following section lines, quarter section lines, quarter-quarter section lines and survey and claim lines, such lines shall be construed to be such boundaries.

(F) Any area shown on the zoning map as park, playground, school, cemetery, water, street, or right-of-way shall be subject to the zoning regulations of the district in which it is located.

(G) Whenever any street, alley or other public way is vacated in the manner authorized by law, the zoning district adjoining each side of such street, alley, or public way shall automatically extend to the center of such vacation and all area included in the vacation shall thereafter be subject to all regulations of the extended districts.

(H) Where any land or territory within the jurisdiction of the Village is not shown to be located in a district, the zoning regulations of the most restrictive adjoining district shall govern.

40-3-5 ANNEXED TERRITORY. Any territory hereafter annexed to the municipality shall automatically be in the SR-1, Single-Family Residence District until duly changed by an amendment to this Code; except that the Village Board, with the advice of the Zoning Board, may annex any territory as any other zoning district or districts herein established if all legal requirements for zoning the property at the time of the annexation and the requirements for amending this Code by the extension of the zoning district provisions are met. **(See Section 40-10-30 for amendments)**

40-3-6 GENERAL PROHIBITION. No structure or part thereof shall be erected, used, occupied, enlarged, altered, relocated or reconstructed except in conformity with the provisions of this Code. Similarly, no lot or part thereof shall be used, occupied, or developed except in conformity with the provisions of this Code.

(A) **Agricultural Exemption.** The provisions of this Code shall not be interpreted or administered so as to restrict the erection, maintenance, alteration, or extension of buildings (including farmhouses) or structures used or intended to be used for agricultural purposes on agricultural land except that such buildings or structures shall be required to conform to applicable setback regulations. Whenever a portion of a tract of land ceases to be used primarily for agricultural purposes, all pertinent provisions of this Code shall apply to that portion.
(See Section 40-10-30)

40-3-7 UNLISTED USES PROHIBITED. Whenever any use is not specifically listed as "permitted" or "special" within a particular zoning district, such use shall be deemed prohibited in that district. However, if the Village Board, following consultation with the Zoning Administrator and the Zoning Board of Appeals finds that the unlisted use is similar to and compatible with the listed uses, they may allow such use. The decision of the Village Board shall become a permanent public record, and any unlisted use that they approve shall thereafter have the same status as listed uses.

40-3-8 ONE BUILDING AND ALL YARDS ON ONE LOT. Except as specifically provided otherwise:

(A) Only one principal building or structure shall be permitted on any residential lot; and

(B) No portion of any minimum area, minimum dimensions, or minimum yards required for any lot, structure, or use shall be counted to satisfy the minimum area, dimensions, or yards requirements for any other lot, structure or use. **(See Section 40-8-2.1)**

40-3-9 ACCESS REQUIRED. No building shall be erected on any lot unless such lot abuts, or has permanent easement of access to a public street or private street.

40-3-10 FRONT SETBACKS - CORNER/THROUGH LOTS. Every lot with multiple frontages (such as corner or through lots) shall meet the front setback requirements of the district in which it is located on every side having frontage. **(See Sketch at end of Code)**

40-3-11 FRONT SETBACKS IN CERTAIN BUILT-UP AREAS. Except as specifically provided otherwise in the "CB-1" Community Business District and in all residential zoning districts where lots having **fifty percent (50%)** or more of the frontage on one side of a street between intersections (that is, in one block) are developed with buildings, and the front setbacks of those lots do not differ by more than **ten (10) feet,** the minimum required front setback on that block shall be the average of the existing front set-backs, but no less than **five (5) feet**, provided however, that in any built-up area, no front setback shall be greater than **fifty (50) feet**, shall be required.

40-3-12 INTRUSIONS INTO YARDS. To the extent indicated below, the following features of principal buildings may intrude into required yards without thereby violating the minimum setback requirements:

FEATURES	MAXIMUM INTRUSIONS
Cornices, chimneys, planters or similar architectural features	Two (2) feet.
Fire escapes	Four (4) feet.
Patios uncovered at ground level	NO LIMIT
Porches, if unenclosed and at ground level	Six (6) feet.
Balconies and decks	Four (4) feet.
Canopies, roof overhangs	Four (4) feet.

40-3-13 EXCEPTIONS TO HEIGHT LIMITS.

(A) **Necessary appurtenances.** Chimneys, church spires, parapet walls, cooling towers, elevator bulkheads, fire towers, antennas, or other necessary appurtenances commonly constructed above the roof line shall be permitted to exceed the maximum height limitations for the district in which they are located if they comply with all other pertinent ordinances of the Village.

(B) **Intersections.** On corner lots, in the triangular portion of land bounded by intersecting street lines and a line joining these street lines at points **thirty (30) feet** from the point of intersection, no obstruction, whether natural or manmade, shall intrude into the air space that is between **two (2) feet** and **ten (10) feet** above the level of the adjacent street. **(See Figure 1 at the end of this Code.)**

40-3-14 SEWERS, SEPTIC TANKS. In all districts, property owners of all buildings and places where people live, work, or assemble shall provide for the sanitary disposal of all sewage in accordance with the following requirements:

(A) Whenever the public sanitary sewerage system is reasonably accessible (that is, when the distance from the property in question to the nearest public sewer with available capacity does not exceed **one hundred (100) feet**), all sewage shall be discharged into such system whether or not a private sewerage system already exists or is more convenient.

(B) Whenever the public sanitary sewerage system is not reasonably accessible, a private sewerage system shall be installed and used. All private sewerage systems shall be designed, constructed, operated and maintained in conformity with the following requirements:

(1) Illinois Private Sewage Disposal Licensing Act, **Illinois Compiled Statutes, Chapter 225; Sections 225/1 through 225/23**, as amended from time to time;

(2) Illinois Private Sewage Disposal Code No. 4.002, promulgated by the Director of the **Illinois Department of Public Health**, as amended from time to time;

(3) Pertinent, current regulations issued by the **Illinois Environmental Protection Agency**; and

(4) Applicable codes and regulations of the Village, particularly the **Subdivision Code**.

The Administrator shall not issue any Certificate of Zoning Compliance unless, following consultation with the Village Engineer, he is satisfied that these requirements will be met. **(Also, see Chapter 38 entitled "Utilities" of Revised Code)**

40-3-15 ACCESSORY USES.

(A) Any accessory use shall be deemed permitted in a particular zoning district if such use:

(1) meets the definitions of "accessory use" found in **Section 40-2-2**;

(2) is accessory to a principal structure or use that is allowed in a particular zoning district as a permitted or special use; and

(3) is in compliance with restrictions set forth in **Section 40-3-16**.

(B) If an accessory structure is attached to a principal structure, it shall be considered part of such structure. **(See Definition of "Attached" in Section 40-2-2)**

(C) **Sheds and Storage Buildings.**

(1) A maximum of **one (1)** incidental storage building such as a storage shed, potting shed, tool shed, etc. per unit shall be allowed as an accessory use per one and two family dwelling and shall be in compliance with the following.

(2) The appropriate zoning occupancy permit shall be obtained prior to the construction or placement of any storage building or shed.

(3) The following shall be strictly prohibited:

(a) Railroad cars, cargo containers, truck trailers, and other transitory type containers.

(4) A storage building or shed **two hundred (200) square feet** or larger may be considered a garage, at the discretion of the Zoning Administrator, and shall be subject to the same requirements and restrictions as a garage.

(D) **Garages and Carports.**

(1) One detached garage or covered carport shall be allowed as an accessory structure per one and two family dwelling and shall be in compliance with the following.

(2) The appropriate zoning occupancy permit shall be obtained prior to the construction of any garage or carport.

(3) The garage or carport shall adhere to the appropriate lot coverage restrictions for that zoning district. In no event shall the garage or carport exceed **thirty percent (30%)** of rear yard coverage absent an approved variance from the Zoning Board. In no case shall the garage or carport be larger in square footage than the primary structure.

(4) The design, construction, building material(s) and color of the garage or carport shall be similar to or compatible with the design and construction of the primary structure.

(5) Truck trailers, railroad cars, shipping/moving containers shall be strictly prohibited.

(6) Garages and carports shall be subject to the same setback requirements as the primary structure, unless accessed from an alley, in which case the setback shall be no less than **three (3) feet** from the rear property line. Side setback requirements shall apply regardless of means of access.

40-3-16 ACCESSORY USE RESTRICTIONS.

(A) **Height.** No accessory use shall be higher than **twenty-five (25) feet** in any Zoning District; provided, there shall be no height limit on accessory structures related to agriculture.

(B) **Setbacks.** No accessory use in any zoning district shall be located in any part of any yard (front, side or rear) that is required because of the setback regulations of such district; provided that in the Agricultural District or in any Residential District, an accessory use may be located as close as **five (5) feet** to any side or **five (5) feet** to any rear lot line.

(C) **Yard Coverage.** Accessory uses shall not cover more than **thirty percent (30%)** of a required rear yard.

(D) **Use as Dwelling.** Use of any accessory structure as a dwelling is strictly prohibited throughout the Village.

40-3-17 AREA-BULK REGULATIONS. To facilitate public understanding of this Code, the area-bulk regulation schedule summary is hereby adopted and declared to be an integral part of this Code and it may be amended in the same manner as any other part of this Code. The Schedule is found at the conclusion of this Code.

40-3-18 SLOPE. In any district where the slope of any lot exceeds **twelve percent (12%)** within **fifty (50) feet** of any wall of the principal building, the following additional requirements shall be met:

(A) A site plan shall be drawn to a scale necessary for clarity with contour intervals every **two (2) feet** and the location of all buildings and structures and their required minimum yard requirements shall be indicated. The principal use of the lot shall be indicated.

(B) Adequate evidence must be presented to show that undue erosion will not result from development and use of the lot. Structural, mechanical and locational measures shall be taken to prevent and protect any building from hillside slippage.

(C) Significant changes in the natural flow of water courses shall be prohibited and/or a drainage plan shall be provided.

(D) Adequate consideration shall be given to access to the property and to emergency vehicle access and turn-arounds to the principal building.

(E) Structural and mechanical devices shall be installed to provide reasonable protection against undue hazards created or caused by the development, such as fences along steep slopes and **six (6) inch** vertical curbs on access drives for slopes of **twelve percent (12%)** and over.

(F) In no case shall any development be detrimental to adjacent properties.

(G) Before any building permit or certificate of occupancy shall be issued for any such lot the Administrative Official shall review the site plan and determine that all conditions imposed herein have been complied with.

(Sec. 3.9)

40-3-19 YARDS.

(A) **Existing Building Requirements.** No yards now or hereafter provided for a building existing on the effective date of this Code shall subsequently be reduced below, or further reduced below if already less than, the minimum yard requirements of this Code for equivalent new construction except as otherwise specifically provided for herein.

(B) **Location, Required Open Space.** All yards, courts, and other open spaces allocated to a building or dwelling group shall be located on the same zoning lot as such building or dwelling group unless otherwise specifically provided for herein.

(C) **Maintenance of Courts and Other Open Spaces.** The maintenance of yards, courts, and other open space and minimum lot area legally required for a building shall be a continuing obligation of the owner of such building or of the owner of the property on which it is located if the building is vacant. Furthermore, no legally required yards, courts, or other open space or minimum lot area allocated to any building shall, by virtue of change of ownership or for any other reason, be used to satisfy yard, court, other open space, or minimum lot area requirements for any other building.

40-3-20 TEMPORARY USES. Except as specifically provided otherwise in this Code, no temporary structure shall be used or occupied for any purpose, and no land shall be used for any temporary enterprise, whether for profit or not-for-profit, unless a temporary use permit has been obtained. Applications for temporary use permits shall be treated in the same way as applications for special use permits. A temporary use permit shall be valid for not more than **one (1) year** unless it is properly renewed **(See Section 40-10-29).**

40-3-21 - 40-3-22 RESERVED.

DIVISION II - PLANNED DEVELOPMENTS

40-3-23 PLANNED DEVELOPMENT DEFINED. As used in this Division, the term "planned development" or "PD" means a development wherein, in accordance with an approved development plan:

(A) common open space is reserved;

(B) various housing types and other structures and uses may be mixed and/or

(C) overall average density does not exceed the usual zoning district limit.

40-3-24 OBJECTIVES. This Section authorizes development of Planned Developments and establishes procedures in order to achieve the objectives enumerated in **Section 40-1-2** and the following additional objectives:

(A) to provide a regulatory mechanism whereby the Village can be assured that upon completion, approved development projects will substantially conform to the plans or models which constituted the basis for the issuance of the necessary zoning and subdivision permits;

(B) to permit development of a wide variety of housing types and other structures and uses in a single comprehensively planned project;

(C) to preserve the natural topography, scenic features, mature trees and historic structures existing on sites proposed for development;

(D) to encourage innovative site layouts and coordinated architectural treatment of different housing types and other structures;

(E) to ensure the provision of usable, common, open space in planned developments, and to spur installation of various amenities therein;

(F) to facilitate the economical installation of standard streets, sewers, utilities, and other improvements.

40-3-25 COMPLIANCE WITH REGULATIONS GENERALLY REQUIRED. Except as specifically provided otherwise in this Code, planned developments--including all structures and uses therein--shall, at a minimum, be built in conformity with all applicable codes and ordinances, including this Code and the Subdivision Code.

40-3-26 DISTRICTS WHERE ALLOWED. Planned Developments may be built in any Zoning District, but only upon the issuance of a special-use permit by the Zoning Board of Appeals. **(See Section 40-10-24)**

40-3-27 PERMISSIBLE DEVIATION FROM CODE REQUIREMENTS. The Planned Development concept is intended to afford both the developer and the Village considerable flexibility in formulating development proposals. Consequently, to the extent indicated in this Section, Planned Developments may deviate from generally applicable Code requirements without a variance. Any proposed deviation not listed below, however, shall require a variance.

(A) **Mixed Uses.** Planned Developments may include all types of residential structures and any other uses approved by the Zoning Board of Appeals, provided that in approving such mixed uses, the Zoning Board of Appeals may attach any conditions necessary to protect the public welfare.

(B) **Lot and Structure Requirements.** In Planned Developments, the Zoning Board of Appeals may approve any reasonable deviation from the lot and structure requirements of the particular zoning district so long as the different uses within the PD are appropriately interrelated and property abutting the PD is adequately protected from any potential adverse impacts of the development. "Lot and structure requirements" means minimum individual lot area, width and depth; minimum setbacks; and maximum structure height.

(C) **Accessory Uses.** In PDs the Zoning Board of Appeals may allow the developer to disregard the usual restrictions on accessory uses other than the prohibition against using an accessory structure as a dwelling.

(D) **Location of Parking/Loading Spaces.** By permission of the Zoning Board of Appeals, off-street parking and loading spaces in PDs need not be located in accordance with generally applicable requirements. The minimum number of such spaces, however, shall not be less than the number required as per **Article VI** of this Code.

40-3-28 PROCEDURES FOR PLANNED DEVELOPMENTS. Every applicant for Planned Development approval shall comply with the procedural requirements of this Section. The required procedures are as follows:

(A) Filing development plan with the Zoning Administrator;

(B) Provision by the developer of adequate assurance for the completion of required improvements as per the development plan and subdivision regulations;

(C) Public hearing by the Zoning Board of Appeals as per the requirements of **Article X - Administration**;

(D) Decision of the Zoning Board of Appeals regarding approval/rejection of the development plan;

(E) Recording of development plan with the County Recorder of Deeds;

40-3-29 APPLICATION; INFORMATION REQUIRED. Every applicant for approval of a development plan shall submit to the Administrator, in narrative and/or graphic form, the items of information listed below:

(A) **Written Documents.**

(1) Legal description of the total site proposed for development;

(2) Names and addresses of all owners of property within or adjacent to the proposed Planned Development;

(3) Statement of the planning objectives to be achieved by the PD through the particular approach proposed by the applicant, including a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant;

(4) Development schedule indicating the approximate date when construction of the PD or stages of the PD can be expected to begin and to be completed;

(5) Statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the PD, such as land areas, dwelling units, etc.

(6) Data indicating:

(a) total number and type of proposed dwelling units;

(b) gross and net acreage of parcel;

(c) acreage of gross and usable open space; and

(d) area of any commercial uses.

(B) **Graphic Materials.**

(1) Existing site conditions, including contours at **ten (10) foot** intervals and locations of watercourses, flood plains, unique natural features, and wooded areas;

(2) Proposed lot lines and plot designs;
(3) Proposed location, size in square feet and general appearance of all existing and proposed buildings (both residential and non-residential) and other structures and facilities;
(4) Location and size in acres or square feet of all areas to be conveyed, dedicated, or reserved as common open spaces, public parks, recreational areas, school sites, and similar public and semi-public uses;
(5) Existing and proposed vehicular circulation system, including off-street parking and loading areas and major points of ingress and egress to the development (notations of proposed ownership--public or private--should be included where appropriate);
(6) Existing and proposed pedestrian circulation system, including its relationship to the vehicular circulation system and proposed treatments of points of conflict;
(7) Existing and proposed utility systems, including sanitary sewers, storm sewers, and water, electric, gas and telephone lines;
(8) General landscape plan indicating the treatment of both private and common open spaces and the location of required buffer strips;
(9) Enough information on land areas adjacent to the proposed PD to indicate the relationship between the proposed development and existing and proposed adjacent areas;
(10) Any additional information required by the Village to evaluate the character and impact of the proposed PD.
(11) Appropriate seals of the licensed surveyor, engineer, or architect.

40-3-30 CRITERIA CONSIDERED. The Zoning Board of Appeals shall compile a written report which either accepts or rejects the Development Plan. In making their decision, the Zoning Board of Appeals shall consider the following criteria:

(A) The extent to which the proposed development is consistent with the Comprehensive Plan and with the purposes of this Code and of all other applicable codes and ordinances;

(B) The extent to which the proposed development deviates from the regulations that are generally applicable to the property (including, but not limited to, the use, lot and building regulations of the district), and the apparent merits, if any, of said deviations.

(C) Whether the proposed design of the PD makes adequate provisions for vehicular and pedestrian circulation, off-street parking and loading, separation of residential and commercial uses, open space, recreational facilities, preservation of natural features, and so forth;

(D) The compatibility of the proposed PD with adjacent properties and surrounding area; and

(E) Any other reasonable criteria that the Zoning Board of Appeals may devise.

40-3-31 DECISION BY ZONING BOARD. The Zoning Board of Appeals shall either approve or disapprove each and every Development Plan. However, the Zoning Board shall not approve any PD unless:

(A) The developer has posted a performance bond or deposited funds in escrow in the amount of the Village Engineer deems sufficient to guarantee the satisfactory completion of all required improvements; and

(B) The Village Attorney has stated that all legal instruments (particularly the restrictive covenants) are satisfactory; and

(C) The proposed PD, as evidenced by the Development Plan, complies with all applicable codes, regulations and ordinances. (Deviations to the extent permitted under **Section 40-3-27** shall not be deemed as noncomplying.)

40-3-32 CHANGES IN APPROVED PLANS. No changes shall be made to any approved PD Development Plan, except as follows:

(A) **Minor** changes, if required by engineering or other circumstances not foreseen at the time the final development plan was approved.

(B) All other changes shall require a public hearing before the Zoning Board of Appeals.

(C) No approved change shall have any effect until it is recorded with the County Recorder of Deeds as an amendment to the recorded copy of the Development Plan. **(See Article X - Division V)**

40-3-33 FAILURE TO BEGIN DEVELOPMENT. If a substantial amount of construction has not begun within the time stated in the approved construction schedule, the Development Plan shall lapse upon written notice to the applicant from the Zoning Administrator and shall be of no further effect. However, in his discretion and for good cause, the Zoning Administrator may extend for a reasonable time the period for the beginning of construction. If a final Development Plan lapses as per this Section, the following shall be applicable:

(A) The special-use permit shall be automatically revoked; and

(B) any zoning permits shall automatically become null and void; and

(C) all regulations applicable before the PD was approved shall automatically be in full effect.

40-3-34 MUNICIPAL EXEMPTION. In conjunction with any existing or proposed development, the Village shall be exempt from all of the provisions of this Section.

ARTICLE IV - REGULATIONS FOR SPECIFIC DISTRICTS

DIVISION I - AGRICULTURAL DISTRICT (A-1)

40-4-1 "A-1" - AGRICULTURAL DISTRICT. The "A-1" Agricultural District encompasses areas that are presently undeveloped or sparsely developed and that, for various reasons, should remain so for the foreseeable future. Some tracts of land in this District are fertile and relatively level and best suited for agricultural pursuits. Other tracts in this District have such poor soils, steep slopes, inadequate natural drainage, and/or other problems, or are simply so distant from existing developed areas that the provision and maintenance of roads, utilities, and storm water drainage systems would be impractical or burdensomely expensive to local governments.

40-4-2 ONE DWELLING ON ONE LOT. In the "A-1" District, only **one (1) dwelling** shall be situated on any **one (1) lot**.

40-4-3 LOT AND BUILDING REQUIREMENTS. Every principal building erected in the "A-1" District shall conform to the following requirements:

(A)	Minimum Lot Area	3 Acres
(B)	Minimum Lot Width at the established building line	150 feet
(C)	Minimum Lot Depth	200 feet
(D)	Minimum Setbacks	
	(1) From front lot line	40 feet
	(2) Total for both side yard lines	25 feet
	(3) From either side lot line	10 feet
	(4) From rear lot line	30 feet
	(5) From side yard abutting street	35 feet
(E)	Maximum Building Height	35 feet
	(Does not apply to accessory agricultural structures)	

40-4-4 PERMITTED USES. The following uses shall be permitted in the **"A-1" - Agricultural District:**

All uses commonly classified as agriculture, horticulture, or forestry including crop and tree farming, truck farming, gardening, nursery operation, dairy farming, livestock raising, animal and poultry breeding, raising and feeding, forestry operations together with the operation of machinery or vehicles.

Animal hospitals, provided that all animals are kept in a completely enclosed soundproofed building and further provided that adequate safeguards (structural, mechanical and locational) shall be provided to protect adjacent properties from the effects of noisome or injurious substances, conditions and operations.

Cemeteries and mausoleums in conjunction therewith.

Fishing lakes, including fee fishing, or clubs provided that no building, parking lot, or other intense use activity is located nearer than **five hundred (500) feet** to any dwelling on another zoning lot.

Government uses other than those of the Village.

Living quarters for persons employed in agricultural or related activities that are conducted on the premises.

Modular homes and prefabricated homes.

Non-commercial recreational activities.

Nurseries, greenhouses.

Parks.

Single-family dwellings, conventionally constructed.

Temporary produce stands for the sale of agricultural produce raised on the premises, provided that adequate off-street parking is available and that major traffic congestion or hazard would not be created in conjunction with the location or access thereto.

Towers, structures and other facilities designed or intended to be used for the support, enclosure, shelter or protection of distribution equipment utilized by entities engaged in the transmission of telephone messages including but not limited to cellular, personal communications services, special mobile radio transmitters and any other personal wireless service.

Accessory uses in accordance with **Section 40-3-15** and **40-3-16**.

40-4-5 SPECIAL USES. The following uses may be allowed by special-use permit in accordance with **Section 40-10-24**, et seq. of this Code in the **"A-1" - Agricultural District:**

Agricultural.

Amusement facilities, such as go-cart tracks, archery ranges, etc.

Animal hospitals.

Animal sewage lagoon.

Any dwelling unit less than **seven hundred fifty (750) square feet**.

Carnivals, circuses, and similar temporary transient amusement enterprises.

Churches and other places of formal worship.

Clubs or lodges, private; but not those which have as their chief activity a service customarily carried on as a business.

Golf courses of regulation size but not including "par 3" golf courses, or commercially operated driving ranges or miniature golf courses and provided that no clubhouse, parking lot or accessory building shall be located nearer than **five hundred (500) feet** to any dwelling unit on another zoning lot.

Gun clubs, if properly protected and located not nearer than **one thousand (1,000) feet** to any residence other than that of the owner or lessee of the site.

Home occupations. **(See Section 40-5-6)**

Kennels, commercial. **(See Section 40-5-18)**

Manufactured home park.

Manufactured homes.

Marina or boat docks.

Medical clinics and sanitariums.

Mineral and soil extraction development.

Nursing homes or assisted living facilities.

Parking lots.

Private clubs, lodges, or camps.

Riding stables.

Sale barn.

Stables, commercial.

Stockyards, commercial livestock or poultry feeding or agricultural processing plants.

Travel trailer parks (not including manufactured home parks). **(See Section 40-5-2)**

Utility substations. **(See Section 40-5-11)**

40-4-6 PERMITTED ACCESSORY USES.

Accessory uses clearly associated with and supplementary to the principal use of the lot or tract of land.

Boats: Storage of pleasure boats.

Camping Trailer: The storage of not more than **one (1)** unoccupied camp trailer.

Construction: Temporary construction sheds and temporary buildings for sale or rental offices or show houses for use during construction operations. Provided all other regulations of the district are complied with, but in no case shall such office be continued beyond the duration of construction of the project or **one (1) year**, whichever is greater. However, such time limit may be extended for **one (1) year** by the Zoning Administrator.

Horses: Keeping of horses for private purposes only, and not for rent or hire on a zoning lot whose principal use is intended to be a one-family dwelling, provided that at least **one (1) acre** is allocated for each animal and provided further that all buildings for housing such animals shall be subject to all requirements for accessory buildings in the "A-1" district, and that such buildings are located at least **one**

hundred (100) feet from the nearest existing principal buildings on an adjacent lot, or **fifty (50) feet** from the nearest side lot line whichever is greater.

Pets: Keeping of household pets, provided kennels are not maintained, and provided no animal, reptile, bird or similar classification or species normally considered wild, as opposed to domesticated, is maintained or kept.

Private: Greenhouses, tool sheds, garages or carports, tennis courts, patios.

Private swimming pools.

Servants accommodations for professional servants, caretakers, watchmen, or custodians, but not as a separate detached one-family dwelling on the same lot.

DIVISION II - SINGLE-FAMILY DISTRICT (SR-1)

40-4-7 "SR-1" - SINGLE-FAMILY RESIDENCE DISTRICT (LARGE LOT). In the "SR-1", Single-Family Residence District, land is principally used for or is best suited for detached, single-family dwellings and related educational, religious and recreational facilities. The regulations for this District are intended to stabilize and preserve sound existing single-family neighborhoods, and to promote the development of subdivisions offering a range of new single-family housing. It is the purpose of these regulations to encourage the creation and maintenance of stable and enduring residential areas by establishing limitations on the use and character of development so as to take advantage of, or to avoid conflict with, natural topography, existing development, arrangements and locations of existing or planned community facilities and social needs of the Village.

40-4-8 SPECIAL RESTRICTIONS.

(A) **One Principal Building Per Lot.** In the "SR-1" District, only **one (1)** principal building shall be situated on any **one (1) lot.**

40-4-9 LOT AND BUILDING REQUIREMENTS. Every principal building erected in the "SR-1" District shall conform to the following requirements:

(A)	Minimum Lot Area	9,500 sq. ft.
(B)	Minimum Lot Width at the established building line	80 feet
(C)	Minimum Lot Depth	100 feet
(D)	Minimum Setbacks	
	(1) From front lot line	25 feet
	(2) Total for both side yard lines	25 feet
	(3) From either side lot line	5 feet
	(4) From rear lot line	25 feet
	(5) From side yard abutting street	15 feet
(E)	Maximum Building Height	35 feet
(F)	Minimum Off-Street Parking Per Dwelling Unit	2 spaces
(G)	Maximum Percent Coverage Per Lot	25%

40-4-10 PERMITTED USES. The following uses shall be permitted in the **"SR-1" - Single-family Residential District:**

Accessory uses in accordance with **Sections 40-3-15** and **40-3-16**.

Agriculture, as defined in **Section 40-2-2**, excluding the raising of dairy livestock, poultry and/or animal husbandry. **(See Section 40-5-18)**

Community residences.

Government uses.

Modular homes.

Poultry, subject to Chapter 3 regulations.
Single-family dwellings.

40-4-11 SPECIAL USES. The following special uses may be allowed by special-use permit in accordance with **Section 40-10-24 et seq.** of this Code in the **"SR-1" District**:

Bed and breakfast establishments.
Cemeteries and mausoleums in conjunction therewith.
Churches and other places of formal worship.
Community residences, small.
Day care or nursery schools.
Duplexes.
Home occupations. **(See Section 40-5-6)**
Manufactured homes – existing.
Park, playgrounds.
Schools.
Utilities: Electrical substations, gas regulator stations, other public utility distribution facilities, plants and pumping stations. **(See Section 40-5-11)**

40-4-12 ACCESSORY USES PROHIBITED. It shall be unlawful to locate an accessory use in this district known as a "storage container" as described in **Section 40-2-2**. **(See Section 40-5-20)**

40-4-13 - 40-4-20 RESERVED.

DIVISION III - SINGLE-FAMILY DISTRICT (SMALL) (SR-2)

40-4-21 "SR-2" - SINGLE-FAMILY DISTRICT (SMALL LOT). The "SR-2", Single-Family Residence District encompasses areas suitable for single-family dwellings as well as related educational, religious and recreational facilities. The regulations for this district are intended to stabilize and preserve sound existing subdivision offering a range of new single-family housing. Other types of residences (manufactured homes, apartments, etc.) are permitted in this district by special-use.

40-4-22 SPECIAL RESTRICTIONS. In the "SR-2" District, only **one (1) principal building** (single-family dwelling) shall be situated on any **one (1) lot**.

40-4-23 LOT AND BUILDING REQUIREMENTS. Every principal building erected in the "SR-2" District shall conform to the following requirements:

(A)	Minimum Lot Area	6,000 sq. ft.
(B)	Minimum Lot Width at the established building line	50 feet
(C)	Minimum Lot Depth	100 feet
(D)	Minimum Setbacks	
	(1) From front lot line	25 feet
	(2) For both side yard lines	15 feet
	(3) From either side lot line	5 feet
	(4) From rear lot line	15 feet
	(5) From side yard abutting street	15 feet
(E)	Maximum Building Height	35 feet

(F)	Minimum Off-Street Parking Per Dwelling Unit	2 spaces
(G)	Maximum Percent Coverage Per Lot	25%

40-4-24 PERMITTED USES. The following uses shall be permitted in the **"SR-2" - Single-family Residential District:**

Any use permitted in the **"SR-1" District**. **(See Section 40-4-10)**
Agriculture, as defined in **Section 40-2-2** excluding the raising of dairy livestock, poultry, and/or animal husbandry.
Modular homes.
Single-family dwellings.
Accessory uses in accordance with **Section 40-3-15** and **40-3-16**.
Government uses.
Community residences. **(See Section 40-2-2)**

40-4-25 SPECIAL USES. The following uses may be allowed in the **"SR-2" District** by special-use permit in accordance with **Section 40-10-24**, to-wit:

Airbnb.
Bed and breakfast.
Churches and other places of formal worship.
Duplexes.
Home occupations. **(See Section 40-5-6)**
Manufactured homes.
Utilities: Electrical substations, gas regulator stations, other public utility distribution facilities, plants and pumping stations.

40-4-26 ACCESSORY USES PROHIBITED. It shall be unlawful to locate an accessory use in this district known as a "storage container" as described in **Section 40-2-2** and **40-5-20**.

40-4-27 - 40-4-39 RESERVED.

DIVISION IV - MULTIPLE-FAMILY DISTRICTS (MR-1)

40-4-40 "MR-1" - MULTIPLE-FAMILY RESIDENCE DISTRICT. The "MR-1", Multiple-Family Residence District is established to stabilize and conserve existing neighborhoods that predominantly consist of multiple-family dwellings and to promote the development of comparable new areas in order to accommodate all persons desiring this type of residential environment.

40-4-41 LOT AND BUILDING REQUIREMENTS. Every principal building in the "MR-1" District shall conform to the requirements indicated below:

NOTE: Detached single-family and two-family dwellings erected in the "MR-1" District shall comply with all applicable regulations of the "MR-1" District.

(A)	Minimum Lot Area	10,000 sq. ft. 3,000 sq. ft. per unit, whichever is greater.
(B)	Minimum Lot Width at the established building line	80 feet
(C)	Minimum Lot Depth	100 feet

(D)	Minimum Setbacks		
	(1)	From front lot line	25 feet
	(2)	For both side yard lines	15 feet
	(3)	From either side lot line	7.5 feet
	(4)	From rear lot line	25 feet
	(5)	From side yard abutting street	25 feet
(E)	Maximum Building Height		35 feet
(F)	Minimum Off-Street Parking Per Dwelling Unit		3 spaces
(G)	Maximum Percent Coverage Per Lot		30%

40-4-42 PERMITTED USES. The following uses shall be permitted in the **"MR-1" - Multiple-Family Residential District:**

Any use permitted in the **"SR-1" District. (Section 40-4-10)**
Community residences. **(See Section 40-2-2)**
Duplexes.
Multiple-family dwellings.
Row houses not to exceed **eight (8)** attached in a single structure.

40-4-43 SPECIAL USES. The following uses may be allowed in the **"MR-1" District** by special-use permit in accordance with **Section 40-10-24**:

Boarding house.
Convenience shops (e.g., small drugstore, food store, laundromat).
Day care center.
Dormitories or similar uses.
Home occupations. **(See Section 40-5-6)**
Utility substations. **(See Section 40-5-11)**

40-4-44 ACCESSORY USES PROHIBITED. It shall be unlawful to locate an accessory use in this district known as a "storage container" as described in **Section 40-2-2** and **40-5-20**.

40-4-45 - 40-4-50 RESERVED.

DIVISION V - MANUFACTURED HOUSING DISTRICT (MH-1)

40-4-51 "MH-1" - MANUFACTURED HOUSING DISTRICT. The "MH-1", Manufactured Housing District is primarily intended to provide areas suitable for the placement of immobilized manufactured homes on individual lots, for the establishment of manufactured home parks, and for the placement of modular or manufactured homes on individual lots. This district is intended to preserve other residential districts for site constructed dwellings.

40-4-52 LOT OWNERSHIP. All manufactured housing units located outside an approved manufactured home park shall be located on property owned by the owner of the manufactured housing unit.

All units shall meet the Housing and Urban Development Federal Code known as the **"National Manufactured Home Construction and Safety Standards"** or the State of Illinois standards for modular homes and **Chapter 23**.

40-4-53 LOT AND BUILDING REQUIREMENTS, GENERALLY.

NOTE: Special lot and building requirements are applicable to manufactured home parks. **(See Section 40-5-17)**

(A)	Minimum Lot Area	8,000 sq. ft.
(B)	Minimum Lot Width at the established building line	60 feet
(C)	Minimum Lot Depth	100 feet
(D)	Minimum Setbacks	
	(1) From front lot line	25 feet
	(2) Total for both side yard lines	15 feet
	(3) From either side lot line	7.5 feet
	(4) From rear lot line	20 feet
	(5) From side yard abutting street	25 feet
(E)	Maximum Building Height	15 feet
(F)	Maximum Percent Coverage Per Lot	25%
(G)	Minimum Off-Street Parking Per Unit	2 spaces

40-4-54 PERMITTED USES. The following uses shall be permitted in the **"MH-1" - Manufactured Housing District:**

Any use permitted in the **"MR-1" District. (See Section 40-4-42)**

Manufactured homes on individual lots, provided said units conform to all applicable requirements of the Village Code. **(See Chapter 23)**

Modular homes.

40-4-55 SPECIAL USES. The following special uses may be permitted in the **"MH-1" District** by special-use permit in accordance with **Section 40-10-24**, et seq.

Any special-use allowed in the **"MR-1" District. (See 40-4-43)**

Manufactured home parks in conformity with all applicable requirements of this Code and **Chapter 23**.

40-4-56 ACCESSORY USES PROHIBITED. It shall be unlawful to locate an accessory use in this district known as a "storage container" as described in **Section 40-2-2** and **40-5-20**.

40-4-57 - 40-4-70 RESERVED.

DIVISION VI – COMMUNITY BUSINESS DISTRICT (CB-1)

40-4-71 "CB-1" – COMMUNITY BUSINESS. The "CB-1", Community Business District primarily encompasses the long-established commercial areas of the Village where a wide range of goods and services is offered to the general public at retail or wholesale. Portable or mobile (manufactured) structures may not be used for business purposes in this District.

40-4-72 USE RESTRICTIONS.

(A) **Enclosed Buildings.** All commercial, service and storage activities shall be conducted within completely enclosed structures.

(B) **Access Ways.** Any access way (driveway) to any off-street parking lot or loading berth shall be located at least **ten (10) feet** from any lot line.

(C) **Refuse Containers.** All refuse generated by any establishment located within this district shall be stored in tightly-covered containers placed in visually-screened areas.

(D) **Screening.** Along the side and rear lot lines of any lot abutting any residential district, screening (a wall, solid fence, or closely-planted shrubbery) at least **six (6) feet** high and of sufficient density to completely block the view from the adjacent residential property shall be provided.

(E) **Parking. See Article VI.**

(F) **Signs. See Article VII.**

40-4-73 LOT AND BUILDING REQUIREMENTS. Every principal building erected in the "CB-1" Community Business District shall conform to the requirements indicated below:

(A)	Minimum Lot Area	7,500 sq. ft.
(B)	Minimum Lot Width at the established building line	60 feet
(C)	Minimum Lot Depth	100 feet
(D)	Minimum Setbacks	
	(1) From front lot line	25 feet
	(2) Total for both side yard lines	30 feet
	(3) From either side lot line	15 feet
	(4) From rear lot line	20 feet
	(5) From side yard abutting street	25 feet
(E)	Maximum Structure Height	40 feet
(F)	Maximum Percent Coverage Per Lot	50%

40-4-74 PERMITTED USES. Provided all the use restrictions of the **"CB-1" District** are observed, the following uses are permitted:

Any retail use selling convenience and durable goods.
Amusement and recreation uses.
Automotive sales, repair, and similar uses.
Bowling alleys.
Churches and related facilities.
Clubs and lodges.
Commercial establishments, any type, including drive-in facilities.
Cultural and philanthropic uses.
Eating and drinking establishments.
Financial institutions.
Funeral chapels and uses.
Furniture and appliance sales.
Government uses.
Greenhouses.
Grocery stores or supermarkets.
Lumber and building supplies sales.
Membership clubs.
Motor vehicle sales.
Nursing homes.
Offices; medical, dental, real estate, law.
Personal service uses.

Preparation and manufacture of goods or products for retail sale on the premises only, provided that such manufacture, processing or treatment shall be clearly incidental and essential to the retail business conducted on the premises and further provided that not more than **five (5) persons** (exclusive of manager) shall be engaged in said manufacture, processing or treatment of products, and that all such operations create no undue noise, odor, dust, smoke, vibration or other similar nuisance.

Professional service uses.
Recreational vehicles sales.
Restaurants.

Service establishments, any type, including drive-in facilities.
Accessory uses in accordance with **Section 40-3-15** and **40-3-16**.

40-4-75 SPECIAL USES. Provided all the use restrictions of the **"CB-1" District** are observed, the following uses may be allowed by special-use permit. **(See Section 40-10-24)**

Animal hospitals.
Car wash.
Kennels.
Liquor stores.
Manufactured homes sales.
Modular homes sales.
Motels.
Research and development facilities not involving explosives, flammable gases or liquids, or live animals.
Service stations.
Storage containers. **(See Section 40-5-20)**
Taverns.
Travel trailer sales.
Utility substations. **(See Section 40-5-11)**
Warehousing and wholesaling of any goods except explosives, flammable gases, or live animals.
Any use permitted in the **"MR-1" District. (See Section 40-4-42)**

40-4-76 ACCESSORY USES PROHIBITED. It shall be unlawful to locate an accessory use in this district known as a "storage container" as described in **Section 40-2-2**. **(See Section 40-5-20)**

40-4-77 - 40-4-87 RESERVED.

DIVISION VII - INDUSTRIAL DISTRICT (I-1)

40-4-88 "I-1" - INDUSTRIAL DISTRICT. The "I-1", Industrial District is intended to provide for areas where light industry, research facilities, warehouses, and wholesale businesses may locate without detriment to the remainder of the community. In these areas, a satisfactory correlation of factors required by such uses exists or can be readily achieved. Residential uses shall be prohibited as a permitted use.

40-4-89 USE RESTRICTION.

(A) **Nuisances Prohibited.** No production, processing, cleaning, servicing, testing, repair, sale, or storage of goods, materials or equipment shall unreasonably interfere with the use, occupancy, or enjoyment of neighboring properties or the community as a whole. Unreasonable interferences include, but are not limited to, excessive traffic congestion, loud or shrill noises, excessive emission of smoke, emission of toxic gases, excessive glare, and noxious odors.

(B) **Activities Enclosed.** All production, processing, cleaning, servicing, testing or repair activities shall be conducted within completely enclosed buildings. Storage areas may be open to the sky, but shall be enclosed by walls or fences (whether solid or chain-link), including gates, at least **eight (8) feet** high.

(C) **Buffer Strips.** Wherever any industrial use located in this District abuts any residential district, a **twenty (20) foot** wide view and noise control buffer strip shall be installed. Such

buffer strip shall consist of densely planted shrubbery that is at least **five (5) feet** high when planted and that can be expected to reach a height of **twenty (20) feet** when full grown.

(D) **State and Federal Laws.** All industrial activities shall comply with all state and federal laws.

40-4-90 LOT AND STRUCTURE REQUIREMENTS.

(A)	Minimum Lot Area	20,000 sq. ft.
(B)	Minimum Lot Width at the established building line	125 feet
(C)	Minimum Lot Depth	150 feet
(D)	Minimum Setbacks	
	(1) From front lot line	30 feet
	(2) From any side lot line	50 feet
	(3) From for either	20 feet
	(4) From rear lot line	25 feet
	(5) From side yard abutting street	30 feet
(E)	Maximum Structure Height	60 feet
(G)	Maximum Percent Coverage Per Lot	40%

40-4-91 PERMITTED USES. Provided all the use restrictions of the **"I-1" District** are observed, the following uses are permitted:

Assembly, manufacturing or processing of any commodity from semi-finished materials, provided explosives, flammable gases or liquids or live animals are not involved.

Freight and bus terminals and related mass transportation facilities.

Research and development facilities not involving explosives, or flammable gases or liquids.

Warehousing or wholesaling of goods, except explosives, flammable gases or liquids, or live animals.

Utilities: Electrical substations, gas regulator stations, other public utility distribution facilities or government uses.

Accessory uses in accordance with **Section 40-3-15**.

40-4-92 SPECIAL USES. The following uses may be permitted as special-uses in the **"I-1" District** by special-use permit in accordance with **Section 40-10-24**, to-wit:

Any permitted use in the **"CB-1" District**.
Adult uses.
Airport or landing fields.
Asphalt manufacturing.
Bulk-fertilizer sales.
Cell towers.
Commercial extraction (quarry) of gravel, sand, stone, etc.
Incinerator or rendering works.
Junk yards.
Manufactured Structures – for non-residential use.
Manufacturing, processing or storage involving flammable or explosive materials, liquids, or gases.
Planned Developments.
Rubber.
Slaughter house.
Storage containers.
Sulphuric, nitric, etc. manufacturing.

40-4-93 PROHIBITED USES. The following uses shall be prohibited in this District:

Chemical storage units above ground.

Commercial incineration.
Landfills or rubbish and/or garbage and trash dumps.

40-4-94 PERMITTED ACCESSORY USES.

Dwelling units for watchmen or caretakers only.
Accessory uses clearly associated with and supplementary to the principal use of the lot or tract of land.
Off-street parking and loading.

40-4-95 RESERVED.

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ARTICLE V - ADDITIONAL SUPPLEMENTARY REGULATIONS

40-5-1 PURPOSE OF ARTICLE. This Article establishes lot and structure requirements, design standards, and use limitations for specific, potentially troublesome structures and uses. These regulations apply in every zoning district where the specific structure or use is permitted or allowed by special use permit. But if more stringent regulations are applicable in any particular district, such regulations shall prevail.

40-5-2 RECREATIONAL VEHICLES. The regulations of this Section do not apply to travel trailers or other recreational vehicles parked in a permitted travel-trailer park that conforms to the requirements of this Code and the Village Code. The requirements of paragraphs (A), (C) and (D) do not apply to travel trailers or other recreational vehicles parked on a permitted recreational vehicle sales lot.

(A) Not more than **one (1)** travel trailer or recreational vehicle shall be parked on any lot. They shall not be parked on a street.

(B) No travel trailer or other recreational vehicle shall be used as a dwelling.

(C) No travel trailer or other recreational vehicle shall be used as an office or for any other commercial purpose.

(D) Travel trailers or recreational vehicles shall be required to have setbacks as required for accessory buildings.

(E) No travel trailer or other recreational vehicle shall be parked on any front yard.

(F) No unlicensed manufactured home may be located in a travel trailer or recreational vehicle park.

(G) No trailer or other type recreational vehicle shall be parked on a public street or alley for more than a **twenty-four (24) hour** period.

40-5-3 BUFFER STRIPS, FENCES, WALLS AND HEDGES. Buffer strips, fences, walls or hedges used for any purpose shall, in all districts, conform to the following:

(A) Whenever a commercial, multi-family or industrial district abuts a residential district or is across a street, alley or similar obstacle from a residential district, a buffer strip of landscaping and/or other treatment shall be required. If a buffer strip is live landscaping, a temporary artificial screening shall be provided until such time as landscape screening reaches maturity. Width shall be **twenty (20) feet**, except that between areas zoned "I-1" and the designated zones, the width shall be **thirty (30) feet**.

Where an existing "SR-1" abuts a district requiring a buffer, the minimum setback from the buffer in that district requiring a buffer shall be **ten (10) feet** providing that a street does not come between the districts.

(B) No new permanent barbed wire or electrically charged fence less than **eight (8) feet** in height shall be erected or maintained anywhere except in connection with agricultural uses; when the agricultural use abuts a property line or a public right-of-way, the use of such fencing shall require the issuance of a Special Use Permit.

(C) No fence, wall, or other obstruction shall be erected on or within **three (3) feet** of any alley or public right-of-way; temporary barricades shall require the written permission of the Zoning Administrator.

(D) No fence, wall or other obstruction shall be erected in violation of the **Illinois Drainage Code**. **(See 70 ILCS 2-1 through 2-13)**

(E) No fence, wall or other obstruction shall exceed **six (6) feet** in height in any district except the Industrial District (I-1) where the maximum height shall not exceed **ten (10) feet**; exemption, planting screen, in addition, in areas near street intersections, special height restrictions shall be applicable to fences, walls, or other obstructions. **(See Section 40-3-13)**

(F) No fence, wall or other obstruction shall be erected in any front yard setback area, with the exception of landscape fences specifically approved by the Zoning Administrator. **(See Definition of Landscape Fence, Section 40-2-2)**

(G) No fence, wall or other obstruction shall be erected on or within **five (5) feet** of a property line without the mutual consent of the abutting property owners; in such instances, an applicant for

an Initial Certificate of Zoning Compliance shall include on the application a statement to the effect that abutting property owners are aware of the type and proposed location of the fence, wall or other obstruction to be erected and have given their written consent.

(H) No fence, wall or other obstruction which completely encloses a lot shall be erected without the provision of a gate or similar type of moveable barrier for accessibility.

40-5-4 SERVICE STATIONS.

(A) All gasoline pumps and other service facilities shall be located at least **twenty-five (25) feet** from any street right-of-way line, side lot line, or rear lot line.

(B) Every access way shall be located at least **two hundred (200) feet** from the principal building of any fire station, school, public library, church, park, or playground, and at least **thirty (30) feet** from any intersection of public streets.

(C) Every device for dispensing or selling milk, ice, soft drinks, snacks, and similar products shall be located within or adjacent to the principal building.

(D) All trash receptacles, except minor receptacles adjacent to the gasoline pumps, shall be screened from view.

(E) Whenever the use of a service station has been discontinued for **twelve (12) consecutive months** or for **eighteen (18) months** during any **three (3) year** period, the Administrator shall order that all underground storage tanks be removed or filled with material approved by the Fire District Chief.

(F) A permanent curb of at least **four (4) inches** in height shall be provided between the public sidewalk and the gasoline pump island, parallel to and extending the complete length of the pump island.

40-5-5 GARAGES, REPAIR. In repair garages all repair work, servicing, and storage of parts and equipment concerning vehicles, boats, auto body, radiator and appliance repair and similar uses shall be done completely within an enclosed building or shall be enclosed by a solid fence at least **eight (8) feet** in height or a planting screen of at least **ten (10) feet** in depth and **eight (8) feet** in height, or as approved by the Administrative Official.

40-5-6 HOME OCCUPATIONS.

(A) **Urban.** An urban home occupation means any occupation or activity which is clearly incidental and secondary to the use of the premises for dwelling, and which is carried on wholly within a main building or accessory building by a member of the family residing on the premises.

The establishment of an urban home occupation requires a permit granted by the Zoning Administrator.

No urban home occupation shall be established or conducted except in conformity with the following regulations:

(1) Such use shall be conducted entirely within a dwelling and carried on by not more than **two (2)** individuals, one of whom is the principal occupant.

(2) Such use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes and shall not change the residential character thereof.

(3) The total area used for such purposes shall not exceed the equivalent of **one-fourth (1/4)** the floor area, in square feet, of the first floor of the user's dwelling unit, if any, otherwise of the main floor of such dwelling unit; but in any instance a maximum of **three hundred (300) square feet** shall be allowed.

(4) There shall be no advertising, display or other indications of a home occupation on the premises which exceeds **six (6) square feet** in total sign area.

(5) There shall not be conducted on the premises the business of selling stocks of merchandise, supplies, or products, provided that incidental retail sales may be made in connection with other permitted home occupations.

(6) There shall be no exterior storage on the premises of material used in the home occupation nor of any highly explosive or combustible material.

(7) There shall be no offensive noise, vibration, smoke, dust, odors, heat or glare noticeable at or beyond the property line.

(8) A home occupation, including studies or rooms for instruction, shall provide an additional off-street parking area adequate to accommodate needs created by the home occupation of not less than **two (2) parking spaces** plus the parking spaces required for the dwelling unit. Such parking shall be provided on the same lot as the home occupation.

(9) for the purposes of this Section provided all requirements contained herein are met, the following shall be considered home occupations:

(a) Professional and service offices
(b) Art and photo studio
(c) Dressmaking or millinery
(d) Teaching, with musical instruction limited to **two (2) pupils** at a time
(e) The keeping of not more than **three (3) roomers** or boarders

(10) A home occupation shall not include the following: clinic, hospital, mortuary, funeral home, nursing home, tea room, barber shop, tourist home, antique shop, animal hospital, restaurant, veterinarian's office, or use similar to any of the foregoing excluded uses.

(B) **Farm.** There are significant differences between urban home occupations and agricultural home occupations. The nature of resources available for use, the benefits and disadvantages created by home occupations and the problems generated necessitate a distinction between urban home occupations and farm home occupations. Each concept is based on supplementing income, but the districts in which each is practiced has unique characteristics. For the aforesaid reasons, different home occupations may be permitted in agricultural zoning districts than are permitted in the urban residential districts.

(1) For the purpose of this Section, provided all requirements are met, the following shall be considered farm home occupations:

(a) Welding repair
(b) Veterinarian's office
(c) Blacksmith
(d) Service office

(2) Any home occupation shall be clearly supplementary to the principal use of the land and structures.

(3) A home occupation may not be changed to another home occupation except by the issuance of a separate permit.

(4) If any "A-1" District or part thereof is rezoned the rezoned area shall meet the new district regulations and any home occupations shall be considered a nonconforming use until such requirements are met.

(5) Parking requirements shall be met as provided in **Section 40-5-6(A)(8)**.

(6) No sign shall be permitted larger than that allowed for an urban home occupation **(See Section 40-5-6)**

(7) All other provisions for urban home occupations shall apply.

(C) **Permit.** The Zoning Administrator may grant a home occupation permit if he finds that the applicant will comply with the above-stated conditions. The applicant shall provide all relevant information concerning the above-stated conditions to the Zoning Administrator.

(D) **Complaints.** The Zoning Administrator shall investigate complaints concerning home occupations and file a written report of his findings with the home occupation permit. If, after investigation and report, the Zoning Administrator determines that the home occupation is in violation of the performance requirements of this Section, a corrective action order will be issued to the operator.

(E) **Appeals.** Any person aggrieved by any decision or order of the Zoning Administrator may appeal to the Zoning Board of Appeals in accordance with the procedures of **Article X, Division II**.

40-5-7 ASSISTED LIVING FACILITIES; NURSING HOMES. The lot on which any nursing home or assisted living facility is situated shall have a minimum width and depth of **two hundred (200) feet**, and a minimum area of **one and one-half (1.5) acres**. **(See Parking Requirements)**

40-5-8 JUNK YARDS. In any district where junk yards are permitted, the establishment and/or maintenance of such uses shall be subject to the following requirements:

(A) All storage of parts and equipment and the dismantling of vehicles shall be done within a completely enclosed building or within an area enclosed by a solid fence not less than **ten (10) feet** in height, or a planting screen **twenty (20) feet** in depth and expected to attain a height of at least **twenty (20) feet**.

(B) Any junk yard shall be located not less than **five hundred (500) feet** from any residential district boundary.

[NOTE: A business license is required in Chapter 7 and additional regulations.]

40-5-9 SWIMMING POOLS, SPAS AND HOT TUBS.

(A) **Sanitary Conditions.** Swimming pools shall be maintained in a clean and sanitary condition, and good repair. **(See Section 40-2-2 – Definitions)**

(B) **Enclosures.** Private swimming pools, hot tubs and spas, that may contain 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. Such enclosure, including gates therein, shall not be less than **four (4) feet** above the underlying ground. All gates shall be self-latching with latches placed **four (4) feet** above the underlying ground or otherwise made inaccessible from the outside to small children. 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.

(C) **Barrier.** Where a wall of a dwelling serve as part of barrier, one of the following conditions shall be met: **(IRC AG105.2(9))**

(1) The pool shall be equipped with a powered safety cover in compliance with ASTM F 1346;

(2) 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

(3) 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.

40-5-10 PUBLIC BUILDINGS. In any zone district where publicly owned office or governmental buildings, other than the Village's are permitted there shall be no permanent storage of heavy construction or maintenance equipment (such as excavating, road building, or hauling equipment) unless in an enclosed building or enclosed within a live planting screen and fenced as approved by the Administrative Official. Such storage areas, maintenance yards or storage warehouses shall be located at least **fifteen (15) feet** from any property line.

40-5-11 PUBLIC UTILITY STATIONS, EXCHANGES AND ESSENTIAL SERVICES. Electrical substations, gas regulator stations, telephone exchange facilities, or similar facilities in any Residential Zone District shall meet all following requirements and in other zone districts shall meet all requirements except (A), (E) and may be required to meet (G). A special use permit shall be required.

(A) No public office, or principal repair or storage facilities shall be maintained in connection with such substations or exchanges.

(B) The building housing any such facility shall be designed and constructed to conform to the general character of the neighborhood.

(C) The area on which the facility is located shall be landscaped and a landscaping plan shall be submitted.

(D) Where all facilities and equipment are entirely within a completely enclosed building, the minimum lot shall be as follows: lot width shall not be less than the total width of the building plus the total of the minimum required side yards; lot depth shall not be less than the depth of the building plus the minimum required front yard plus the **five (5) foot** minimum rear yard.

(E) Where facilities or equipment are located outside the completely enclosed building, no such facilities or equipment shall be located closer than **fifteen (15) feet** to any side or rear lot line.

(F) If transformers are exposed, there shall be provided an enclosing fence or wall at least **eight (8) feet** in height.

(G) All parcels or lots on which substations, exchanges, equipment or transformers are located shall meet the following minimum landscaping standards: a planting screen of at least **ten (10) feet** in depth and expected to reach a height of at least **ten (10) feet** shall be provided and maintained.

40-5-12 LIGHTING CONTROLS. Any light used for the illumination of signs, parking areas, swimming pools, or for any other purpose shall be arranged in such a manner as to direct the light away from neighboring residential properties and away from the vision of passing motorists.

40-5-13 MANUFACTURED HOME, PARKING FOR INSPECTION AND SALES. A manufactured home may be parked for inspection and sale on any automobile or manufactured home sales lot but manufactured homes shall not be parked for inspection and sales to the general public within any manufactured home park.

40-5-14 PLANT NURSERIES AND GREENHOUSES. In any district where tree and plant nurseries and greenhouses are permitted, the establishment of such uses shall be subject to the following requirements:

(A) No fertilizer, compost, manure or other odor or dust producing substance shall be stored within **fifty (50) feet** of any property line.

(B) Greenhouse heating plants shall be in an enclosed building and shall not be less than **fifty (50) feet** from any property line.

40-5-15 MANUFACTURED HOMES; INDIVIDUAL. The following regulations shall be applicable within the Village:

(A) Manufactured homes shall be utilized only as a dwelling unit for owner or renter occupancy.

(B) No manufactured home shall be brought into or placed anywhere on individual lots within the SR-1 and SR-2 Residential Districts.

(C) (1) All manufactured homes will be required to be skirted and anchored. Specifically, skirted with fire resistant material. Skirting shall be equipped with an inspection door at least **twenty-four (24) inches** wide to allow access to the underside of the home; and

(2) Anchors capable of withstanding a vertical tension force of **four thousand eight hundred (4,800) pounds** shall be installed at the corners of every manufactured home stand or as otherwise necessary for protection against high winds. The anchors shall be firmly attached to straps which extend over the manufactured home at each end. The straps shall consist of material capable of stabilizing the dwelling during high winds. Straps shall be firmly attached to the manufactured home. Every manufactured home shall be securely tied down to anchors.

(D) All manufactured homes shall be connected to all available public utilities in accordance with all requirements for any residential structures in the Village, shall be appropriately skirted, and shall conform to all requirements that are applicable to conventionally constructed dwelling units in the "R" District.

(E) Existing manufactured homes may be replaced after securing a special use permit.

40-5-16 MANUFACTURED HOME PARKS.

(A) **Location.** A manufactured home park shall be located only in a permitted zoning district and shall require a special use permit.

(B) **Setback, Lot Size, Building Height.** In the zoning districts where manufactured home parks are permitted, the establishment of such accommodations shall be subject to the following requirements:

(1) **Minimum Lot Size and Minimum Yard Dimensions.** The following regulations relative to the minimum lot size and minimum yard dimensions shall apply to the entire tract of land on which the manufactured home park is situated:

(a) A manufactured home park shall be located on a tract of land not less than **ten (10) acres** in area, with minimum width and depth dimensions of **four hundred (400) feet**.

(b) Any building, structure, or manufactured home shall be located at least **twenty-five (25) feet** from any front or rear lot line or any side lot line adjacent to a street and at least **five (5) feet** from a side yard lot line with **one (1) side yard** having a minimum setback of **fifteen (15) feet** provided that no manufactured home may be located less than **twenty (20) feet** from another manufactured home, building or structure.

(2) **Individual Manufactured Home Spaces.** The minimum individual area, width and depth requirements for manufactured home spaces shall be as follows:

	Area	Width	Depth
Manufactured Home Space	8,000 sq. ft.	40 ft.	100 ft.

(3) No building or manufactured home within the manufactured home park will exceed the height of **twenty-five (25) feet**.

(C) **Outdoor Living Area.** Each manufactured home space or lot shall be provided with an outdoor living and service area. Such area shall be improved as necessary to assure reasonable privacy and comfort. Spaces shall be arranged, and manufactured homes parked in such manner that there is an open area of at least **four hundred fifty (450) square feet** at the rear of and as part of each manufactured home space.

(D) **Dependent Manufactured Homes.** A dependent manufactured home shall not be located in any manufactured home park within the jurisdiction of the Village to be used as a temporary or permanent residence.

(E) **Sale of a Park Lot.** Nothing contained in this Section shall be deemed as prohibiting the sale of a manufactured home located on a manufactured home space and connected to the pertinent utilities, provided that any manufactured home in a manufactured home park shall not be sold with the lot upon which the manufactured home is placed unless said lot is (1) **five thousand (5,000) square feet** minimum, or (2) the zoning lot is a part of a planned unit development with common land(s), and (3) that the rights to the enjoyment of said common lands is transferred to the person purchasing the lot.

(F) **Transformation of Manufactured Homes.** It shall be unlawful for any person owning and/or operating a manufactured home located in a manufactured home park, without first obtaining a permit to do so, to remove or cause to have removed the wheels or any other transportation device from any manufactured home or otherwise permanently fix it to the ground in a manner that would prevent the ready removal of said manufactured home from the manufactured home park. Any alteration to any manufactured home as herein set forth shall be construed as an attempt to make the manufactured home immobile and removing it from the requirements of this Code.

(G) **Accessory Structures, Alterations, and Additions.** No permanent additions shall be built onto or become part of any manufactured home. Temporary structures shall be permitted in accordance with the following provisions and requirements:

(1) Accessory structures shall be designed in a manner that will enhance the appearance of the manufactured home development.

(2) Cabanas, patios or porches of which at least **one (1) side** must be open except for screening for insects.

(3) Electrical circuits supplying the accessory structure shall be independent of the circuit supplying the manufactured home.

(4) Skirting of a manufactured home shall be required, but such skirting shall not attach the manufactured home permanently to the ground, provide a harborage for rodents, or create a fire hazard. Such skirting so installed shall be of fire resistant materials and shall be equipped with an inspection door(s).

(5) Structures having an area not exceeding **ten percent (10%)** of the square foot floor area of the manufactured home may be entirely enclosed if utilized for storage purposes only.

(H) **Site Requirements.** Any manufactured home park shall be located on a well-drained site, and shall be located so that its drainage will not constitute an unreasonably hazard or nuisance to persons, property or water supply in the immediate vicinity of the site. Manufactured home parks shall not be potential breeding places for insects or rodents. Park sites shall not be subject to flooding or ponding, fire or safety hazards, and shall not be exposed to nuisances, such as undue noise, smoke, fumes or odors.

(I) **Buffer Strips.** All manufactured home parks shall be provided with a planting screen of at least **twenty (20) feet** in depth and height along the property boundary line separating the development and any adjacent zoning district or as approved by the Administrative Official.

(J) **Streets.** Streets and other access ways within manufactured home parks shall be private streets and access ways, except in unusual circumstances. All manufactured home parks shall have safe and convenient access to public streets. Such access way or street shall meet the construction and design standards of the subdivision regulations, or as approved by the Village Engineer.

(K) **Entrance and Exit Streets.** Entrances to and exits from manufactured home developments shall have direct connections to a public street and shall be designed to allow free movement of traffic on such adjacent public streets.

(L) **No Parking.** No parking shall be permitted on the entrance street of the development for a distance of **one hundred (100) feet** from its point of beginning.

(M) **Curbs and Gutters.** Each manufactured home space shall be located within **two hundred (200) feet** of a drive or access way of not less than **twenty (20) feet** in width which provides access to entrance and exit streets. All streets, drives and access ways shall be bounded by a curb and gutters.

(N) **Sidewalks.** All manufactured home parks shall be provided with safe, convenient, all-season pedestrian access. Sidewalks shall meet the requirements of the Village.

(O) **Jacks and Stabilizers.** Jacks and/or stabilizers shall be placed under the frame of the manufactured home to prevent movement on the springs while the mobile home is parked and occupied and shall be located on approved concrete footing.

(P) **Manufactured Home Pad.** The manufactured home pad shall be improved to provide adequate support for the placement and tie-down of the manufactured home. The pad shall not heave, shift or settle unevenly under the weight of the manufactured home due to frost action, inadequate drainage, vibration, wind or other forces acting on the structure.

(Q) **Manufactured Home Pad Construction.** All manufactured homes shall be placed on a manufactured home pad constructed of Portland cement concrete not less than **six (6) inches** in thickness. In addition, all manufactured home pads shall be at least **ten (10) feet** wide by **forty (40) feet** in length, or manufactured homes may be placed on concrete piers on a solid concrete footing and shall be of a size and kind approved by the Village Engineer and shall be exactly as approved. Expandable units shall be provided with approved piers or their equivalent at each corner of the unit. (See State Statutes)

40-5-17 KENNELS.

(A) The lot on which any kennel is situated shall have a minimum area of **three (3) acres**.

(B) Every kennel shall be located at least **two hundred (200) feet** from the nearest dwelling, and at least **one hundred (100) feet** from any lot line.

40-5-18 AGRICULTURAL ACTIVITIES.

(A) **Farm Animals.** No barn, stable, shed, or other structure intended to shelter farm animals (including, but not limited to, horses, cattle, hogs, and chickens) shall be erected closer than **three hundred (300) feet** to any existing dwelling or closer than **two hundred (200) feet** to any lot line of residential property, whichever distance is greater. Similarly, fences shall be erected or other means shall be taken to prevent farm animals from approaching closer than **three hundred (300) feet** to any existing dwelling or closer than **two hundred (200) feet** to any lot line or residential property, whichever distance is greater.

(B) **Farm Equipment/Commodities.** No agricultural equipment or commodities (including, but not limited to, baled crops, fertilizer, pesticides/herbicides) shall be stored outdoors closer than **three hundred (300) feet** to any existing dwelling or closer than **two hundred (200) feet** to any lot line of residential property, whichever distance is greater. If said equipment/commodities are stored within a completely enclosed structure, said structure shall be located at least **one hundred (100) feet** from any lot line of residential property.

40-5-19 ADULT USES. Adult uses, as defined in **Section 40-2-2**, may be allowed after obtaining a special-use permit, in an industrial zone district.

(A) **Standards Applicable.** The adult special-use permit shall be recommended by the Zoning Board nor approved by the Village Board unless it is found that:

(1) The design and operation of the facility will not adversely affect the public health and safety;

(2) It will not cause substantial injury to the value of other property in the neighborhood in which it is located;

(3) It will not unduly increase traffic congestion in the public streets and highways in the area in which it is located;

(4) It will not cause additional public expense for fire or police protection;

(5) It will not substantially increase the possibility of criminal acts against persons and properties within **five hundred (500) feet** of such proposed special-use or against persons who regularly use such properties.

(B) **Registration.** The owner of a building or premises, his agent for the purpose of managing, controlling or collecting rents, or any other person managing or controlling a building or premises any part of which contains an adult use, shall register the following information with the Village Clerk:

(1) The address of the premises;

(2) The name of the owner of the premises and names of the beneficial owners if the property is in a land trust;
(3) The address of the owner and the beneficial owners;
(4) The name of the business or establishment subject to the provisions of **Chapter 7** of the Municipal Code;
(5) The name(s) and address(es) of the owner, beneficial owner or the major stockholders of the business or establishment subject to the provisions of **Chapter 7** of the Municipal Code;
(6) The date of initiation of the adult use;
(7) The nature of the adult use;
(8) If the premises or building is leased, a copy of said lease must be attached.

(C) **Exterior Display.** No adult use shall be conducted in any manner that permits the observation of any material depicting, describing or relating to "special sexual activities" or "specified anatomical areas" from any public way or from any property not registered as an adult use. This provision shall apply to any display, decoration, sign, show window or other opening.

(D) **Existing Adult Uses.** Any adult use which existed lawfully, but which became nonconforming upon the adoption of this Section to the Zoning Code, may be continued as hereinafter provided:

(1) Upon written notice from the Village to the owners or interests therein that any building, structure, lot or regulated use is nonconforming under the provision of the Zoning Code as amended, the owners or interest therein shall, within **two (2) months** from the date of such notice, apply to the Village Clerk for a Certificate of Nonconformity.
(2) Failure to apply for a Certificate of Nonconformity within **two (2) months** of the notice provided in **Section 40-5-19(A)** above will require the amortization of the nonconformity within **six (6) months** of the notice provided for in **Section 40-5-19(A)**.
(3) Nonconformances that have applied for a Certificate of Nonconformity from the Village Clerk shall be discontinued within **one (1) year** of the notice provided in **Section 40-5-19(A)** above.

(E) **Liquor License.** No liquor license shall be issued to the premises where adult uses is conducted or allowed. No liquor shall be given away or allowed to be consumed on any such premises where adult use is allowed or conducted.

(F) **Location.** No adult use shall be located within **five hundred (500) feet** of any property which is zoned or used for residences, day-care facilities, churches, schools, parks or other adult use. The measurement shall be from the property line of the real estate as shown by public records upon which the adult use premises is located to the property line of the other property described above.

40-5-20 STORAGE CONTAINERS. It shall be unlawful to locate in this Village an accessory use known as a storage container consisting of either a railroad or train car, a truck body or shell or a truck trailer, license or unlicensed, on any lot in the Village, unless the lot is in a zoned industrial district. All containers shall be closed and be secured when not in use. They shall meet all setbacks prescribed for accessory uses and located on a permanent foundation. The Zoning Administrator may submit all applications for a "storage unit" to the Zoning Board of Appeals if he feels that the unit is not consistent with this Section. **(See Section 40-2-2)**

40-5-21 GROUND-MOUNTED SOLAR PANELS PROHIBITED. It shall be unlawful to locate ground-mounted solar panels anywhere in this Village. **(Ord. No. 25-3; 04-14-25)**

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ARTICLE VI - OFF-STREET PARKING AND LOADING

40-6-1 PURPOSE. The purpose of this Article is to alleviate or prevent congestion of the public streets and to promote the safety and welfare of the public by establishing minimum requirements for the off-street parking and loading and unloading of motor vehicles in accordance with the use to which property is put. For all buildings and structures erected and all land uses established after the effective date of this Code, accessory parking and loading facilities shall be provided as required by this Code. No part of an off-street parking area required for any building or use for the purpose of complying with the provisions of this Code shall be included as a part of an off-street parking or loading space similarly required for another building or use.

40-6-2 ACCESSORY USES. No motor vehicle repair work shall be permitted in conjunction with accessory off-street parking lots or areas provided in a Residence District for a commercial or industrial use. The sale of gasoline and motor oil when permitted in conjunction with accessory off-street parking areas shall be located with respect to residential properties so as not to create a nuisance.

40-6-3 COMPUTATION. When determination of the number of off-street parking spaces required by this Code results in a requirement of a fractional space any fraction of **one-half (1/2)** or less may be disregarded, while a fraction of or in excess of **one-half (1/2)** shall be counted as **one (1) parking space**.

40-6-4 DAMAGE OR DESTRUCTION. For any conforming building or use which is in existence on the effective date of this Code which is damaged or destroyed by fire, explosion or other similar cause and which is reconstructed, reestablished, or repaired, additional off-street parking or loading facilities need not be provided, except that parking or loading facilities equivalent to any maintained at the time of such damage or destruction shall be restored or continued in operation. However, in no case shall it be necessary to restore or maintain parking or loading facilities in excess of those required by this Code for equivalent new uses or construction.

40-6-5 DESIGN STANDARDS.

(A) **Access Aisle and Space Requirements.** Each off-street parking space shall not be less than **ten (10) feet** wide and **twenty (20) feet** long, except as approved by the Administrative Official.

(1) **Aisles.** Interior parking aisles permitting two-way traffic should be a minimum of **twenty-two (22) feet** in width. One-way aisles in conjunction with **sixty (60) degree parking** shall be a minimum of **eighteen (18) feet** in width. Plans for other aisle widths with other angle parking shall be as approved.

(2) Access to off-street parking areas in all residential zone districts shall be a minimum of **ten (10) feet** wide except as follows:

(a) If a driveway is longer than **one hundred (100) feet** or serves more than the required parking for **four (4) dwelling units**, the minimum width shall be **twenty (20) feet**.

(b) **Two (2)** one-way driveways each **twelve (12) feet** wide may be provided in lieu of **one (1) twenty (20) foot** driveway.

(3) Access to off-street parking areas in all commercial and industrial zones shall be a minimum width of **twenty-four (24) feet** or **two (2)** separate driveways each **twelve (12) feet** wide.

(B) **Ingress and Egress.** All parking areas in any multiple family, business, industrial or similar zone district shall be designed or arranged so that no vehicle can have direct access to or egress from any off-street parking space from a public right-of-way. In any instance stated in this Section ingress to

and egress from a parking space shall be from an aisle, driveway, or similar arrangement by forward motion of the vehicle.

(1) No access way or lane shall be within **thirty (30) feet** of any corner formed by the intersection of the right-of-way of **two (2)** or more streets. On a corner where a traffic signal or stop sign exists, such entrance or exit shall be located at such distance and in such manner so as not to cause or increase traffic hazard or undue congestion.

(2) The alignments of access ways shall be at right angles and offsets are not to exceed **twenty (20) degrees**.

(3) Except in unusual circumstances no access way from a public street shall exceed **thirty-five (35) feet** in width.

(C) **Lot Lines.** All parking aisles and parking spaces shall be entirely within the lot lines, and not on a public right-of-way. Parking spaces and loading spaces shall be so arranged that no part of any vehicle overhangs the public right-of-way.

(D) **Screening and Landscaping.** All open automobile parking lots serving a commercial, industrial, institutional or similar use shall provide a landscaped screen, wall or fence along those property boundaries abutting a residential district or use. Such landscaped screen, wall or fence shall be maintained by the owner or lessee and a maintenance agreement shall be filed with the Administrative Official. Plans for the landscaping, wall or fence shall be as approved.

40-6-6 SETBACK. Where **two (2) lanes** of off-street parking is provided between any building and a street, in order to accommodate pedestrian and vehicular traffic, the building shall be set back at least **seventy-five (75) feet** from the lot line. A **six (6) inch** vertical curb shall be provided to separate such off-street parking areas from the public right-of-way. Similar parking in the rear of a building shall require a setback of at least **sixty-four (64) feet**.

40-6-7 SURFACING. All open off-street parking areas, lot and driveways shall be improved with a compacted stone base of not less than **four (4) inches** thick, surfaced with **two (2) inches** of bituminous concrete or an approved material with comparable construction.

40-6-8 EXISTING PARKING-LOADING FACILITIES AND USES. Accessory off-street parking or loading facilities which are located on the same lot as the building or use served and which were in existence on the effective date of this Code or were provided voluntarily after such effective date shall not hereafter be reduced below, or if already less than, shall not further be reduced below the requirements of this Code for a similar new building or use.

(A) Whenever the existing use of a building or structure shall hereafter be changed to a new use, parking or loading facilities shall be provided as required herein for such new use. However, if the said building or structure was erected prior to the effective date of this Code, additional parking or loading facilities are mandatory only in the amount by which the requirements for the new use would exceed those for the existing use if the latter were subject to the parking and loading provisions of this Code.

(B) When the intensity of use of any building, structure, or premises shall be increased through addition of dwelling units, gross floor area, seating capacity, or other units or measurement specified herein for required parking or loading facilities, parking and loading facilities as required herein shall be provided for such increase in intensity of use.

40-6-9 JOINT PARKING FACILITIES. Off-street parking facilities for different buildings, structures, or uses, or for mixed uses, may be provided collectively in any zoning district in which separate parking facilities for each constituent use would be permitted, provided that the total number of spaces so located together shall not be less than the sum of the separate requirements for each use.

40-6-10 OFF-STREET PARKING FACILITIES.

(A) **Location.** The location of off-street parking spaces in relation to the use served shall be as prescribed hereinafter. All distances specified shall be walking distances from a main entrance of the use served to the nearest point of the parking facility.

(B) **For Uses in Residence Districts.** Parking spaces accessory to dwellings shall be located on the same zoning lot as the use served and may be located in any yards except required front yards but shall be permitted in that portion of the front yard coterminous with the side yard wherein the driveway is located. Off-street parking facilities accessory to residential use and developed in any residential district shall be used solely for the parking of passenger automobiles or the vehicles owned or operated by the occupants of the dwelling structures. In no instance shall a commercial vehicle exceeding **one (1) ton** capacity be parked in a residential area, except for normal loading, unloading or service, except by a special use permit. Commercial or related uses located in a residence district that cannot provide the required parking on the same zoning lot may provide parking on an adjacent lot or a lot across the street but not more than **two hundred (200) linear feet** from the commercial use served.

(C) **For Uses in Business and Industrial Districts.** All required parking spaces shall be within **one thousand (1,000) feet** of the use served, except that spaces accessory to dwelling units (other than those located in a transient hotel) shall be within **three hundred (300) feet** of the use served. However, no parking spaces accessory to a use in a Business or Industrial District shall be located in a Residence District, except that private, free, off-street parking accessory to such uses, and municipal parking lots, may be allowed by special use permit within **five hundred (500) feet** of and adjacent to any Business or Industrial District.

(D) **Off-Site Parking Facilities.** When required parking facilities are provided on land other than the zoning lot on which the building or use served by such facilities is located, they shall be and remain in the same possession or ownership as the zoning lot occupied by the building or use to which the parking facilities are accessory. No such off-site parking facilities shall be authorized and no building permit or occupancy permit shall be issued where the plans call for parking facilities other than on the same zoning lot until and unless the Administrative Official has reviewed the plans and heard the applicant and made findings that the common ownership or possession of the zoning lot and the site of the parking facilities are reasonably certain to continue and that the off-site parking facilities will be maintained at all times during the life of the proposed use or building.

(E) **Other Uses, Parking.** For uses not listed heretofore in this Schedule of parking requirements, parking spaces shall be provided on the same basis as required for the most similar listed use as determined by the Administrative Official.

40-6-11 PARKING SPACES REQUIRED. For the following uses accessory off-street parking spaces shall be provided as required hereinafter. Parking spaces required on an employee basis shall be based on the maximum number of employees on duty or residing, or both, on the premises at any one time. When employee parking is required it shall be provided on the basis of **one (1) space** for each **one and one-half (1 ½) employees**.

Use	Number of Parking Spaces
(A) Residential, Civic, Educational, Institutional	
Apartment Hotels	Two (2) for each dwelling unit.
Churches and Auditoriums	One (1) per four (4) seats for the largest seating area.
Elementary and Junior High Schools	One (1) per five hundred (500) square feet of classroom area. Employee parking required.

Use	Number of Parking Spaces
Libraries and Museums	One (1) for each five hundred (500) square feet of total floor area.
Lodging Houses	One (1) for each dwelling unit or lodging room; two (2) for the owner or manager. Employee parking required.
Manufactured Home Park or Court	Two (2) for each manufactured home plus one (1) for each two (2) manufactured homes for visitors and the parking of recreational vehicles.
Motels and Motor Hotels	One (1) for each dwelling unit or lodging room. Employee parking required.
Multiple-Family Dwelling	Two (2) for each dwelling unit plus one (1) for each two (2) dwelling units for visitors and the parking of recreational vehicles.
One-Family Dwelling	Two (2) for each dwelling unit.
Private Clubs, Lodges and Dormitories With Sleeping Facilities for Guests	One (1) for each lodging room; in dormitories, each one hundred (100) square feet shall be considered equivalent to a lodging room. Employee parking required.
Two-Family Dwelling	Three (3) for each dwelling unit.
Multi-Family Efficiency	Three (3) per dwelling unit.
Multi-Family One Bedroom	Two (2) for each dwelling unit.
(B) Retail and Service Uses	
Automobile Car Wash	On review.
Automobile Service Stations	On review.
Bowling Alleys	Four (4) parking spaces shall be provided for each alley, plus such additional spaces as may be required herein for affiliated uses--bars, restaurants and the like.
Drive-In Restaurants	On review.
Restaurants	One (1) parking space shall be provided for each five (5) seats, or for each fifty (50) square feet of floor area used for assembly or seating purposes, whichever gives the greater number of spaces.

Use	Number of Parking Spaces
Furniture and Appliance Stores, Household Equipment or Furniture Repair Stores	One (1) parking space shall be provided for each fifty (50) square feet of retail space plus spaces required for office use and employees.
Home Occupations	Two (2) spaces for each two hundred (200) square feet of floor space utilized in addition to the parking requirements of the dwelling unit.
Motor Vehicle Sales and Machinery Sales	One (1) parking space shall be provided for each three hundred (300) square feet of total floor area.
Municipal or Privately Owned Recreation Building or Community Centers	One (1) parking space shall be provided for each one and one-half (1 ½) employees, plus spaces adequate in number--as determined by the Administrative Official--to serve the visiting public.
Retail Stores	One (1) parking space shall be provided for each two hundred (200) square feet of floor area.
Banks	
Walk-in	One (1) parking space per three hundred (300) square feet of floor area plus employee parking.
Drive-in	Five (5) spaces per teller window.
Theaters (Indoor) and Stage	One (1) parking space shall be provided for each five (5) seats.
Mortuaries	Ten (10) parking spaces shall be provided for each chapel or parlor, or one space for each five (5) seats whichever is greater, plus one (1) parking space for each funeral vehicle kept on the premises. Employee parking required.
(C) Office Uses	
Business, Professional and Governmental Offices	One (1) parking space shall be provided for each three hundred (300) square feet of floor area plus one space for each company or business vehicle.
(D) Industrial Uses	
Industrial Uses of All Types, Except Warehousing and Transportation Terminals, Less Than 250,000 Square Feet of Gross Area:	

Use	Number of Parking Spaces
Employee Parking	One (1) parking space per one and one-half (1 ½) employees on maximum shift or not less than one (1) parking space for each five hundred (500) square feet of gross floor area; when more than one shift is employed, parking for both shifts shall be provided, unless sufficient time is allowed between shifts to provide for the maximum use of the required parking.
Visitor Parking	One (1) parking space for each twenty-five (25) employees on main shift, with a minimum of two (2) parking spaces and a maximum of twenty (20) required visitor spaces.
Company Vehicles	One (1) parking space to accommodate each company-owned or leased truck or vehicle usually found on the premises; size of parking spaces for trucks shall be approved by the Administrative Official.
Industrial Use of All Types, Except Warehousing and Transportation Terminals, More Than 250,000 Square Feet of Gross Floor Area:	
Employee Parking	One (1) parking space per one and one-half (1 ½) employees on site at maximum shift, or not less than one (1) for each five hundred (500) square feet; then one (1) parking space for each one thousand (1,000) square feet of floor area, except where a reduction in the required parking is approved by the Administrative Official.
Visitor Parking	One (1) parking space for each twenty-five (25) employees on main shifts, with a minimum of two (2) parking spaces and a maximum of twenty (20) required visitor parking spaces.
Company Vehicles	One (1) parking space to accommodate each company-owned or leased truck or vehicle usually found on the premises; size of parking spaces for trucks shall be approved by the Administrative Official.
Warehousing	
Employee Parking	One (1) parking space for each one thousand (1,000) square feet of gross floor area or one (1) parking space for each one and one-half (1 ½) employees, whichever is greater; whenever all or any portion of a warehouse area, facility or building is proposed to be converted, remodeled, or changed to a non-warehouse use, the number of parking spaces required by this Section for the intended use shall be secured and provided for prior to conversion to use or remodeling of the warehouse facility or building.

Use	Number of Parking Spaces
Company Vehicles	One (1) parking space to accommodate each company-owned or leased truck or vehicle usually found on the premises; size of parking space for trucks shall be approved by the Administrative Official.
Transportation or Trucking Yard Terminals	
Employee Parking	One (1) parking space for each one thousand (1,000) square feet of warehousing, shop area, or loading area and one (1) parking space for each driver of a company vehicle which is dispatched from said terminal.
Company Vehicles	One (1) parking space to accommodate each company-owned or leased truck or vehicle usually found on the premises; size of parking spaces for trucks shall be approved by the Administrative Official.

40-6-12 OFF-STREET LOADING.

(A) **Additional Regulations.** Each required off-street loading space shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movements. Such access way shall be at least **twelve (12) feet** in width.

(B) **Below Minimum Floor Area.** Uses for which off-street loading facilities are required herein but which are located in buildings of less floor area than the minimum for which such facilities are required shall be provided with adequate receiving facilities as determined by the Administrative Official.

(C) Loading space for vehicles over **two (2) ton** capacity shall not be closer than **fifty (50) feet** to any property in a Residence District unless completely enclosed by building walls, a solid fence, wall or foliage buffer not less than **ten (10) feet** in height and width.

(D) **Location.** All permitted or required loading space shall be located on the same zoning lot as the use served, shall not be located within **fifty (50) feet** of the intersection of any **two (2) streets**, and shall not be located within required front yards except as approved.

(E) **Not For Parking.** Space allocated to any off-street loading berth shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof.

(F) **Size.** Unless otherwise specified, a required loading space shall be at least **ten (10) feet** in width by at least **twenty-five (25) feet** in length and shall have a vertical clearance of at least **fourteen (14) feet**, or as determined by the Administrative Official such greater distances as are needed to accommodate vehicles so that no vehicle overhangs into the public right-of-way shall be provided. Reasonably adequate turning and maneuvering space shall be provided in addition to said minimum size loading berth requirements.

(G) **Repair and Service.** No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities provided in any "SR" Residence District.

(H) **Special Use, Other Uses.** For special uses and uses other than prescribed for in this Code, loading spaces, adequate in number and size to serve such use, as determined by the Administrative Official shall be provided.

(I) **Surfacing.** All open off-street loading space shall be improved with a compacted stone base, not less than **seven (7) inches** thick, surfaced with not less than **two (2) inches** of bituminous concrete or some comparable material with comparable construction.

40-6-13 LOADING SPACES REQUIRED. For the uses listed in the following table, off-street loading space shall be provided on the basis of gross floor area of building or portions thereof devoted to such uses in the amounts shown herein.

	Total Square Feet of Gross Floor Area Per Building			Loading Spaces Required
(A)	Commercial Office and Industrial Uses			
	To 2,999			On Review
	3,000	to	19,999	1
	20,000	to	49,000	2
	50,000	to	100,000	3
	Above		100,000	On Review
(B)	Hospitals, Institutions, and Similar Uses			
	To 9,999			On Review
	10,000	to	49,999	1
	50,000	to	100,000	2
	Above		100,000	On Review

ARTICLE VII - SIGN REGULATIONS

40-7-1 GENERAL PROHIBITION. Any sign not expressly permitted in this Article shall be deemed prohibited.

40-7-2 COMPUTATION OF SIGN AREA ALLOWANCE. Within the limitations and restrictions as further provided in this Article, the total area of all signs which an establishment is permitted to display shall be computed according to the following formula:

one (1) square foot of sign area per one (1) foot of street frontage or two (2) square feet of sign for each lineal foot of the front width of the business.

provided, however, that no establishment in any district shall display more than **three hundred (300) square feet** of sign on any street front.

40-7-2.1 DEFINITION OF SIGN AREA. As used in this Article, the term "sign area" means the area of the one imaginary square or rectangle which would completely enclose all the letters, parts, or symbols of a sign. **(See Figures 3 and 4 at End of Code)**

40-7-2.2 SPECIAL SITUATIONS.

(A) Except as specifically provided otherwise in this Article, if an establishment has frontage on **two (2)** or more streets, each side having such frontage shall be considered separately for purposes of determining compliance with the provisions of this Article. However, the area allowance for signs shall not be aggregated so as to permit such establishment to display on any one frontage a greater area of signs than would be permitted by application of the formula set forth above.

(B) The side of an establishment adjacent to an off street parking area shall not be deemed frontage unless the establishment has no other frontage.

40-7-3 SIGNS TO BE NON-HAZARDOUS, WELL-MAINTAINED.

(A) No sign shall be erected, relocated or maintained so as to prevent free access or egress from any door, window, fire escape, or driveway.

(B) No sign shall be erected or maintained in such a manner that it interferes with, obstructs the view of, or is likely to be confused with any authorized traffic control device.

(C) Every sign shall be designed and constructed in conformity with any applicable provisions of the adopted Building Code, if any.

(D) Every sign and appurtenance shall be maintained in a neat and attractive condition by its owner. The sign supports shall be kept painted to prevent rust or deterioration.

40-7-4 ILLUMINATION. Illumination of signs is permitted, subject to the following requirements:

(A) No sign shall employ red, yellow, or green lights in such a manner as to confuse or interfere with vehicular traffic.

(B) No sign other than those providing time and temperature information shall have blinking, flashing, or fluttering lights or any other illuminating device which has a changing light intensity, brightness, or color; provided, however, that this provision shall not apply to any message on any electronically operated, changeable sign.

(C) The light from any illuminated sign shall be shaded, shielded, or directed so that it creates neither a nuisance to adjacent property nor a traffic hazard.

40-7-5 NONCONFORMING SIGNS. A nonconforming sign means any lawfully erected sign or billboard that does not conform to one or more provisions of this Article or any amendment thereto.

40-7-6 RESTRICTIONS. Any nonconforming sign as defined in **Section 40-7-5** that does not pose an imminent peril to life or property may lawfully remain subject to all the restrictions on the enlargement, alteration, or relocation, or reconstruction of nonconforming structures set forth in **Article VIII** of this Code; provided as follows:

(A) Merely changing the message displayed on a nonconforming sign shall not be construed as a prohibited alteration;

(B) Whenever any sign is nonconforming solely because it is appurtenant to a nonconforming commercial/industrial use located in the Agricultural District or in any residential district, said sign shall be treated in the same manner as it would be if it were appurtenant to a commercial/industrial use located in any Business District or in the Industrial District.

40-7-7 STRICTLY PROHIBITED SIGNS. Except as specifically noted otherwise, henceforth, the following signs and street graphics are strictly prohibited throughout the City:

(A) Mobile/Portable Marquees; except that they may be permitted as a temporary sign. **(See Section 40-7-11)**

(B) Signs attached to trees, fences or public utility poles, other than warning signs posted by government officials or public utilities.

(C) Defunct Signs, including the posts or other supports therefor that advertise or identify an activity, business, product, or service no longer conducted on the premises where such sign is located.

(D) Roof-mounted signs, that project or protrude above the highest point of the roof.

40-7-8 SIGNS PERMITTED IN ANY DISTRICT. Any sign or other street graphic enumerated below that complies with the indicated requirements is permitted in any district of the City. Such signs or street graphics shall not be debited against the displaying establishment's sign area allowance. **(See Section 40-7-2)**

(A) **Construction Signs** identifying the architects, engineers, contractors, and other individuals or firms involved with the construction, and/or announcing the character or purpose of the building, but not advertising any product: Such signs shall not exceed **twenty-four (24) square feet** in area, shall be confined to the site of the construction, and shall be removed within **fourteen (14) days** after the intended use of the project has begun.

(B) **Real Estate Signs**, indicating the sale, rental, or lease of the premises on which they are located: Such signs on residential property shall not exceed **six (6) square feet;** on other property, such signs shall not exceed **sixteen (16) square feet.** Not more than **one (1)** real estate sign per street front shall be erected on any lot. Such signs shall be removed within **seven (7) days** of the sale, rental or lease.

(C) **Political Signs**, announcing candidates seeking public/political office and/or political issues and other pertinent information: In all zone districts, political signs shall not exceed **eight (8) square feet.** Political signs shall not be displayed more than **forty-five (45) days** prior to and must be removed within **seven (7) days** after the election to which they pertain, by the party responsible for their erection. No signs shall be placed on public rights-of-way.

(D) **Garage Sale Signs**, advertising a garage or yard sale to be held on private residential property: Such signs shall not exceed **four (4) square feet,** and shall not be posted for longer than **five (5) days.**

(E) **Public Interest Signs and Street Banners**, publicizing a charitable or non-profit event of general public interest: In the Agricultural District, and in any Residential District, public interest signs shall not exceed **thirty-two (32) square feet.** Public interest signs and street banners shall be permitted only for **sixty (60) days** before and **seven (7) days** after the event.

(F) **Governmental, Public, and Directional Signs:** Such as traffic control signs; railroad crossing signs; legal notices; signs indicating the location of underground cables; no trespassing signs; no parking signs; signs indicating the entrances and exits of parking lots; signs indicating the location of public telephones; restrooms, and so forth.

(G) **Institutional Signs** identifying a public, charitable, or religious institution: Such signs shall be located on the premises of such institution, shall not obstruct the vision of motorists, and shall not exceed **twenty-four (24) square feet.**

(H) **Integral Signs** carved into stone or inlaid so as to become part of the building, and containing such information as date of erection, name of building, and memorial tributes.

(I) **Home Occupation Signs**, identifying only the name and occupation of the residents: Home occupation signs shall not be illuminated, and shall not exceed **four (4) square feet.**

(J) **Subdivision Entrance Signs**, identifying a residential subdivision or apartment complex: Such signs shall contain no commercial advertising, and shall not exceed **twenty (20) square feet.**

(K) **Permanent House Numbers and/or Permanent Name of Occupant Signs** located on the lot to which the sign applies: Such signs shall not exceed **two (2) square** feet for single-family dwellings, nor **six (6) square feet** for multiple-family dwellings.

(L) **Signs Located in the Interior of Any Building** or within an enclosed lobby or court of any building or group of buildings, provided such signs are designed and located to be viewed exclusively by the patrons or residents of such buildings.

40-7-9 AGRICULTURAL; RESIDENTIAL DISTRICTS. No sign other than those listed in **Section 40-7-8** shall be erected in the Agricultural District or in any Residential District.

40-7-10 BUSINESS; INDUSTRIAL DISTRICTS. No establishment located in any Business District or in the Industrial District shall display on any street front a total area of sign in excess of the allowance derived by application of the formula set forth in **Section 40-7-2 and 40-7-8.**

Additionally, signs in any Business District or in the Industrial District shall conform to the requirements indicated in the subsections below:

40-7-10.1 FLUSH-MOUNTED SIGNS. No flush-mounted (wall) sign shall:

(A) Project more than **eighteen (18) inches** from the wall or surface to which it is attached; or

(B) Extend above the roof line of the building to which it is attached.

40-7-10.2 WINDOW SIGNS. Signs permanently mounted in display windows shall not be debited against the sign area allowance of the particular establishment.

40-7-10.3 PROJECTING SIGNS. No establishment shall display more than **one (1) projecting sign** on any street front. No projecting sign shall:

(A) Project above the roof line of the building to which it is attached; or

(B) Extend below a point **eight (8) feet** above the ground or pavement; or

(C) Project over a driveway or beyond the curbline of any public street; or

(D) Project more than **four (4) feet** from the building to which it is attached; or

(E) Extend to a point above **twelve (12) feet.**

40-7-10.4 CANOPY OR MARQUEE SIGNS. Signs mounted flush on any canopy or marquee shall be considered flush-mounted (wall) signs, and shall meet the requirements of **Subsection 40-7-10.1.** Signs suspended beneath a canopy or marquee shall be considered projecting signs, and shall meet the requirements of **Subsection 40-7-10.3.**

40-7-10.5 FREESTANDING SIGNS. No establishment shall display more than **one (1) freestanding sign** on any street front. Freestanding signs, whether mounted on the ground or post-mounted, shall comply with the following regulations:

(A) No part of any freestanding sign shall intrude into any public right-of-way. No part of any freestanding sign that extends below a point **ten (10) feet** above the ground or pavement shall be located closer than **ten (10) feet** from the public right of-way line.

(B) The area of any freestanding sign, calculated in accordance with **Subsection 40-7-2.1** shall not exceed **one hundred (100) square feet.**

(C) When attached to its structural supports, no part of any freestanding sign shall extend more than **twenty (20) feet** above the ground or pavement.

(D) The length or width of any freestanding sign shall not exceed **twelve (12) feet.**

40-7-10.6 BILLBOARDS. Billboards and other off-premises advertising signs are strictly prohibited in every district except the Industrial District. No billboard shall:

(A) Be stacked on top of another billboard; or

(B) Be located closer than **twenty-five (25) feet** to any lot line or any public right-of-way; or

(C) Be located closer than **five hundred (500) feet** from any other billboard on the same side of the roadway; or

(D) Extend more than **twenty (20) feet** above the ground or pavement;

(E) Exceed **three hundred (300) square feet** in area.

40-7-11 TEMPORARY SIGNS. Temporary signs shall not remain in place for a period of more than **thirty (30) days** except when the Zoning Administrator extends the time period for an additional **thirty (30) days.** Any further time extension shall thereafter be applied for through Zoning Board of Appeals and the Board may grant such time extension as seems reasonable and necessary in compliance with this Article. A permit is required for all temporary signs. **(See Section 40-10-29)**

ARTICLE VIII - NONCONFORMITIES

40-8-1 PURPOSE OF ARTICLE. The requirements imposed by this Code are designed to guide the use of land by encouraging the development of structures and uses that are compatible with the predominant character of each of the various residential, business, and industrial districts. Lots, structures, and uses of land or structures that do not conform to the requirements of the district in which they are located tend to impede appropriate development. For example, nonconformities are frequently responsible for heavy traffic on residential streets, the overtaxing of parking facilities, the emission of noxious fumes or excessive noise, and/or the lowering of property values. **The regulations in this Article are intended to alleviate such existing/potential problems by encouraging the gradual elimination of nonconformities.**

40-8-2 NONCONFORMING LOTS. Any vacant lot that does not conform to one or more of the lot size requirements of the district in which it is located may be used in the manner indicated in **Section 40-8-2.1** and **40-8-2.2** if it:

(A) is of record on the date of the adoption or amendment of this Code in 1992; and

(B) has continuously remained in separate ownership from abutting tracts of land throughout the entire period during which the creation of such lot was prohibited by the applicable zoning code or other ordinances; and

(C) is at least **thirty (30) feet** wide.

40-8-2.1 RESIDENTIAL. On any such lot located in any district, any permitted structures may be erected, provided all the bulk (see definitions) and setback regulations of the particular district are observed.

40-8-2.2 OTHER DISTRICTS. On any such lot located in the business or industrial districts, any structure permitted in the particular district may be erected if the bulk and setback requirements of that district are met.

40-8-2.3 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 date of the enactment or amendment of this Code, and if **one (1)** or more of those lots do not meet the minimum lot width, depth, and area requirements of the district in which they are located, the land involved shall be considered an undivided parcel for purposes of this Code. No portion of any such parcel shall be developed except in compliance with this Code, nor shall any such parcel be divided so as to create a lot that does not meet the requirements of this Code.

40-8-3 NONCONFORMING STRUCTURES. Any lawful structure which exists on the date of the enactment or amendment of this Code, but which could not be erected under the terms of this Code because of restrictions on the lot size, height, setbacks, lot coverage, or other characteristics of the structure, or its location on the lot, may lawfully remain, subject to the following provisions:

(A) **Enlargement, Alterations.** No such structure shall be enlarged or altered in any way which increases its nonconformity.

(B) **Relocation.** No such structure shall be relocated unless, after relocation, it will conform to all the regulations of the district in which it is located.

(C) **Reconstruction.** No such structure which is destroyed or damaged by any means shall be reconstructed if the Zoning Administrator determines that the cost of such reconstruction exceeds **fifty percent (50%)** of the structure's market value at the time of loss, unless after reconstruction the structure will conform to all applicable regulations of the district in which it is located. In the event the Zoning Administrator determines the estimated cost of reconstruction is less than **fifty percent (50%)** of

the structure's market value at the time of loss, repairs or reconstruction shall be permitted, provided such work starts within **six (6) months** from the date the damage occurred and is diligently prosecuted to completion.

A bona fide construction contractor shall make the reconstruction cost estimate, and a licensed real estate appraiser shall determine the structure's market value at the time of loss. The owner of the damaged structure shall be responsible for transmitting these estimates to the Zoning Administrator.

40-8-4 NONCONFORMING USES OCCUPYING A STRUCTURE. If any lawful use occupying a structure exists on the effective date of the enactment or amendment of this Code, but would not be allowed under the terms of this Code, such a use may lawfully continue, subject to the following provisions:

(A) **Maintenance.** Any structure housing a nonconforming use may be maintained through ordinary repairs.

(B) **Enlargement, Alteration, Reconstruction, Relocation.** No structure housing a nonconforming use shall be enlarged, structurally altered, reconstructed or relocated unless the use of the structure is changed to a permitted use.

(C) **Extension of Use.** No nonconforming use may be extended to any part(s) of the structure not intended or designed to be devoted to such use, nor shall the nonconforming use be extended to occupy any land outside such structure.

(D) **Change of Use.** A nonconforming use occupying a structure shall not be changed except to a use permitted under the applicable district regulations.

(E) **Discontinuance of Use.** When a nonconforming use of a structure, or of a structure and premises in combination, is discontinued for **twelve (12)** consecutive months or for **eighteen (18) months** during any **three (3) year** period, the nonconforming use shall not thereafter be resumed. Any discontinuance caused by government action and without any contributing fault by the nonconforming user shall not be counted in calculating the length of discontinuance.

40-8-5 NONCONFORMING USE OF LAND. Any lawful use of land existing on the date of the adoption or amendment of this Code that would not be permitted under the terms of this Code may lawfully continue, subject to the following provisions:

(A) **Intensification or Extension of Use.** A nonconforming use of land shall not be intensified, or extended to occupy a greater area of land than was occupied by such use on the date of the adoption or amendment of this Code.

(B) **Relocation.** No nonconforming use of land shall be moved, in whole or in part, unless, upon relocation, such use will conform to all pertinent regulations of the district in which it is proposed to be located.

(C) **Change of Use.** A nonconforming use of land shall not be changed except to a use that is permitted under the applicable district regulations.

(D) **Discontinuance.** When a nonconforming use of land is discontinued for a period of **twelve (12)** consecutive months, it shall not thereafter be resumed, and any subsequent use of such land shall conform to the applicable district regulations. Any discontinuance caused by government action and without any contributing fault by the owner or operator shall not be counted in calculating the length of discontinuance.

40-8-6 NONCONFORMITIES UNDER PERMIT AUTHORITY. The regulations of this Article shall not apply to any change in an existing structure or to any change in the use of a structure or of land for which a permit was issued prior to the enactment of this Code or any pertinent amendment thereto, provided that the work authorized by such permit is carried out and completed with diligence.

ARTICLE IX - ADMINISTRATION AND ENFORCEMENT

40-9-1 ZONING ADMINISTRATOR. The office of Zoning Administrator of this Municipality is hereby established. He shall be appointed by the Mayor with the advice and consent of the Village Board for a term of **one (1) year**. The Zoning Administrator shall be the executive head of this office.

40-9-2 DUTIES. The Zoning Administrator is hereby authorized and directed to diligently administer and enforce the provisions of this Code. This broad responsibility encompasses, but is not limited to, the following duties:

(A) To review applications pertaining to land, structures and the uses of land and/or structures;

(B) To issue or deny initial and final certificates of zoning compliance;

(C) To supervise inspections of land, structures, and the uses of land and/or structures to determine compliance with this Code, and where there are violations, to initiate appropriate action to secure compliance;

(D) To receive, file and forward to the Zoning Board of Appeals all applications for variances and appeals;

(E) To receive and file all applications for amendments and special use permits;

(F) To maintain up-to-date records of this Code including, but not limited to, district maps, certificates of zoning compliance, special-use permits, variances, interpretative decisions of the Board of Appeals, amendments and all applications related to any of these matters;

(G) To periodically review the provisions of this Code to determine whether revisions are needed, and to make recommendations on these matters to the Village Board at least once each year;

(H) To cause copies of this Code (including the district map) and any amendments thereto to be printed from time to time, as necessary; and

(I) To provide information to the general public on topics related to this Code; and

(J) To republish the zoning district map not later than **March 31st** if any rezonings or annexations have been approved during the preceding calendar year.

40-9-3 INITIAL CERTIFICATES OF ZONING COMPLIANCE. Upon the effective date of this Code, no land shall be developed, no new use or structure shall be established or erected, and no existing use or structure shall be enlarged, extended, altered, relocated or reconstructed until an initial certificate of zoning compliance has been issued. The Administrator shall not issue an initial certificate of zoning compliance unless he determines that the proposed activity conforms to the applicable provisions of this Code. **(Sec. 7-2.2)**

40-9-4 ZONING APPLICATION. Every applicant for an **Initial Certificate of Zoning Compliance** shall submit to the Administrator at least **fourteen (14) days** prior, in graphic and/or narrative form, all the items of information listed below that are applicable to the particular project. The Administrator shall decide which items are applicable. **(NOTE: Filing fee required in Section 40-9-14.)**

ITEMS OF INFORMATION:

(A) Name and address of the applicant;

(B) Name and address of the owner or operator of the proposed lot, structure or use, if different from (A);

(C) Nature of the proposed use, including type of activity, manner of operations, number of occupants or employees, and similar matters;

(D) Location of the proposed use or structures, and its relationship to existing adjacent uses or structures;

(E) Area and dimensions of the site for the proposed structure or use;

(F) Existing topography of the site (USGS 10-foot contour data is acceptable), and proposed finished grade;

(G) Existing and proposed screening, landscaping, and erosion control features on the site, including the parking area;

(H) Height, setbacks, and lot coverage of the proposed structures;

(I) Number and size of proposed dwelling units, if any;

(J) Location and number of proposed parking/loading spaces and access ways;

(K) Identification and location of all existing and proposed utilities, whether public or private; and/or

(L) Location and square footage of existing and proposed signs by type and class.

40-9-5 DURATION OF CERTIFICATE. Initial Certificates of Zoning Compliance shall be valid for **one (1) year**, or until revoked for failure to abide by a corrective action order. The Administrator may renew **Initial Certificates of Zoning Compliance** for successive **six (6) month** periods upon written request, provided the applicant is making a good faith effort to complete the authorized work.

40-9-6 RELATIONSHIP TO BUILDING PERMITS. Upon the effective date of this Code, no building permit for the erection, enlargement, extension, alteration, or reconstruction of any structure shall be issued until the applicant for such permit has properly obtained an initial certificate of zoning compliance pertaining to such work.

The Village in compliance with the **Illinois Architecture Practice Act of 1989** and effective **January 1, 1992 (See 225 ILCS Sec. 305/1 et seq.)** requires that all new construction and structural renovations of buildings used by the general public, including multiple housing, but excluding one and two family residences, shall require architectural plans with an architect's seal from a licensed architect.

40-9-7 FINAL CERTIFICATES OF ZONING COMPLIANCE. No lot or part thereof that has been created, developed, erected, enlarged, altered, relocated, or reconstructed after the effective date of this Code shall be used or occupied until a permanent certificate of zoning compliance has been issued. The Administrator shall issue no permanent certificate of zoning compliance until he determines, **by inspection**, that:

(A) the development or construction of such lot or structure has been completed in accordance with plans approved at the time the temporary certificate of zoning compliance was issued; and

(B) the lot or structure as completed, and the proposed use thereof, conforms to all applicable provisions of this Code.

Permanent certificates of zoning compliance shall be issued free of charge. Failure to obtain a permanent certificate of zoning compliance shall constitute a separate violation of this Code.

40-9-8 CORRECTIVE ACTION ORDERS. Whenever the Zoning Administrator finds, by inspection or otherwise, that any lot, structure, or use, or work thereon is in violation of this Code, he shall so notify the responsible party, and shall institute appropriate measures to secure compliance.

40-9-9 CONTENTS OF ORDER. To secure compliance with this Code, the Administrator may issue a corrective action order. Such order shall be deemed properly served upon the owner, occupant, or operator of the offending lot, structure, or use if it is served upon such party personally, sent by registered mail to his last known address, or posted in a conspicuous place on or about the affected premises. Corrective action orders shall include:

(A) A description of the premises sufficient for identification;

(B) A statement indicating the nature of the violation;

(C) A statement of the remedial action necessary to effect compliance;

(D) The date by which the violation must be corrected;

(E) A statement that the alleged violator is entitled to a conference with the Administrator if he so desires;

(F) The date by which an appeal of the correction order must be filed, and a statement of the procedure for so filing; and

(G) A statement that failure to obey a corrective action order shall result in revocation of the certificate of zoning compliance and may result in the imposition of fines.

40-9-10 SERVICE OF ORDER. A corrective action order shall be deemed properly served upon the owner, occupant, or operator of the offending lot, structure, or use if it is:

(A) Served upon him personally;

(B) Sent by certified mail to his last known address; or

(C) Posted in a conspicuous place on or about the affected premises.

40-9-11 STOP WORK ORDER. Whenever any land, structure, or use is being developed, erected, or established contrary to plans approved at the time the temporary certificate of zoning compliance was issued, the Administrator may order that such work be stopped immediately. The Administrator's stop-work order may be served on any person engaged in or responsible for such work, or may be posted in a conspicuous place on or about the affected premises. Failure to abide by a stop-work order shall be deemed a separate violation of this Code.

40-9-12 EMERGENCY MEASURES. Notwithstanding any other provisions of this Code, whenever the Administrator determines that any violation of this Code poses an imminent peril to life or property, he may institute, without notice or hearing, any necessary proceedings to alleviate the perilous condition. The Administrator shall take no action until he has consulted with the Village Attorney.

40-9-13 COMPLAINTS. Whenever any violation of this Code occurs, or is alleged to have occurred, any person may file a written complaint on forms provided by the Administrator. The Administrator shall record such complaints, promptly investigate, and, if necessary, institute appropriate corrective action.

40-9-14 FEES. The Board of Trustees establishes the following schedule of fees for the various permits and procedures listed in this Code. The fees are intended to defray the administrative costs connected with the processing/conducting of such permits or procedures; the fees do not constitute a tax or other revenue-raising device. All such fees shall be paid in advance by the applicant to the Village Clerk as follows:

(A) **Certificate of Zoning Compliance Fees:**

New Commercial Construction	$200.00
New Residential Construction	$100.00
Commercial and Residential Additions and/or Remodeling	$75.00
Commercial and Residential Exterior Concrete	$10.00
Commercial and Residential Decks/Sheds/Carports/Awnings	$15.00
Commercial and Residential Fences	$15.00
Commercial and Residential Demolition	$10.00
Commercial and Residential Signs	$5.00
Commercial and Residential Miscellaneous	$5.00

(B) **Board of Appeals Fees:**

Interpretation of Code (Appeal)	$100.00 and publication costs
Special-Use Permit	$100.00 and publication costs
Variance Permit	$100.00 and publication costs
Amendments	$100.00 and publication costs

40-9-15 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 on which a violation continues shall be considered a separate offense.

(B) Nothing contained in this Section shall prevent the Village from taking any other lawful action that may be necessary to secure compliance with this Code.

ARTICLE X - SPECIAL PROCEDURES AND PERMITS

DIVISION I - BOARD OF APPEALS

40-10-1 ZONING BOARD OF APPEALS. The Zoning Board of Appeals is hereby established in accordance with Illinois law. The Zoning Board of Appeals shall hereinafter be referred to as Board of Appeals. **(See 65 ILCS 5/11-13-3)**

40-10-2 MEMBERSHIP, APPOINTMENT, COMPENSATION. The Board of Appeals shall consist of **seven (7) members**, all of whom shall reside within the Village. Each Board member shall be appointed by the Mayor with the advice and consent of the Board of Trustees. **One (1)** of the members so appointed shall be named as Chairman at the time of his appointment. The Board of Appeals shall select **one (1)** of its members to be the vice-chairman and **one (1)** the secretary. Each Board member shall receive compensation as established by the Village Board.

40-10-3 TERM OF OFFICE - VACANCIES. Every member of the Board of Appeals, which was established pursuant to the former Zoning Code shall be entitled to serve on the Board of Appeals established by this Section until the date his term of office would have expired if the former Zoning Code had remained in effect. Any person appointed to the Board of Appeals on or after the effective date of this Code shall hold office for **five (5) years** from the date of his appointment, and until his successor has been selected and qualified.

With the advice and consent of the Board of Trustees, the Mayor may remove any member of the Board of Appeals for cause after a public hearing. Vacancies on the Board of Appeals shall be filled for the unexpired term of the member whose place has become vacant in the same manner as provided for the appointment of new members.

40-10-4 MEETING--QUORUM. All meetings of the Board of Appeals shall be held at the call of the Chairman and at such times as the Board of Appeals may determine. All Board meetings shall be open to the public. The Board of Appeals may adopt their own rules of meeting procedures consistent with this Code and the applicable Illinois Statutes. The Board of Appeals may select such officers as it deems necessary. The Chairman, or in his absence, the Acting Chairman may administer oaths and compel the attendance of witnesses. **Four (4) members** of the Board of Appeals shall constitute a quorum, and the affirmative vote of at least **four (4) members** shall be necessary to authorize any Board of Appeals action. **(See Sec. 40-10-6 for vote on decisions of Board.)**

40-10-5 RECORDS. The Board of Appeals shall keep minutes of its proceedings and examinations. These minutes shall indicate the absence of any member, the vote or abstention of each member on each question, and any official action taken. A copy of every rule, variance, order or recommendation of the Board of Appeals shall be filed immediately with the Village Clerk and shall be a public record.

40-10-6 DECISIONS. The concurring vote of **four (4) members** of the Board of Appeals shall be necessary to approve a variance or special-use permit or to recommend an amendment to the Village Board. The decision of the Board of Appeals shall be by written letter and shall contain its findings of fact. A copy shall be sent to the Village Board.

40-10-7 PERIOD OF VALIDITY. No decision by the Zoning Board granting a variance or special-use permit shall be valid for a period longer than **twelve (12) months** from the date of such decision unless (1) an application for a zoning certificate is obtained within such period and construction,

moving, remodeling, or reconstruction is started, or (2) an occupancy certificate is obtained and a use is commenced. However, the Village Board may grant additional extensions of time not exceeding **one hundred eighty (180) days**, each upon written application made within the initial **twelve (12) month** period without further notice or hearing, but said right to so extend said time shall not include the right to grant additional relief by expanding the scope of the variation.

40-10-8 FINALITY OF DECISIONS OF THE ZONING BOARD. All decisions of the Zoning Board, shall in all instances be the final administrative determination and shall be subject to review by a court in the manner provided by applicable **Illinois Compiled Statutes**. No applicant shall apply for the same or identical request for a period of **one (1) year** unless the facts and/or request have substantially changed.

40-10-9 OFFICE OF THE SECRETARY OF THE BOARD OF APPEALS. The Secretary of the Board of Appeals shall be appointed by the Board of Appeals to serve a until a successor is appointed. The Secretary shall record the minutes of the Board of Appeal's proceedings and actions, showing the vote of each member upon each question or if absent or failing to vote, indicating such fact. The Secretary shall perform such other duties as may be assigned from time to time by the Board of Appeals.

40-10-10 JURISDICTION OF BOARD. The Zoning Board of Appeals has the power to hear and decide appeals, variances and requests for special-use permits pursuant to this Code. It has the power to hear and recommend requests for amendments to this Code.

40-10-11 RESERVED.

[NOTE: Zoning Board discussions cannot be held in a closed session as the Board is a quasi-judicial body.]

DIVISION II - APPEALS

40-10-12 NATURE OF AN APPEAL. Any person aggrieved by any decision or order of the Zoning Administrator in any matter related to the interpretation or enforcement of any provision of this Code may appeal to the Zoning Board of Appeals on a prescribed form. Every such appeal shall be made and treated in accordance with Illinois law and the provisions of this Division. **(See 65 ILCS 5/11-13-12)**

40-10-13 FILING, RECORD TRANSMITTAL. Every appeal shall be made within **forty-five (45) days** of the matter complained of by filing with the Administrator and the Zoning Board of Appeals a written notice specifying the grounds for appeal. Every appeal shall also be filed with the **Soil and Water Conservation District** pursuant to State law. Not more than **five (5) working days** after the notice of appeal has been filed, the Administrator shall transmit to the Zoning Board of Appeals all records pertinent to the case. **(See 65 ILCS 5/11-13-12) (See 70 ILCS 405/22.02A)**

40-10-14 STAY OF FURTHER PROCEEDINGS. An appeal stays all further action on the matter being appealed unless the Administrator certifies to the Zoning Board of Appeals after the notice of appeal has been filed with him, that for reasons stated in the certificate, a stay would cause imminent peril to life or property. In such case, further action shall not be stayed unless the Zoning Board of Appeals or the Circuit Court grants a restraining order for due cause and so notifies the Administrator. **(See 65 ILCS 5/11-13-12)**

40-10-15 PUBLIC HEARING, NOTICE. The Zoning Board of Appeals shall hold a public hearing on every appeal within a reasonable time after the filing of the appeal notice. At the hearing, any interested party may appear and testify, either in person or by duly authorized agent or attorney. Notice indicating the time, date, and place of the hearing, and briefly describing the issue to be decided shall be given not more than **thirty (30) days** nor less than **fifteen (15) days** before the hearing:

(A) By publication in a newspaper of general circulation within this Municipality; and

(B) By certified mail to the applicant; and,

(C) By first-class mail to all owners of property contiguous to any property affected by the appeal.

(See 65 ILCS 5/11-13-12)

40-10-16 DECISION BY BOARD OF APPEALS. The Board of Appeals shall render a decision on the appeal within **thirty (30) days** after the hearing therein. The Board of Appeals may reverse or affirm, wholly or partly, or may modify or amend the decision or order appealed from the extent and in the manner that they deem appropriate. In so doing, the Board of Appeals has all the power of the Administrator. **(See 65 ILCS 5/11-13-3 and 5/11-13-12)**

ED. NOTE: The Board of Appeals is delegated the task of hearing appeals from the decisions of the Zoning Administrator or other official charged with enforcement of an ordinance passed pursuant to the Zoning Enabling Act. This may, for example, entail determining whether there has been a discontinuance of a nonconforming use. It is important for the applicant to note the appeal process because of the requirement of exhaustion of administrative remedies before suit is filed as well as the more obvious reason of using a less expensive administrative process for correcting a mistake or error which may have been made by the Zoning Administrator. (See 65 ILCS 5/11-13-3)

40-10-17 RESERVED.

DIVISION III - VARIANCES

40-10-18 VARIANCES.

(A) A variance is a relaxation of the requirements of this Code that are applicable to a particular lot or structure.

(B) A so-called "use variance" (which would allow a use that is neither permitted nor special in the district in question) is not a variance, it is an amendment, and should be granted only as provided for in **Section 40-10-30**.

40-10-19 APPLICATION. Every application for a variance shall be filed with the Administrator on a prescribed form. Every variance application shall also be filed with the **Soil and Water Conservation District** as per State law. The Administrator shall promptly transmit said application, together with any device he might wish to offer, to the Zoning Board of Appeals. The application shall contain sufficient information to allow the Zoning Board of Appeals to make an informed decision and shall include, at a minimum, the following: **(NOTE: Filing fee required.) [See 70 ILCS 405/22.02(A)]**

(A) Name and address of the applicant;

(B) Location of the structure/use for which the variance is sought;

(C) Brief description of adjacent lots, structures, and/or uses;

(D) Brief description of the problems/circumstances engendering the variance request;

(E) Brief, but specific, explanation of the desired variance;

(F) Specific section(s) of this Code containing the regulations which, if strictly applied, would cause a serious problem; and

(G) Any other pertinent information that the Administrator may require.

40-10-20 PUBLIC HEARING, NOTICE. The Zoning Board of Appeals shall hold a public hearing on each variance request within **sixty (60) days** after the variance application is submitted to them. At the hearing any interested party may appear and testify either in person or by duly authorized agent or attorney. Notice indicating the time, date, and place of the hearing, and the nature of the proposed variance shall be given not more than **thirty (30)** nor less than **fifteen (15) days** before the hearing;

(A) By certified mail to the applicant and

(B) By publication in a newspaper of general circulation within the Municipality and,

(C) By first-class mail to all owners of property contiguous to the property affected by the proposed variance. **(See 65 ILCS 5/11-13-7)**

40-10-21 STANDARDS FOR VARIANCES. The Zoning Board of Appeals shall not decide favorably upon any variance unless they find that the proposed variance is consistent with the general purposes of this Code, and that the strict application of the district requirements would result in great practical difficulties of hardship to the applicant. More specifically the Board shall not decide upon a variance unless they determine, based upon the evidence presented to them, that:

(A) The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zone; and

(B) The plight of the owner is due to peculiar circumstances; and

(C) The peculiar circumstances engendering the variance request are not applicable to other property within the district, and therefore, that a variance would be a more appropriate remedy than an amendment (rezoning); and

(D) The variance, if granted, will not alter the essential character of the area where the premises in question are located, nor materially frustrate implementation of this Municipality's comprehensive plan. **(See 65 ILCS 5/11-13-5)**

40-10-22 DECISION BY BOARD OF APPEALS. The Board of Appeals shall decide upon every variance request within **thirty (30) days** after the final hearing thereon. A copy of the Board of Appeal's decision shall be transmitted to the applicant or appellant and to the Zoning Administrator. The Board of Appeals shall specify the terms of relief recommended (if any) in one statement and their findings of fact in another statement. The findings of fact shall clearly indicate the Board of Appeal's reasons for recommending or denying any requested variance.

40-10-23 RESERVED.

DIVISION IV - SPECIAL USES

40-10-24 SPECIAL-USE PERMITS. This Code divides the Village into various districts, and permits in each district as a matter of right only those uses which are clearly compatible with one another. Certain other uses, because of their special operational or physical characteristics, may or may not have a detrimental impact on nearby permitted uses, depending upon their precise location, manner of operation and other factors. Such "special uses" require careful case-by-case review, and may be allowed only after review and approval by the Zoning Board of Appeals.

40-10-25 APPLICATION. Every applicant for a special-use permit shall submit to the Zoning Administrator in narrative and/or graphic form, the items of information enumerated below. The Administrator shall promptly transmit the completed application, together with any comments or

recommendation he might have, to the Zoning Board of Appeals for further consideration. **(NOTE: Filing fee required in Section 40-9-14)**

ITEMS OF INFORMATION:

(A) Name and address of the applicant;
(B) Name and address of the owner or operator of the proposed structure or use, if different from (A);
(C) Nature of the proposed use, including type of activity, manner of operation, number of occupants or employees, and similar matters;
(D) Location of the proposed use or structure, and its relationship to existing uses of structures on adjacent lots;
(E) Area and dimensions of the site for the proposed structure or use;
(F) Existing topography of the site and proposed finished grade;
(G) Existing and proposed screening, landscaping, and erosion control features on the site, including the parking area;
(H) Height and setbacks of the proposed structure;
(I) Number and size of the proposed dwelling units, if any;
(J) Number and location of proposed parking/loading spaces and access ways;
(K) Identification and location of all existing or proposed utilities, whether public or private; and/or
(L) Any other pertinent information that the Administrator may require;
(M) Location of any signs.

40-10-26 PUBLIC HEARING, NOTICE. The Zoning Board of Appeals shall hold a public hearing on every special-use permit application within **sixty (60) days** after the application is submitted to them. At the hearing, any interested party may appear and testify, either in person or by duly authorized agent or attorney. Notice indicating the time, date, and place of the hearing, and the nature of the proposed special-use shall be given not more than **thirty (30) days** nor less than **fifteen (15) days** before the hearing:
(A) By certified mail to the applicant; and,
(B) By publication in a newspaper of general circulation within this Municipality.
(C) By first-class mail to all owners of property contiguous to the property affected by the proposed special-use request. **(See 65 ILCS 5/11-13-7)**

40-10-27 BOARD'S DECISION, FACTORS CONSIDERED. Within **thirty (30) days** after the public hearing, the Zoning Board of Appeals shall make a decision and shall consider the following factors:
(A) Whether the proposed design, location, and manner of operation of the proposed special use will adequately protect the public health, safety, and welfare, and the physical environment;
(B) Whether the proposed special-use is consistent with this Municipality's comprehensive plan, if any:
(C) The effect the proposed special-use would have on the value of neighboring property and on this Municipality's overall tax base;
(D) The effect the proposed special-use would have on the public utilities and on the traffic circulation on nearby streets; and
(E) Whether there are any facilities near the proposed special-use (such as schools or hospitals) that require special protection. **(See 65 ILCS 5/11-13-7)**

40-10-28 DECISION – FINDINGS OF FACTS. The Board of Appeals shall reach a decision on every special-use permit application within a reasonable time after public hearing. In accordance with State law, the Board of Appeals shall specify the terms and conditions of the permit to be granted (if any) in one statement, and **their findings of fact in another statement**. The finding of fact shall be responsive

in the decision-making factors listed in the preceding section and shall clearly indicate the Board of Appeal's reasons for granting, with or without modifications and/or conditions, or denying the requested special-use permit. **(See 65 ILCS 5/11-13-1.1 and 5/11-13-11)**

[ED. NOTE: The applicants and property owners for a variation or special-use should review Sec. 5/11-13-7A of the Illinois Compiled Statutes relative to subpoenas for persons to appear at the zoning hearings.]

40-10-29 TEMPORARY USE PERMITS: PROCEDURE FOR. As set forth at **Section 40-3-20**, requests for temporary use permits shall be treated in the same manner as requests for special use permits. The Board of Appeals shall issue no temporary use permit for a period longer than **one (1) year** but may renew any such permit as they see fit.

DIVISION V - AMENDMENTS

40-10-30 AMENDMENTS. The Village Board may amend this Code in accordance with State law and the provisions of this Section. Proposed alterations of district boundaries or proposed changes in the status of uses (permitted, special, prohibited) shall be deemed proposed amendments. Amendments may be proposed by the Village Board, the Zoning Board, the Plan Commission, the Zoning Administrator or any party in interest. **(See 65 ILCS 5/11-13-14)**

40-10-31 FILING. Every proposal to amend this Code shall be filed with the Zoning Administrator on a prescribed form. Every amendment proposal shall also be filed with the **Soil and Water Conservation District** pursuant to State law. The Administrator shall promptly transmit the proposal, together with any comments or recommendations he might wish to make to the Board of Appeals for a public hearing. **(NOTE: Filing fee required.)**

40-10-32 PUBLIC HEARING - NOTICE. The Board of Appeals shall hold a public hearing on every amendment proposal within **sixty (60) days** after said proposal has been submitted to them. At the hearing, any interested party may appear and testify, either in person or by duly authorized agent or attorney. Notice indicating the time, date, and place of the hearing and the nature of the proposed amendment shall be given not more than **thirty (30)** nor less than **fifteen (15) days** before the hearing:

(A) By certified mail to the applicant; and,

(B) By publication in a newspaper of general circulation within the Municipality.

(C) By first-class mail to all owners of property contiguous to the property affected by the proposed amendment. **(See 65 ILCS 5/11-13-14)**

40-10-33 ADVISORY REPORT - FINDINGS OF FACT. Within **thirty (30) days** after the public hearing, the Board of Appeals shall submit their advisory report to the Village Board. The report shall state the recommendations of the Board of Appeals regarding adoption of the proposed amendment and their reasons therefor. If the effect of the proposed amendment would be to alter district boundaries or to change the status of any use, the Board of Appeals shall include in their advisory report findings of fact concerning each of the following matters:

(A) Existing use and zoning of the property in question;

(B) Existing uses and zoning of other lots in the vicinity of the property in question;

(C) Suitability of the property in question for uses already permitted under existing regulations;

(D) Suitability of the property in question for the proposed use;

(E) The trend of development in the vicinity of the property in question, including changes (if any) which may have occurred since that property was initially zoned or last rezoned.

40-10-34 ACTION BY VILLAGE BOARD. The Village Board shall act on every proposed amendment at their next regularly scheduled meeting following submission of the advisory report of the Zoning Board of Appeals. Without further public hearing, the Village Board may approve or disapprove any proposed amendment or may refer it back to the Board of Appeals for further consideration by simple majority vote of all the members then holding office.

40-10-35 WHEN TWO-THIRDS MAJORITY VOTE IS REQUIRED. The favorable vote of at least **two-thirds (2/3)** of the members of the Village Board is required to pass an amendment to this Code in each of the following instances:

(A) When passage would be contrary to the recommendation of the Board of Appeals.

(B) When the amendment is opposed, in writing, by the owners of **twenty percent (20%)** of the frontage proposed to be altered, or by the owners of **twenty percent (20%)** of the frontage immediately adjoining or across an alley therefrom, or by the owners of **twenty percent (20%)** of the frontage directly opposite the frontage proposed to be altered.

40-10-36 NOTICE TO APPLICANT OF WRITTEN PROTEST. In cases of written opposition to an amendment of this Code as prescribed in **Section 40-10-35**, a copy of the written protest shall be served by the protester or protesters on the applicant for the proposed amendment and a copy upon the applicant's attorney, if any, by certified mail at the address of such applicant and attorney shown in the application for the proposed amendment.

(See 65 ILCS 5/11-13-14)