

**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**". 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 Sec. 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 Sec. 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 immediately forwarded to the codifiers 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 Sec. 5/1-2-3)**

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

Board. The Clerk shall see that the replacement pages are properly inserted in the official copies maintained in the office of the Clerk.

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

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

**1-1-6 - 1-1-7**    **RESERVED.**

**DIVISION II - SAVING CLAUSE**

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OF GENERAL ORDINANCES.** All general ordinances of the Village passed prior to the adoption of this Code are hereby repealed, except such as are referred to herein as being still in force or are, by necessary implication, herein reserved from repeal [**subject to the saving clauses contained in the following sections**], from which are excluded the following ordinances, which are not hereby repealed:

Tax Levy Ordinances; Appropriation Ordinances; Ordinances Relating to Boundaries and Annexations; Franchise Ordinances and other Ordinances Granting Special Rights to Persons or Corporations; Contract Ordinances and Ordinances Authorizing the Execution of a Contract or the Issuance of Warrants; Salary Ordinances; 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 CRAWFORD**            ) ss.                                   **VILLAGE CLERK'S OFFICE**  
**VILLAGE OF OBLONG**                )

I, Jim Russell, Village Clerk of the **Village of Oblong, Illinois**, do hereby certify that the following **Revised Code of Ordinances of the Village of Oblong, Illinois of 1997**, published by authority of the Village Board of Trustees were duly passed by the Village Board of Trustees of the **Village of Oblong, 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 Oblong, Illinois**, this 6th day of January, 1997.

\_\_\_\_\_  
**VILLAGE CLERK**  
**VILLAGE OF OBLONG**

**(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 Oblong.

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

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

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

**"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 Sec. 5/1-1-2[5])**

**"KNOWINGLY"** imports only a knowledge that the facts exist which bring the act or mission 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.

**"MAYOR"** as used in this Code shall mean the Village President or President of the Village Board of Trustees of Oblong, Illinois. **(See 65 ILCS Sec. 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.

**"PERSONAL PROPERTY"** shall include every description of money, goods, chattels, effects, evidence of rights in action and all written instruments by which any pecuniary obligation, right or title to property is created, acknowledged, transferred, increased, defeated, discharged or diminished and every right or interest therein.

**"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.

**"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.

**"WHOLESALE" AND "WHOLESALE DEALER"** as used in this Code unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles, or things in quantity to persons who purchase for the purpose of resale.

**"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 Sec. 5/1-1-2)**

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

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



**DIVISION IV - GENERAL PENALTY**

**1-1-20 PENALTY.**

(A) Any person convicted of a violation of any section of this Code shall be fined not less than **Seventy-Five Dollars (\$75.00)**, nor more than **Seven Hundred Fifty Dollars (\$750.00)** for any **one (1) offense**, and shall, in addition to the fine assessed, be required to pay all of the Village's expenses, including attorney's fees of a minimum amount of **Fifty Dollars (\$50.00)** in enforcing and prosecuting the ordinance violation. **(Ord. No. 01-434; 10-03-01)**

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

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

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

(E) 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 Sec. 5/1-2-7 and 5/1-2-8)**

(F) **Community Service.** A penalty imposed for the violation of any section of this Code may include, or consist of, a requirement that the defendant perform some reasonable public service work such as but not limited to the picking up of litter in public parks or along public highways or the maintenance of public facilities. **(Ord. No. 01-427; 04-04-01)**

**1-1-21 MINOR VIOLATIONS PENALTY.**

(A) Any person accused of a violation of any section of this Code **except Chapter 24** entitled **"Motor Vehicles"** may settle and compromise the claim by paying to the City the sum of **Seventy-Five Dollars (\$75.00)** within **ten (10) days** from the time such alleged offense was committed.

(B) The tickets issued under this Section shall be as a courtesy in lieu of arrest. If the person accused of this violation does not settle the claim, a complaint or notice to appear will be issued for that violation and the person shall be subject to the penalties set forth in **Section 1-1-20** of this Code.

**1-1-22 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)**

**1-1-23      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.

**1-1-24      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.

**1-1-25      LICENSE.** When a person is convicted of a violation of any Section of this Code, any license previously issued to him by the Village may be revoked by the court or by the Village Board.

**ARTICLE II - VILLAGE OFFICIALS**

**DIVISION I - VILLAGE BOARD OF TRUSTEES**

**1-2-1**        **COMPOSITION AND GENERAL POWERS.** The Village Board shall consist of **six (6) Trustees**, elected in conformity with this Code and State laws governing elections in villages and shall have such powers as are granted by **Chapter 65, Illinois Compiled Statutes**, as amended. The term of office shall be for **four (4) years** or until their successors are elected and have qualified. **(See 65 ILCS Sec. 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 1st Wednesday of each month at 7:00 P.M. When the meeting date falls upon a legal holiday, the meeting shall be held on the following Wednesday 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 Sec. 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 Chief of Police or his 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 Sec. 5/3.1-40-25 and 5 ILCS Sec. 120/2.02 and 120/2.03)**

**1-2-4**        **VACANCY.** When a vacancy occurs, if more than **twenty-eight (28) months** remain in the term and the vacancy occurs not less than **one hundred thirty (130) days** before the general municipal election, next scheduled under the general election law, the office shall be filled for the remainder of the term at that general municipal election. During the period from the time that the vacancy occurs until the next election of Trustees, the Mayor shall appoint a qualified person to the office subject to the advice and consent of the Village Board. **(See 65 ILCS Sec. 5/3.1-10-50(B))**

**1-2-5**        **COMMITTEES.** The following standing committees of the Village Board are hereby established, to-wit:

- |     |                     |                        |
|-----|---------------------|------------------------|
| (A) | (1) Finance         | (4) Parks and Building |
|     | (2) Water and Sewer | (5) Street and Alley   |
|     | (3) Police          | (6) Sidewalk and Light |

(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 Sec. 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 Sec. 120/1 and 120/2.06)**

**1-2-6**        **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.

**1-2-7**        **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 Sec. 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.**

**1-2-8**        **MEMBERS REFUSING TO ATTEND.** Any member of the Village Board who shall neglect to or refuse to attend the regular meetings each month of the Village Board without good and sufficient excuse to be passed upon by the Village Board shall not receive compensation for that meeting; provided, however, each member shall be permitted **two (2) absences** per year with pay. **(See 65 ILCS Sec. 5/3.1-40-20)**

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

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

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

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

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

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

(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.** 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, he shall send it to the desk of the Clerk who 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 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 Sec. 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 the close of business on the day preceding the regular Village Board meeting. In the case of matters of emergency which could not have been reasonably foreseen in sufficient time to comply with this section, a revised agenda shall be furnished to each member of the Village Board prior to the opening of the Board meeting. **(See 5 ILCS Sec. 120/2.02)**

**1-2-13 RESERVED.**

**DIVISION III - ORDINANCES**

**1-2-14      ORDINANCES.**

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

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

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

(D)      **Ordinances - Approval-Veto.** All resolutions and motions (1) which create any liability against a 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 approved of them, he shall sign them. Those ordinances, resolutions and motions which the Mayor disapproves shall be returned to the Village Board, with his 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 Sec. 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. If, after reconsideration, **two-thirds (2/3)** of all the Trustees then holding office on the Village Board shall 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 Sec. 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 Sec. 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 Oblong, Ill., Oblong, Ill.**" in the exterior circle, and the word "**Seal**" in the center. **(See 65 ILCS Sec. 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 Sec. 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 Sec. 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 general municipal election in April. **(See 65 ILCS Sec. 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 Sec. 5/3.1-15-15)**

**NOTE: One (1) member may serve on the Library Board. (See 75 ILCS Sec. 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 Sec. 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 Sec. 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 Sec. 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 Sec. 5/3.1-10-40)**

(H) **Conservators of Peace.**

- (1) The Mayor 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 Sec. 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 Sec. 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 Sec. 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.

(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) A person is not eligible for the office of trustee unless that person has resided in the municipality, as the case may be, at least **one (1) year** next preceding the election or appointment. **(See 65 ILCS Sec. 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	\$ 5,000.00
(2)	Village Treasurer	10,000.00
(3)	Village Clerk	10,000.00
(4)	Police Chief	5,000.00
(5)	Office Manager	50,000.00

(B)      **Premium Payment by Village.** The surety bonds required by law shall be paid by the Village. **(See 5 ILCS Sec. 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      TRUSTEES OF VILLAGES.** No member of the board of trustees of any village, during the term of office for which he or she is elected, may accept, be appointed to, or hold any office by the appointment of the Mayor of the Board of Trustees, unless the board member is granted a leave of absence from such office, or unless he or she first resigns from the Board of Trustees, or unless the holding of another office is authorized by law. The board member may, however, serve as a volunteer fireman and receive compensation for that service. Any appointment in violation of this Section is void. **(See 50 ILCS Sec. 105/2)**

**1-2-26      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 provision 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 Sec. 10/2-201 et seq.)**

**1-2-27      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 **Ten Thousand Dollars (\$10,000.00)**, 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.

(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 **Ten Thousand Dollars (\$10,000.00)** 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 Sec. 5/2-2-12, 8-9-1 and 8-9-2)**

**1-2-28 PECUNIARY INTEREST IN CONTRACTS -- PROHIBITION.**

(A) No municipal officer shall be interested, directly or indirectly, in his own name or 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 and consideration of the contract, work, business or sale is paid either from the treasury or by any assessment levied by any statute or ordinance. No municipal officer shall be interested, directly or indirectly, in the purchase of any property which:

- (1) belongs to the municipality, or
- (2) is sold for taxes or assessments, or
- (3) is sold by virtue of legal process at the suit of the municipality.

(B) However, any elected or appointed member of the governing body and any person serving on a municipal advisory panel or commission may provide materials, merchandise, property, services or labor, if:

- (1) the contract is with a person, firm, partnership, association, corporation or cooperative association in which such interested member of the governing body of the municipality or advisory panel or commission member has less than a **seven and one-half percent (7 1/2%)** share in the ownership; and
- (2) in the case of an elected or appointed member of the governing body, such interested member publicly discloses the nature and extent of his interest prior to or during deliberations concerning the proposed award of the contract; and
- (3) in the case of an elected or appointed member of the governing body, such interested member abstains from voting on the award of the contract, though he shall be considered present for the purposes of establishing a quorum; and

- (4) such contract is approved by a majority vote of those members presently holding office; and
- (5) 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
- (6) the award of the contract would not cause the aggregate amount of all such 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)**.

(C) In addition to the above exemption, any elected or appointed member of the governing body and any person serving on a municipal advisory panel or commission may provide materials, merchandise, property, services or labor if:

- (1) the award of the contract is approved by a majority vote of the governing body of the municipality provided that, in the case of an elected or appointed member of the governing body, any such interested member shall abstain from voting; and
- (2) the amount of the contract does not exceed **Two Thousand Dollars (\$2,000.00)**; and
- (3) the award of the contract would not cause the aggregate amount of all such 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)**; and
- (4) in the case of an elected or appointed member of the governing body, such interested member publicly discloses the nature and extent of his interest before or during deliberations concerning present for the purposes of establishing a quorum.

(D) 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 (1) or more members of the governing body being an officer or employee of the public utility company or holding interest if no more than **seven and one-half percent (7 1/2%)** in the public utility company, or holding an ownership interest of any 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 having such an interest shall be deemed not to have a prohibited interest under this Section.

(E) Any officer who violates this Section is guilty of a violation of this Code and in addition thereto any office held by such person so convicted shall become vacant and shall be so declared as part of the judgment of the court.

(F) Nothing contained in this Section, including the restrictions set forth in subsections (B), (C) and (D), shall preclude a contract or deposit of monies, loans or other financial services by a municipality with a local bank or local savings and loan association, regardless of whether a member or members of the governing body of the municipality are interested in such bank or savings and loan association as an officer or employee or as a holder of less than **seven and one-half percent (7 1/2%)** of the total ownership interest. A member or members holding such an interest in such a contract shall not be deemed to be holding a prohibited interest for purposes of this Act. Such interested member or members of the governing body must publicly state the nature and extent of their interest during deliberations concerning the proposed award of such a contract, but shall not participate in any further deliberations concerning the proposed award. Such interested member or members shall not vote on such a proposed award. Any member or members abstaining from participation in deliberations and voting under this Section may be considered present for purposes of establishing a quorum. Award of such a contract shall require approval by a majority vote of those members presently holding office. Consideration and award of any such contract in which a member or members are interested may only be made at a regularly scheduled public meeting of the governing body of the municipality. **(See 65 ILCS Sec. 5/3.1-55-10)**

**1-2-29      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 Sec. 5/3.1-50-5 and 5/3.1-50-6)**

**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 **six (6) months** prior to the general municipal election in which voting is held for those offices.

**1-2-30      CLAIMS.**

(A) **Presentation.** All claims against the Village for goods purchased, damaged, or originating in any other way, except for claims for salaries and other allowances that are fixed by ordinance shall be presented on or before the **twenty-eighth (28th)** of each month to the Village Clerk. All such claims must be in writing and items shall be specified.

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

**1-2-31**      **MUNICIPAL YEAR.** The municipal year shall commence on **May 1<sup>st</sup>** and shall end on the following **April 30<sup>th</sup>**. No appointments shall be made during the last month of the municipal year in the year of a mayoral election.

**1-2-32**      **EXPENSES - REIMBURSEMENT.** Each member of the corporate authorities may receive reimbursement from the municipality for expenses incurred by the member in attending committee meetings of the corporate authorities or for other expenses incurred by the member in the course of performing official duties. **(See 65 ILCS Sec. 5/3.1-50-15(B))**

**1-2-33**      **OFFICIAL RECORDS.** All official records, including the Corporate Seal, shall be kept in the Village Hall.

**1-2-34**      **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.

**1-2-35**      **ILLINOIS MUNICIPAL RETIREMENT FUND.**

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

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

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

**1-2-36 - 1-2-39**      **RESERVED.**

**DIVISION V - MAYOR**

**1-2-40**     **ELECTION.** The Mayor shall be elected for a **four (4) year** term and shall serve until his successor is elected and has qualified. **(See 65 ILCS Sec. 5/3.1-15-5 and 5/3.1-25-15)**

**1-2-41**     **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 Sec. 5/3.1-35-35)**

**1-2-42**     **VACANCY.** If a vacancy occurs in the office of the Mayor 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, the vacancy shall be filled at that general municipal election. The Village Board shall elect one of its members as **"Acting Mayor"** who shall perform the duties and shall possess all the rights and powers of the Mayor until a successor to fill the vacancy has been elected and has qualified. **(See 65 ILCS Sec. 5/3.1-10-50)**

**1-2-43**     **CHIEF EXECUTIVE OFFICER.** The Mayor shall be the chief executive officer of the Village and he shall see to the enforcement of all laws and ordinances. He shall preside over the meetings of the Board of Trustees and perform such duties as may be required of him by statute or law. He shall have supervision over all of the executive officers and Village employees; provided, however, his control is subject to the power of the Village Board to prescribe the duties of various officers and employees. He 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 Sec. 5/3.1-15-10 and 3.1-35-20)**

**1-2-44**     **RESERVED.**

**1-2-45**      **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 official signature.

The Mayor may designate another to affix his 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 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 Sec. 5/3.1-35-30)**

**1-2-46**      **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 Secs. 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 Sec. 105/2)**

**1-2-47**      **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 Sec. 5/3.1-35-10)**

**1-2-48      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.

**1-2-49      FORMAL OCCASIONS.** The Mayor shall act for and on behalf of the Village on formal occasions and receptions, but in his absence or inability to attend any such function, the Mayor may select any other Village officer to so act.

**1-2-50      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 believes expedient. **(See 65 ILCS Sec. 5/3.1-35-5)**

**1-2-51      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.

**1-2-52      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 Sec. 5/4-2)

**1-2-53      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.



**1-2-54**     **DECIDING VOTE - MAYOR.**   The Mayor shall preside at all meetings of the Village Board. He 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 capacity as Trustee, but he shall not be entitled to another vote in his capacity as Acting Mayor or Mayor Pro-tem. **(See 65 ILCS Sec. 5/3.1-45-5)**

**1-2-55**     **RESERVED.**

**DIVISION VI - VILLAGE CLERK**

**1-2-56**     **APPOINTED.** The Village Clerk shall be appointed by the Mayor with the advice and consent of the Village Board for a **four (4) year term** and shall serve until his successor is appointed and has qualified. **(See 65 ILCS Sec. 5/3.1-25-90 and 5/3.1-30-5)**

**1-2-57**     **VACANCY.** Whenever a vacancy in the office of Village Clerk appointed under the statutes occurs during the term, the vacancy shall be filled for the remainder of the term by the appointment of a clerk by the Mayor and with the advice and consent of the Board of Trustees. **(See 65 ILCS Sec. 5/3.1-25-90)**

**1-2-58**     **CLERK'S DUTIES.**

(A)     **Ordinances.** The Village Clerk shall cause all ordinances passed by the Village Board and approved by the Mayor, imposing any fine, penalty 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 Sec. 5/1-2-5)**

(B)     **Minutes; Records.** The Village Clerk or a designated representative 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, he shall make a memorandum of the date of the passage, when published, and a memorandum of the publication of such ordinance. **(See 65 ILCS Sec. 5/3.1-35-90)**

(C)     **Issue Notices.** He 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 Sec. 5/1-2-4, 5/1-2-5 and 5/3.1-35-90)**

**1-2-59**     **OTHER DUTIES.** In addition to the foregoing duties, the Clerk shall perform all such other duties pertaining to his office as are or may be imposed upon him by law or resolution or ordinance of the Village Board. **(See 65 ILCS Sec. 5/3.1-10-40)**

**1-2-60**     **DEPUTY CLERK.** The Village Clerk, when authorized by the Village Board, may appoint the Office Manager or Treasurer as 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 Sec. 5/3.1-30-10 and 5/3.1-10-45 and 5/3.1-35-95)**

**1-2-61      RESERVED.**

**DIVISION VII - VILLAGE TREASURER**

**1-2-62**     **DEPARTMENT ESTABLISHED.** There is hereby established a department of the municipal government of the Village which shall be known as the "**Finance Department**". It shall embrace the Finance Committee and the Treasurer.

**1-2-63**     **TREASURER APPOINTED; VACANCY.** The Treasurer shall be appointed for a **four (4) year term** by the Mayor with the advice and consent of the Village Board and he shall serve until his successor is appointed and has qualified. All vacancies shall be filled in the manner prescribed for the Village Clerk in **Section 1-2-57** of this Chapter. **(See 65 ILCS Sec. 5/3.1-30-5)**

**1-2-64**     **MONEY; WARRANTS; ACCOUNTS; PAYMENTS.** The Village Treasurer shall receive all moneys belonging to this Village and shall pay all warrants signed by the Mayor and countersigned by the Treasurer and not otherwise; and shall keep a separate account of each fund or appropriation and the debits and credits belonging thereto. He 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 he shall file copies of such receipts with the Clerk with his monthly reports. **(See 65 ILCS Sec. 5/3.1-35-40)**

**1-2-65**     **WARRANT REGISTER.** The Treasurer shall keep a register of all warrants redeemed and paid by him 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 he shall cancel all warrants as soon as redeemed by him. **(See 65 ILCS Sec. 5/3.1-35-40 and 5/3.1-35-45)**

**1-2-66**     **PERSONAL USE OF FUNDS.** The Municipal Treasurer shall keep all money belonging to the Municipality and in the Treasurer's custody separate and distinct from the Treasurer's own money and shall not use, either directly or indirectly, the Municipality's moneys 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 Sec. 5/3.1-35-55)**

**1-2-67**     **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 Sec. 5/3.1-10-45)**

**1-2-68      RECORDING BONDS.**

(A)      **Bonds.** He 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 Sec. 5/3.1-35-110)**

(B)      **Outstanding Bonds.** The Treasurer shall keep in his office in a book or books kept expressly for that purpose a correct list of all the outstanding bonds of the Village, showing the number and amount of each, for and to whom the bonds are issued; and when the Village bonds are issued, or purchased, or paid, or cancelled, the book or books shall show that fact; [and in his 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 Sec. 5/3.1-35-110)**

**1-2-69      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 Sec. 5/3.1-35-85)**

**1-2-70      BOOKKEEPING.** The Treasurer shall keep his books and accounts in such a manner as to show with accuracy, all moneys received and disbursed by him 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 his office shall be, at all times, open to examination by the Mayor or the Finance Committee of the Board. **(See 65 ILCS Sec. 5/3.1-35-40)**

**1-2-71      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 Sec. 5/3.1-35-45)**

**1-2-72      REPORTS.** The Treasurer 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 moneys received and warrants drawn by him during the preceding month, showing therein from or what sources and on what account moneys were received, and for what purposes and on what account the warrants were drawn or paid.

**1-2-73      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 moneys received by the Treasurer at the time required by law or by ordinances of the Village.

**1-2-74      YEAR-END REPORT.** Within **six (6) months** after the end of each fiscal year, the Treasurer shall prepare and file annually with the Village Clerk an account of monies received and expenditures incurred during the preceding fiscal year as specified in this Section. The Treasurer shall show the following in such account:

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

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

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

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

Upon receipt of such account from the Village Treasurer, the Village Clerk shall publish the account at least once in one or more newspapers published in the Village. **(See 65 ILCS Sec. 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.]**

**1-2-75      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 his estimates as nearly as may be of moneys necessary to defray the expenses of the corporation during the current fiscal year. He 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, he 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.

He 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, he shall give such other information to the Village Board as he 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 Sec. 5/3.1-35-115)**

**1-2-76      DEPOSIT OF FUNDS.**

(A)      **Designation by Board.** The Treasurer is hereby required to keep all funds and moneys in his custody belonging to the Village in such places of deposit as have been designated by **Section 1-2-75(D)**. When requested by the Treasurer, the corporate authorities shall designate a bank or banks in which may be kept the funds and moneys 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 Municipal 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 Municipal 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 moneys of the municipality deposited with the bank or savings and loan association that exceeds the insurance limitation provided by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation.

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

(D)      Each Municipal Treasurer may:

- (1)      combine moneys 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 moneys of more than one fund of a single municipality or moneys of more than one municipality are combined for investment purposes, the moneys 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 Sec. 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 moneys in his custody belonging to this municipality:

- (1) First National Bank in Olney
- (2) First Financial Bank
- (3) First Robinson Savings Bank NA

**1-2-87      RESERVED.**



**DIVISION VIII - OFFICE MANAGER**

**1-2-78**      **OFFICE CREATED: TERM.** There is hereby created the office of Office Manager, an executive office of the Village, who shall hereinafter be referred to as "**Manager**". The Office Manager shall report directly and be under the supervision and take direction from the Mayor. The Office Manager shall be appointed by the Mayor with the advice and consent of the Village Board for a term of **four (4) years**.

**1-2-79**      **CRITERIA FOR OFFICE.** The Office Manager shall be appointed on the basis of education and professional ability. The appointment shall be made without regard to political considerations, race, religion, age or sex. The successful candidate need not be a resident of the Village.

**1-2-80**      **SALARY.** The Office Manager shall receive a salary as provided for by the annual appropriation ordinance.

**1-2-81**      **DUTIES OF OFFICE MANAGER.**

(A)            Oversee the day-to-day operations of the Village and direct clerical staff to perform tasks which provide for the effective and efficient operation of the department. Recommend course of action to the Mayor's office which will enhance or increase productivity within feasible financial constraints of the Village.

(B)            **Payroll.** The Manager shall prepare the Village payroll for all persons who are employed by the Village.

(C)            **Payments.** The Manager shall prepare weekly an itemized list of all moneys received and shall deliver a copy of the same to the Village Treasurer and shall also pay over to the Treasurer, all moneys received by him and take a receipt therefor.

(D)            **Warrant Register.** The Manager shall keep an accurate register of warrants drawn upon the Treasury, specifying the date, to whom payable, the amount, and the particular fund or appropriation to which the same is chargeable.

(E)            **Finance Committee.** The Manager shall, under the direction of the Committee on Finance, open and keep a complete set of books, in which, among other things, shall be set forth the appropriations and budget amounts of the fiscal year for which each distinct object and branch of expenditures, and also the receipts from each and every source of revenue so far as he can ascertain the same.

(F)            **License Plates.** 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 from the Manager, plates, tags or stickers, it shall be the duty of the Office Manager to deliver such plates, tags or stickers to the person paying the license fee.

(G)           **Reports.**   The Manager shall make such reports regarding delinquent special assessments as are required by statute, and shall make a monthly report to the Board of Trustees, showing what money has been received and the source thereof. The Manager shall also make an annual report during the last month of the fiscal year, showing all activities of the Manager's office.

**1-2-82       INSURANCE.**   The Manager provides for the maintaining and filing of various insurance premiums, claims and records necessary to operate efficiently and effectively the Village's insurance programs, which have been accepted and approved for use by the Village Board. Such records shall be maintained within the Corporate office of the Village.

**1-2-83       RECORDS.**   The Manager shall maintain an accurate record of accounts of the Village's funds on hand and as relative to budgetary and appropriation amounts and serve as coordinator of such reports between the offices of the Administrator, Clerk and Treasurer. Such records shall be available once a month or for inspection or at a lesser time period as prescribed by the Village Board.

**1-2-84       OFFICE MANAGER.**   The Manager shall assist the Village Clerk in the performance of duties as set forth in **Division VI** of this Chapter.

**1-2-85       OTHER DUTIES.**   The Manager may perform other duties as assigned to him by the Mayor or the Village Board.

**1-2-86 - 1-2-87   RESERVED.**

**DIVISION IX - JUDICIARY**

**1-2-88**      **APPOINTMENT OF ATTORNEY.** The Attorney shall be appointed by the Mayor, by and with the advise and consent of the Village Board for the term of **one (1) year**, unless sooner removed for cause, and until his 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 compensation at an hourly rate plus reimbursement for expenses incurred, and shall receive reasonable fees for other services rendered when, in his or her judgment, or in the judgment of the Mayor or Village Board, the same are necessary or are in the best interests of the Village. **(See 65 ILCS Sec. 5/3.1-30-5) (Ord. No. 98-406; 12-03-98)**

**1-2-89**      **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 with certified copies of any ordinance, bond or paper in his keeping necessary to be filed or used in any suit or proceedings.

(B)      **Preparation of Ordinances.** He 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 he shall draw such ordinances, bonds, forms and contracts, or examine and pass upon the same, as may be required of him by the Mayor, the Village Board, or any committee thereof.

(C)      **Judgments.** He shall direct executions to be issued upon all judgments recovered in favor of the Village, and he shall direct their prompt service. He 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.** He 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.** He shall not be required to prosecute any suit or action arising under the ordinances of the Village when, upon investigation of the same, he shall become satisfied that the complaint was instituted maliciously, vexatiously, or without just cause; and he shall dismiss or discontinue any such suit or proceeding upon such terms as he may deem just or equitable.

(F)      **Collection of Taxes.** He 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. He shall perform all legal services as may be required for those boards and commissions.

**1-2-90 - 1-2-93**      **RESERVED.**

**DIVISION X - VILLAGE ENGINEER**

**1-2-94 APPOINTMENT.** With the advice and consent of the Village Board, the Mayor may appoint an engineer for the Village, who shall serve for the term of the Mayor or for such period not exceeding the term of the Mayor, as may be designated by the Mayor and Village Board.

**1-2-95 DUTIES - SALARY.** The Village Engineer shall make and submit plans, estimates and specifications for any public work which may be proposed or ordered by the Village Board. He shall also examine all public works under his charge and see that the plans, estimates and specifications for the same are properly executed. He shall also receive a salary as established in the annual budget. **(See 65 ILCS Sec. 5/3-7-6)**

**1-2-96 - 1-2-97 RESERVED.**

**DIVISION XI - SUPERINTENDENT OF PUBLIC WORKS**

**1-2-98**     **OFFICE CREATED.**     There is hereby created the office of Superintendent of Public Works, an executive office of the Village. The Superintendent shall be appointed by the Mayor, with the advice and consent of the Board of Trustees. **(See 65 ILCS Sec. 5/3.1-30-5)**

**1-2-99**     **STREETS.**     The Superintendent shall have charge of the construction and care of all public streets, alleys, and driveways in the Village, and with keeping the same clean. He shall see to it that all gutters and drains therein function properly and that the same are kept free from defects.

**1-2-100**    **LIGHTING.**    The Superintendent shall supervise the lighting of the public streets and alleys, and shall keep the lighting system in efficient operation and good repair.

**1-2-101**    **DEPARTMENT EMPLOYEES.**    All officers or employees assigned to the Water, Sewer and Streets Department shall perform their duties subject to the orders and under the supervision of the Superintendent.

**1-2-102**    **PROPERTY CUSTODIAN.**    The Superintendent shall be the custodian of all property of the Village which is not assigned to the care or custody of any other officer.

**1-2-103 - 1-2-105**     **RESERVED.**

**ARTICLE III - SALARIES**

**1-3-1**        **SALARIES OF VILLAGE OFFICIALS.** The following salaries are hereby established for elected Village Officials:

(A)        **Mayor.** The Mayor shall receive **Two Hundred Fifty Dollars (\$250.00)** per month. **[This salary shall apply from and after the Municipal election in the year 2005.]**

(B)        **Trustees.** The Village Trustees shall receive **One Hundred Twenty-Five Dollars (\$125.00)** per month. **[This salary shall apply to all Trustees elected in the 2005 Municipal elections.]**

**(Ord. No. 04-474; 10-06-04)**

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

**[ED. NOTE: The salaries of elected officials who hold elective office for a definite term shall neither be increased nor diminished during that term and shall be fixed at least six (6) months before to a general municipal election in which voting is held for those offices.]**

**ARTICLE IV - MANAGEMENT ASSOCIATION**

**1-4-1**      **PARTICIPATION.** The Village Board of Trustees does hereby authorize and approve membership in the Illinois Municipal League Risk Management Association and directs the President 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.

**1-4-2**      **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 V – INVESTMENT POLICY**

**1-5-1**        **SCOPE OF INVESTMENT POLICY.** This Investment Policy applies to the investment activities of all funds of the Village, and all funds under the control of the Treasurer. This Investment Policy would also apply for any new funds or temporary funds that are placed under the jurisdiction of the Treasurer or those mentioned above.

**1-5-2**        **OBJECTIVES OF INVESTMENT POLICY.** The purpose of the Investment Policy is to establish cash management and investment guidelines for the stewardship of public funds. Specific objectives include:

- (A)            Safety of principal is the foremost objective of the Investment Policy.
- (B)            The Treasurer and Finance Committee may diversify investments to avoid incurring unreasonable risks.
- (C)            The Treasurer’s investment portfolio shall remain sufficiently liquid to meet all operating requirements which may be reasonably anticipated.
- (D)            The Treasurer shall maintain a policy of receiving the highest interest rate possible per investment on any given day.
- (E)            In managing its interest investment portfolio the Treasurer shall avoid any transaction that might impair public confidence in the government; for the Village of Oblong.

**1-5-3**        **RESPONSIBILITY FOR THE INVESTMENT PROGRAM.** All investment of funds under the control of the Treasurer is the direct responsibility of the Treasurer. She shall be responsible for all transactions taken and she shall establish a system of controls of the activities of any subordinates who are directly involved in the assistance of such investment activities.

**1-5-4**        **CASH MANAGEMENT.** The Treasurer realizes there is a time value to money, therefore, idle cash may be invested for a period on **one (1) day** or in excess of a year, depending on when the money is needed. The main objective of the Treasurer’s cash management procedure is to comply with **Illinois Compiled Statutes**. When deposits of monies become collected funds and are not needed for immediate disbursement, they shall be invested at prevailing rates or better in accordance with State law.

**1-5-5**        **ACCOUNTING.** All investment transactions shall be recorded by the Treasurer. A report will be generated, at least monthly, listing all active investments, location of investment, duration of investment, interest rate, and other deemed necessary by the Treasurer. This report will be made available to all members of the Board and a copy will be put on permanent file in the offices of the Treasurer and the Village’s Auditor. A copy of the



investment report will also be mailed to all financial institutions who are currently a part of the Treasurer's investment portfolio.

Any or all of these reports will be available for inspection upon request by any individual in accordance with the Freedom of Information Act.

**1-5-6 FINANCIAL INSTITUTIONS.** It will be the sole responsibility of the Board of Trustees to select which financial institutions will receive funds under their jurisdiction. The Board will take into consideration size, location, state of condition, and service fees when making the choice of financial institutions when investing funds.

**1-5-7 COLLATERAL.** The Treasurer for the Village will see that all investments are pledged with sufficient securities.

At all times the County Treasurer will comply with Illinois law regarding which institution in which she may or may not invest and at no time will she invest without requirement of **one hundred (100)** or **one hundred ten percent (110%)** collateralizations.

**1-5-8 INVESTMENT SELECTION.** Investments may be made in any type of security allowed under Illinois law and listed in the **Illinois Compiled Statutes**.

All investments shall be selected on the basis of competitive bids whenever practice. Investments made outside the geographical boundaries of the Village will always be made at a higher interest rate than could be received within those boundaries. All investments will be made within the boundaries of the State of Illinois with the exception of investing in U.S. Treasuries and Government Agencies or mutual funds consisting of U.S. Treasury Bills, Notes and Bonds; if that is the Board's desire.

**1-5-9 INTERNAL CONTROLS.** The Treasurer and Board of Trustees shall establish any Internal Controls deemed necessary to prevent losses of public funds arising from fraud, employee error, misrepresentation by third parties, unanticipated changes in financial markets, or imprudent actions. One requirement of internal control is timely reconciliation of all investment and accounts under the jurisdiction of the Treasurer's Office. Reconciliation shall be performed on a monthly basis and shall be completed no later than **thirty (30) days** after the end of the monthly cycle.

**1-5-10 INDEMNIFICATION.** The standard of prudence to be used by the Village Treasurer shall be the "prudent person" standard which states:

“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 possible income derived.”

The above standard is established as the standard for professional responsibility and shall be applied in the context of managing the Village’s overall portfolio.

**1-5-11**      **AMENDMENT.** This policy shall be reviewed from time to time and any changes deemed necessary shall be made by the Treasurer in accordance with the Village’s Finance Committee.

**(Ord. No. 99-408; 02-03-99)**

**ARTICLE VI – ETHICS CODE**

**1-6-1 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 as any employee of the Village, is hereby prohibited.

(C) The offering or making of gifts prohibited under the Act, by any officer or employee of the Village under the Act 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 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 ordinance or policies are less restrictive than this Section, however, the provisions of this Section shall prevail in accordance with 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 prohibit 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. The Section shall be deemed repealed within 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 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 and without further action by the corporate authorities of the Village.

**(Ord. No. 04-467; 05-05-04)**

CHAPTER 3

ANIMALS

ARTICLE I - GENERAL REGULATIONS

**3-1-1**      **DEFINITIONS.**

**"ANIMAL"** shall mean any animal, other than man, which may be affected by rabies.

**"ANIMAL CONTROL WARDEN"** means any person appointed by the Mayor and approved by the Village Board to perform duties as assigned by the Mayor to effectuate this Code.

**"AT LARGE"**. Any dog shall be deemed to be at large when it is off the property of his 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.

**"DEPARTMENT OF AGRICULTURE"** means the Department of Agriculture of the State of Illinois.

**"DOG"**. Whenever "dog" is used in this Code it shall include any canine, female as well as a male dog, regardless of age.

**"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.

**"INOCULATION AGAINST RABIES"** means the injection of an anti-rabies vaccine approved by the Department.

**"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.

**"OWNER"**. For the purpose of this Code, the word "owner" means a person having a right of property in a dog or who keeps or harbors a dog, or who has a dog in his care, or who acts as its custodian, or who knowingly permits a dog to remain on or about any premises occupied by him.

**"RESTRAINT"**. A dog is under "restraint" within the meaning of this Code if he is controlled by a leash; at "heel" beside a responsible person; within a 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 inches (2")** 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.

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

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

**3-1-2 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.

**3-1-3 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.

**3-1-4            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.

**3-1-5            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 3-1-1. (See 65 ILCS Sec. 5/11-5-6)**

**3-1-6            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 licensing authority may 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.

**3-1-7 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.

**3-1-8 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 3-1-1.**

(B) **Limitation; Exception.**

(1) It shall be unlawful for any person or persons to keep more than **five (5) dogs** and/or **five (5) 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 feet (200')** to the boundary of the nearest adjacent residential lot.

**3-1-9 ANIMALS, ETC. IN VILLAGE.**

(A) **Certain Prohibitions.** Except as otherwise provided in this Chapter no person shall keep within the Village any cattle, cows, equine, sheep, swine, goats, chickens, ducks, turkeys, geese, rabbits, or other livestock.

(B) **Exceptions.** Subparagraph (A) of this Section shall not apply in the following instances:

(1) To the Crawford County Fair and such other events of a short duration where animals are judged and shown.

(2) The keeping, by a person under the age of **twenty-one (21) years**, of up to **six (6)** adult rabbits or poultry for the purpose of participating in a 4-H project or similar projects. An adult

shall be defined as an animal over the age of **three (3) months**. Prior to the time that a person shall keep such rabbits or poultry under this Section, that person shall be required to make application to the Village therefore on forms prescribed by the Village, which shall require the applicant to detail the facility in which such animals are to be kept and a plan of sanitation so as to protect public safety and health, and the Village shall issue a permit to that person for the keeping of such animal or animals. No fee shall be required for such permit.

- (3) The keeping of such animals that are permanently being kept in the Village on the date of the adoption of this Section, provided, however, that in the event of the death or removal of such animal from the Village for a continuous period in excess of **thirty (30) days**, then neither such animal, nor any replacement animal shall be allowed to be within the Village. Any person or persons keeping such animal in the Village shall be required to secure a permit from the Village within **thirty (30) days** from the date of the adoption of this Section, and shall make application therefore on forms prescribed by the Village, which shall require the applicant to detail the facility in which such animal or animals are kept and a plan of sanitation so as to protect public safety and health. The application hereunder shall be accompanied by a consent executed by the adult residents directly adjacent or adjoining the facility in which such animal or animals are proposed to be kept which shall include those residents across a street or alley. In the event such application is not accompanied by that consent, then a permit shall be issued upon motion of the Board of Trustees. A fee of **Twenty-Five Dollars (\$25.00)** shall accompany the application for such permit.

(C) **Powers of Police Chief.** The police chief shall have the power to issue an order prohibiting the keeping of any animal, fowl, or bird which is deemed to pose a safety or health hazard to the general public.  
**(Ord. No. 04-464; 02-04-04)**

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



**ARTICLE II - DOGS**

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

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

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

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

**3-2-3**        **INOCULATION TO BE PERFORMED BY LICENSED VETERINARIAN; ISSUANCE OF CERTIFICATE.**

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

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

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

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

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

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

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

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

**3-2-9      NOTICE AND CITATION TO OWNER OR KEEPER OF IMPOUNDMENT.**

In case of impounding and where the owner or keeper of such dog is disclosed by any tax or license tag worn by it or is otherwise known to the officers impounding the same, the designated official shall make reasonable attempts to contact the owner, informing him of the impounding of his dog and shall cite the owner or keeper of such dog to answer charges of violation of this Chapter.

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

**3-2-11 IMPOUNDMENT OF DOGS WHICH HAVE BITTEN PERSONS.**

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

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

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

**3-2-13 REDEMPTION OF IMPOUNDED ANIMALS.** The owner of any animal impounded under this Chapter may redeem the same by paying all the costs and charges assessed, if any, that have accrued up to the time of making redemption and on paying the same; it shall be the duty of the authorities to release the animal from the pound and deliver it to its owner, or certify the release thereof to any County authority having possession of the animal.

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

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

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

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

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

**ARTICLE III - VICIOUS AND DANGEROUS DOGS**

**3-3-1** **DEFINITIONS.** For purposes of this Article:

(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"** means any individual dog which when either unmuzzled, unleashed, or unattended by its owner, or a member of its owner's family, in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack upon streets, sidewalks, or any public grounds or places.

(C) **"Enclosure"** means a fence or structure of at least **six (6) feet** in height, forming or causing an enclosure suitable to prevent the entry of young children, and suitable to confine a vicious dog in conjunction with other measures which may be taken by the owner or keeper, such as tethering of a vicious dog within the enclosure. Such 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.

(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 Administrator, an 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 paragraph (1) of Subsection (A) and, based on that finding, the

- Administrator, an Animal Control Warden, or the Director 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 paragraph (1) of Subsection (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.

**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 **seven (7) 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 Administrator, an Animal Control Warden, or the Director approves the enclosure as defined in this Section.

No owner or keeper of a vicious dog shall sell or give away the dog.

**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, an 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 Administrator of changes of address. In the case of a sentry or guard dog, the owner shall keep the Administrator advised of the location where such dog will be stationed. The Administrator 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.

**3-3-5      INJUNCTION.** The Administrator, the Village Attorney, or any citizen of the Village in which a dangerous 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. **(See 510 ILCS Sec. 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. **(See 510 ILCS Sec. 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 Administrator, 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. **(See 510 ILCS Sec. 5/17)**

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

**(See also 510 ILCS Sec. 5/24)**

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 or own or be employed by a business within the jurisdictional limits of the zoning ordinance of the Village, appointed by the Mayor on the basis of their particular fitness for their duty on the Plan Commission and subject to the approval of the Village Board.

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

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

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

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



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

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

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

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

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

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

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

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

**4-1-6 LAND SUBDIVISION OR RE-SUBDIVISION AND THE OFFICIAL MAP.** At any time or times before or after the formal adoption of the official comprehensive plan by the corporate authorities, an official map may be designated by ordinance, which may consist of the whole area included within the official comprehensive plan or one or more geographical or functional parts and may include all or any part of the contiguous unincorporated area within **one and one-half (1 1/2) miles** from the corporate limits of the Village. All requirements for public hearing, filing notice of adoption with the County Recorder of Deeds and filing of the plan and ordinances, including the official map with the Clerk shall be complied with as provided for by law. No map or plat of any subdivision or re-subdivision presented for record affecting land within the corporate limits of

the Village or within contiguous territory which is not more than **one and one-half (1 1/2) miles** beyond the corporate limits shall be entitled to record or shall be valid unless the subdivision shown thereon provides for standards of design and standards governing streets, alleys, public ways, ways for public service facilities, street lights, public grounds, size of lots to be used for residential purposes, and distribution, sanitary sewers, and sewage collection and treatment in conformity with the applicable requirements of the Code, including the official map. **(See 65 ILCS Sec. 5/11-12-12)**

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

**4-1-8**            **EXPENDITURES.**    Expenditures of the Commission shall be at the discretion of the Village Board and if the Commission shall deem it advisable to secure technical advice or services, it shall be done upon authority of the Village Board and appropriations by the Village Board therefor.

**(See 65 ILCS Sec. 5/11-12-4 and 5/11-12-12)**

**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 Municipal 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. Unless otherwise provided, the annual license of **Ten Dollars (\$10.00)** per business shall be effective **May 1, 1998**.

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

The Clerk shall notify all licensees of this municipality of the time of expiration of the license held by the licensee (if an annual), **three (3) weeks** prior to the date of such expiration. Provided, however, that a failure to make such notification or the failure of the licensee to receive it shall not excuse the licensee from the obligation to obtain a new license 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.

**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.

**7-1-9 LOCATION.** No license for the operation of a business or establishment in this municipality shall be construed to permit the operation of a licensed business or establishment in more than **one (1) location** in this municipality; a separate license shall be required for each location of a licensed establishment. For the purpose of this Code, the existence of a single location shall be evidenced by the fact that all buildings containing the principal or accessory uses shall be connected or shall be located on the same lot or parcel; shall be operated and managed by the same person or owner; and shall be an establishment with the same classification.

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

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

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

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

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

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

**7-1-10.3 REFUSE DISPOSAL.**

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

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

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

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

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

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

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

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

**7-1-11.3 HEAT REQUIRED.**

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

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

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

**7-1-12 INSPECTIONS.**

(A) Whenever inspections of the premises for or in connection with the operation of a licensed business or occupation are provided for or required by ordinance or are reasonably necessary to assure compliance with the provisions of any ordinance or regulation

of this municipality, or to detect violations thereof, it shall be the duty of the licensee or the person in charge of the premises to admit thereto, for the purpose of making the inspection, any officer or employee of this municipality who is duly authorized to make such inspection at any reasonable time that such admission or entry is requested.

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

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

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

**7-1-13.1      NUISANCE.** When the conduct or operation of any business or establishment, whether or not licensed, shall constitute a nuisance in fact and a clear and present danger to the public health, safety or general welfare, the Mayor shall be authorized to summarily order the cessation of business, the closing of the premises, and the suspension of any license or permit for a period not to exceed **ten (10) days.**

**7-1-13.2      HEARING.** Within **eight (8) days** after he has so acted, the Mayor shall call a hearing for the purpose of determining whether or not the license or permit should be revoked.

**7-1-13.3      REVOCATION.** Licenses and permits issued in this municipality, unless otherwise provided, may be revoked by the Mayor after notice and hearing as provided in **Subsections 7-1-13.4** and **7-1-13.5** of this Section for any of the following causes:

- (A) Any fraud, misrepresentation or false statement contained in the application for the license or permit;
- (B) Any violation by the licensee or permittee of Code provisions relating to the license or permit, the subject matter of the license or permit, or the premises occupied;
- (C) Conviction of the licensee or permittee of any felony or of a misdemeanor involving moral turpitude;



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

(E) Refusal to permit an inspection or sampling, or any interference with a duly authorized officer or employee in the performance of his duties in making such inspections, as provided in **Section 7-1-12**.

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

**7-1-13.4 HEARING NOTICE.** Notice of the hearing for revocation of a license or permit shall be given in writing setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be sent by certified mail [return receipt requested] to the licensee or permittee at his last known address at least **five (5) days** prior to the date set for the hearing.

**7-1-13.5 COUNSEL.** At the hearing, the attorney for the municipality shall present the complaint and shall represent the municipality. The licensee or permittee shall be permitted counsel and shall have the right to submit evidence and cross-examine witnesses. The Mayor shall preside and shall render the decision.

**7-1-14 APPEAL.** Any person aggrieved by the decision of the Mayor regarding the denial of an application for a business license as provided in **Section 7-1-4** or in connection with the revocation of a license or permit as provided in **Section 7-1-13** shall have the right to appeal to the Village Board. Such appeal shall be taken by filing with the Clerk, within **ten (10) days** after notice of a denial of an application or a revocation of a license or permit, a written statement under oath setting forth specifically the grounds for appeal. The Mayor shall thereupon set the time and place for a hearing on such appeal and notice of such hearing shall be given to the applicant or licensee or permittee in the same manner as provided in **Section 7-1-13** hereof. The decision of the Village Board on such appeal shall be final.

**7-1-15 LICENSE TO BE POSTED.** It shall be the duty of every person conducting a licensed business in this municipality to keep his license posted in a prominent place on the premises used for such business at all times.

**7-1-16 BUSINESS VEHICLE STICKER.** Whenever the number of vehicles used is the basis in whole or in part for a license fee, the Clerk shall furnish the licensee with a tag or sticker for each vehicle covered by the license and such tag or sticker shall be posted or affixed in a conspicuous place on each business vehicle.

**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 prospective customers for application or purchase of insurance of any type, kind or character or;
- (C)            Seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication or;
- (D)            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 municipality 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. If no determination is made as is provided in Section 7-2-7 hereof, then in that event, registration is not required

**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 four inches (3" x 4")** 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 inch (1/3")** in height. For the purpose of uniformity, the cards shall be provided by the Chief of Police to persons requesting the same, at the cost thereof.

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

**7-2-7**        **COMPLIANCE BY SOLICITORS.** It is the duty of every solicitor upon going onto any premises in this municipality upon which a residence as herein defined is located to first examine the notice provided for in **Section 7-2-6** if any is attached and be governed by the statement contained on the notice.

If the notice states "**ONLY REGISTERED SOLICITORS INVITED,**" then the solicitor not possessing a valid Certificate of Registration as herein provided for shall immediately and peacefully depart from the premises; and if the notice states, "**NO SOLICITORS INVITED,**" then the solicitor, whether registered or not shall immediately and peacefully depart from the premises.

Any solicitor who has gained entrance to any residence, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant.

**7-2-8**        **UNINVITED SOLICITING PROHIBITED.** It is declared to be unlawful and shall constitute a nuisance for any person to go upon any premises and ring the doorbell upon or near any door, or create any sound in any other manner calculated to attract the attention of the occupant of such residence for the purpose of securing an audience with the occupant thereof and engage in soliciting as herein defined, in defiance of the notice exhibited at the residence in accordance with the provisions of **Section 7-2-6.**

**7-2-9**        **TIME LIMIT ON SOLICITING.** It is hereby declared to be unlawful and shall constitute a nuisance for any person, whether registered under this Chapter or not, to go upon any premises and ring the doorbell upon or near any door of a residence located thereon, or rap or knock upon any door or create any sound in any other manner calculated to attract the attention of the occupant of such residence for the purpose of securing an audience with the occupant thereof and engage in soliciting as herein defined, prior to **10:00 A.M. or after 5:00 P.M.** of any weekday 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 Sec. 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:**                    **\$10.00 per person per day.**
- (B) **Annual License:**                **\$50.00 per person per year.**

**(See 65 ILCS Sec. 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.** of any weekday 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 solicitors, 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 EXCLUSIONARY PROVISION.** 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:**                    **\$10.00 per person per day**

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

**(See 65 ILCS Sec. 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, pin-ball 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 a citizen of the United States.

(B) Any person who is not of good character and reputation in the community.

(C) 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.

(D) Any person whose license issued under this Chapter has been revoked for cause.

(E) Any partnership, unless all of the members of the partnership are qualified to obtain such license.

(F) 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.

(G) 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.

(H) Any person who does not own the premises for which a license is sought, or does not have a lease therefor for the full period for which the license is to be issued.

**7-4-5**      **FEES.** The annual fee for such license shall be **Twenty-Five Dollars (\$25.00) per year** or part thereof for each coin-operated amusement device set up for operation, leased or distributed to a proprietor.

(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        PLACEMENT; GAMBLING PROHIBITED.**

(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.

**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.

**(See 65 ILCS Sec. 5/11-55-1)**

**ARTICLE V - JUNK DEALERS**

**7-5-1      DEFINITIONS.**

**"JUNK"** as used in this Chapter shall be held to mean and include scrap and old iron, steel, chain, brass, copper, magnesium, aluminum, tin, lead or other base metals, scrap lumber, old rope, old bags, rags, waste paper, paper clippings, scraps of woolens, clips, bagging, rubber and glass, and empty bottles of different kinds or sizes when the number of each kind or size is less than **one (1) gross**, any wrecked or dilapidated motor vehicle, engine, or machinery received, stored or held for more than **ninety (90) days**, and all articles and things discarded or no longer used as a manufactured article composed of or consisting of any **one (1)** or more of the materials or articles herein mentioned.

**"JUNK DEALER"** as used in this Chapter shall be held to mean and include every person, firm, partnership, or corporation that shall engage in the business of buying, selling, bartering or exchanging, or shall collect, receive, store or hold in possession for sale, barter or exchange, any of the things in and by this section defined as "junk".

**"JUNK YARD"** as used in this Chapter shall be held to mean and include the premises on which a junk dealer is engaged in the business of buying, selling, bartering, exchanging, or collecting, receiving, storing or holding in possession for sale, barter, or exchange, any of the things in and by this section defined as "junk"  
**(Also see Chapter 24, Article IV and Chapter 25, Articles I and III)**

**7-5-2      PHYSICAL REQUIREMENTS.**      The minimum physical requirements at all times for each junk yard shall be as follows:

(A)      The premises where the junk yard is located shall not have more than **two (2) entrances** thereto and **two (2) exits** therefrom, each of which shall not exceed **fifteen feet (15')** in width at the perimeter of the premises.

(B)      The premises where the junk yard is located shall be enclosed on its perimeter with a solid, non-transparent, vertical wall or fence of a minimum height of **seven feet (7')** measured from ground level, excepting for the entrances and exits permitted by paragraph (A) above.

(C)      The aforesaid solid, non-transparent wall or fence and the gates or doors, if any, at the aforesaid entrances and exits shall not contain any sign, poster or advertising matter of any kind whatsoever, excepting **one (1) sign** of the licensee thereon not exceeding **one hundred (100) square feet** in size.

(D)      The public streets and alleys adjacent to the junk yard shall not have junk thereon.

**7-5-3**        **LICENSE REQUIRED.** It shall be unlawful for any person to keep, maintain, conduct or operate a junk yard within the corporate limits of the Village without first obtaining a license to do so as herein provided. A separate license shall be secured for each junk yard located on non-contiguous lots, blocks, tracts or parcels of land.

**7-5-4**        **APPLICATION.** Before any license under the provisions of this Section is issued, any person desiring to operate a junk yard in this Village shall first make a verified application in writing to the Clerk in the absence of provision to the contrary, stating thereon the full name of the applicant, his residence address, the trade name of the applicant, the legal description of the premises where the junk yard is to be located, the size and approximate location of each entrance thereto and exit therefrom, whether or not the premises where the junk yard is to be located is enclosed on its perimeter with a solid, non-transparent wall or fence of a minimum height of **seven (7) feet**, measured from ground level, excepting the entrances and exits, and whether or not the public streets and alleys adjacent to the premises where the junk yard is to be located have junk thereon. If the applicant is a firm of partnership, the names and residence addresses of all the partners and in the case of a corporation, the names and residence addresses of the president and secretary shall be stated in the application.

**7-5-5**        **DISQUALIFICATION.** Any applicant for a license to keep, maintain, conduct or operate a junk yard shall be disqualified for any of the following reasons:

- (A)            Not a person of good character.
- (B)            Falsification of an application for a license hereunder.
- (C)            License for a junk yard theretofore issued to the applicant has been revoked during the preceding **twenty-four (24) months.**
- (D)            Failure to meet any one of the minimum physical requirements for a junk yard as specified in **Section 7-5-2** hereof.

**7-5-6**        **LICENSE.** Any and all licenses issued hereunder shall state that such license is issued in the name of the junk dealer solely for the purpose of keeping, maintaining, conducting and operating a junk yard, the expiration date thereof, the legal description of the premises where the junk yard is to be located, that the license shall be used and the privileges thereof exercised only at the described premises, and that such license is non-assignable and non-transferable.

Such license shall further provide that it is issued subject to all the provisions of this Chapter; that upon the first conviction for a violation of any of the provisions of this Chapter, in addition to the fine, such junk yard shall remain closed for a period of **thirty (30) days**; that upon the second conviction for a violation of any of the provisions of this Chapter, such license shall become null and void, and the licensee shall forfeit all sums paid for such license, and that the licensee, by the acceptance of such license expressly agrees to all the terms and conditions thereof, and to the terms and provisions of this section and all amendments thereto.

**7-5-7**        **LICENSE FEE.** The annual license fee for each junk yard shall be **Two Hundred Dollars (\$200.00)** payable in advance with the filing of the application for license, and shall not be subject to prorata reduction for a portion of the year, either because of the application for or because of revocation of a license; provided, however, that only **one (1)** annual license fee shall be payable for licenses which may be issued whenever the applicant desires to keep, maintain, conduct or operate junk yards on lots, blocks, tracts, or parcels of land which are situated on directly opposite sides of and abut upon each side of a public street or alley. Where such place of business is not located in the Village, but the operator carries on the business of buying or collecting or bartering for the items heretofore enumerated within the Village, the annual fee shall be **Two Hundred Dollars (\$200.00)** for each junk dealer. The fee is payable as provided in this Code.

**7-5-8**        **MINORS.** No licensee hereunder shall purchase or receive any article whatsoever from any minor, without the written consent of their parents or guardians.

**(See 65 ILCS Sec. 5/11-42-3)**

**ARTICLE VI – RESERVED**

**ARTICLE VIII – FIREWORKS CODE**

**7-8-1**        **DEFINITIONS.** As used in this Article, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

**Common Fireworks:** Any fireworks designed primarily to produce visual or audible effects by combustion.

(A)            The term includes:

- (1)        Ground and hand-held sparkling devices, including items commonly known as dipped sticks, sparklers, cylindrical fountains, cone fountains, illuminating torches, wheels, ground spinners, and flutter sparklers;
- (2)        Smoke devices;
- (3)        Fireworks commonly known as helicopters, aerials, spinners, roman candles, mines and shells;
- (4)        Class C explosives classified as common fireworks by the United States Department of Transportation, by regulations found in the Code of Federal Regulations.

(B)            The term does not include fireworks commonly known as firecrackers, salutes, chasers, skyrockets, and missile-type rockets.

**Dangerous Fireworks:** Any fireworks not defined as a “common firework”.

**Fireworks:** Any composition or device, in a finished state, containing any combustible or explosive substance for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, and classified as common or special fireworks.

**Special Fireworks:** Any fireworks designed primarily for exhibition display by producing visible or audible effects. The term includes:

(A)            Fireworks commonly known as skyrockets, missile-type rockets, firecrackers, salutes, and chasers; and

(B)            Fireworks not classified as common fireworks.

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



**7-8-3 POSSESSION, USE AND DISCHARGE OF DANGEROUS FIREWORKS UNLAWFUL.** It is unlawful for any person to sell, possess, use, transfer, discharge or explode any dangerous firework within the Village; provided that this prohibition shall not apply to duly authorized public displays.

**7-8-4 PERMIT REQUIRED TO SELL OR DISPLAY FIREWORKS.** It is unlawful for any person to engage in the retail sale of or to sell fireworks or to hold, conduct, or engage in a public display of fireworks within the Village without first having obtained a valid permit issued pursuant to the provisions of this Article.

**7-8-5 TIME LIMIT SET ON SALE AND USE.** No permit holder shall offer for retail sale or sell any fireworks within the Village except from **12:00 Noon** on the **28<sup>th</sup> of June** to **12:00 Noon** on the **6<sup>th</sup> of July** of each year. No fireworks may be sold or discharged between the hours of **11:00 P.M.** and **9:00 A.M.** Provided, the sale and use of fireworks as provided in this Section shall be limited to the following:  
Dipped stick, sparklers and smoke devices.

**7-8-6 PERMIT FEES.** The annual fee for a "seller's permit" for the sale of fireworks as may be authorized under this Article, shall be **One Hundred Dollars (\$100.00)** per year for each seller's permit, payable in advance. The fee for a "public display permit" for the public display of fireworks shall be **One Hundred Dollars (\$100.00)**, payable in advance, unless waived by the Village Board.

**7-8-7 ISSUANCE – NONTRANSFERABLE VOIDING.**  
(A) **Sellers.** Each seller's permit issued under this Article shall be for only one retail outlet. The number of seller's permits shall not be limited as long as all conditions are met as stated in **Section 7-8-11** of this Article. Each seller's permit issued pursuant to this Article shall be valid only for the current year, shall be used only by the designated permittee and shall be nontransferable.

(B) **Public Display Permit.** Each public display permit issued pursuant to this Article shall be valid for the specific authorized public display event only, shall be used only by the designated permittee and shall be nontransferable. Any transfer or unauthorized use of a permit is violation of this Article and shall void the permit granted in addition to all other sanctions provided in this Article.

**7-8-8      APPLICATION FOR PUBLIC DISPLAY PERMIT.** Applications for a permit to conduct a public display of fireworks shall be made to the Fire Chief at least **fourteen (14) days** prior to the scheduled event. Applicants shall meet all qualifications and requirements of state law regarding public display of fireworks and all fire and safety requirements as set forth in the standards for public display, and as set forth in **Section 7-8-12** of this Article.

**7-8-9      APPLICATION FOR SELLER'S PERMIT—CONDITIONS FOR ISSUANCE.** Applications for seller's permits shall be made to the Village Clerk annually on or after **April 1<sup>st</sup>** of the year for which the permit is issued and the filing period shall close on **April 15<sup>th</sup>** of such year unless extended by action of the Village Board. Applications shall be signed by the retail seller, if an individual, or by the duly authorized officer, if an association or corporation. It is unlawful for a fireworks manufacturer, wholesaler or supplier to make application for or to obtain a retail sales permit on behalf of any retailer. Seller's permits for the sale of those fireworks allowed pursuant to **Section 7-8-4** of this Article shall be issued only to applicants meeting the following conditions:

(A) The retailer or person in charge and responsible for the retail operation shall be **twenty-one (21) years** of age or older, of good moral character and of demonstrated responsibility.

(B) The applicant shall have a valid and current license issued by the State of Illinois authorizing the holder to engage in the retail sale of fireworks. (**See 425 ILCS 35**)

(C) The applicant shall own or have the right to possess a temporary fireworks stand complying with the requirements of this Article.

(D) The applicant shall procure and maintain a policy or policies of public liability and property damage insurance issued by a company or companies authorized to do business in the State of Illinois in the following minimum amounts: **Five Hundred Thousand Dollars (\$500,000.00)** for injuries to any one person in one accident or occurrence; **One Million Dollars (\$1,000,000.00)** for injuries to two or more persons in any one accident or occurrence; **Five Hundred Thousand Dollars (\$500,000.00)** for damage to property in any one accident or occurrence; **One Million Dollars (\$1,000,000.00)** combined single limit for any one accident or occurrence. In addition, the Village is to be an additional named insured and the policy shall provide for the immediate notification of the Village by the insurer of any cancellation of any policy.

(E) The permit holder's location or place of business shall be only in those areas or zones within the Village where commercial activities are authorized under applicable zoning law; provided, that the sale of those fireworks authorized by **Section 7-8-5** of this Article shall not be deemed an enlargement of an existing nonconforming use.

(F) The applicant shall post with the Village a performance bond or a cash deposit in an amount not less than **Two Hundred Dollars (\$200.00)** conditioned upon the prompt removal of the temporary fireworks stand and the cleaning up of all debris from the site of the stand, which deposit shall be returned to the applicant only in the event that the applicant removes the temporary stand and cleans up all debris to the satisfaction of the Village. In the event the applicant fails to do so, the performance bond or cash deposit shall be forfeited. In no event shall the applicant be entitled to the return of the performance bond or cash deposit if he or she has failed to remove the stand and clean up all debris by the **tenth (10<sup>th</sup>) of July** following the sales period.

(G) No seller's permit shall be issued for a location which fails to meet the criteria set forth in **Section 7-8-11** of this Article, including the minimum stand separation requirement. When necessary, in order to determine priority as to a proposed location, the earliest date and time of filing of an application for a seller's permit with the Village Clerk shall be controlling.

**7-8-10 SALE FROM STANDS – EXCEPTIONS.** All approved fireworks as set forth in **Section 7-8-5** of this Article except toy paper caps containing not more than **twenty-five hundredths grain** of explosive compound for each cap and trick or novelty device not classified as common fireworks, shall be sold and distributed only from temporary stands.

**7-8-11 STANDARDS FOR TEMPORARY STANDS.** The temporary stands of all seller's permit holders shall conform to the following minimum standards and conditions:

(A) Temporary fireworks stands need not comply with all provisions of the Building Code; provided, however, that all such stands be erected under the supervision of the Village Building Inspector, who shall require all stands to be constructed in a safe manner ensuring the safety of attendants and patrons. In the event any temporary stand is wired for electricity, the wiring shall conform to the electrical code.

(B) No temporary fireworks stand shall be located within **fifty (50) feet** of any other building or structure, nor within **two hundred fifty (250) feet** of any gasoline station, oil storage tank or premises where flammable liquids or gases are kept or stored.

(C) Each temporary fireworks stand must have at least two exits, which shall be unobstructed at all times.

(D) Each temporary fireworks stand shall have, in a readily accessible place, at least two, **two and one-half (2½) gallon** pressurized water fire extinguishers which are in good working order.

(E) All weeds, grass, and combustible material shall be cleared from the location of the temporary fireworks stand and the surrounding area to a distance of not less than **twenty-five (25) feet**, measured from the exterior walls of the temporary fireworks stand.

(F) No smoking shall be permitted in or near a temporary fireworks stand for a distance of not less than **fifty (50) feet** measured from the exterior walls of the temporary fireworks stand. Signs stating: **"No Smoking Within 50 Feet"** shall be posted on the exterior of each wall of the temporary fireworks stand.

(G) Each temporary fireworks stand shall have a person who is **eighteen (18) years** old or older in attendance at all times the stand is stocked. Stock from the stand shall not be removed and stored in any other building during the sales period without the express approval of the Fire Chief.

(H) All unsold stock and accompanying litter shall be removed from the temporary fireworks stand by **12:00 Noon** on the **seventh (7<sup>th</sup>) day of July** of each year.

(I) No temporary fireworks stand shall be located within **five hundred (500) feet** of any other temporary fireworks stand.

(J) Each temporary fireworks stand shall have provisions for sufficient off-street parking, at least **fifteen (15) spaces**, to avoid impeding a continuous flow of traffic at entrances and exits from the premises.

(K) No person shall discharge any fireworks within **two hundred fifty (250) feet** of the exterior walls of any temporary fireworks stand. Signs stating: **"No discharge of fireworks within 250 feet."** shall be posted on the exterior of all walls of the temporary fireworks stand.

**7-8-12 STANDARDS FOR PUBLIC FIREWORKS DISPLAYS.** All public fireworks displays shall conform to the following minimum standards and conditions:

(A) All public fireworks displays shall be planned, organized and discharged by pyrotechnician, "Pyrotechnician" means an individual who by experience and training has demonstrated the required skill and ability for safety setting up and discharging displays of special fireworks. All individuals shall have a license under the provisions of the Pyrotechnic Distributor and Operator Licensing Act. **(225 ILCS 227)**

(B) A permit must be obtained from the Village and approved by the Fire Chief or designee prior to any display of public fireworks. The permit shall include the name of the applicant and his or her address, the name of the Pyrotechnician and his or her address; the exact location, date and time of the proposed display; the number, type and class of fireworks to be displayed the manner in which the fireworks are being stored prior to the public fireworks display; and shall include the name and address of the insurance company providing the bond required.

(C) A drawing shall be submitted to the Fire Chief showing a plan view of the fireworks discharge site and the surrounding area within a **five hundred (500) foot** radius. The drawing shall include all structures, fences, barricades, street fields, streams and any other significant factors that may be subjected to ignition or that may inhibit firefighting capabilities.

(D) When, in the opinion of the Fire Chief, such requirement is necessary to preserve the public health, safety and welfare, the permit may require that a Fire Department pumper and a minimum of two trained firefighters shall be on site **thirty (30) minutes** prior to and after the shooting of the event. The exhibitor shall repay the Village for all costs to firefighters for such time.

(E) All combustible debris and trash shall be removed from the area of discharge for a distance of **three hundred (300) feet** in all directions.

(F) All unfired or "dud" fireworks shall be disposed of in a safe manner.

(G) A minimum of two 2A-rated pressurized water fire extinguishers and one fire blanket shall be required to be at the fireworks discharge site.

(H) The permit shall be immediately revoked at any time the Fire Chief or a designee deems such revocation is necessary due to noncompliance, weather conditions such as, but not limited to, extremely low humidity or high winds. The display shall also be cancelled by accidental ignition of any form of combustible or flammable material in the vicinity due to falling debris from the display.

(I) Areas of public access shall be determined by the Fire Chief or designer and maintained in an approved manner.

**7-8-13 USE OF FIREWORKS IN PUBLIC PARKS.** It shall be unlawful for any person to discharge or possess any fireworks upon public land or in any public park, owned by the Village, provided, however, that such use shall be permitted under the following circumstances:

(A) This provision shall not apply to possession of fireworks in the otherwise lawful use of public rights of way such as sidewalks and planting strips. This subsection shall not be a defense to a charge of obstructing traffic or otherwise obstructing a public right of way.

(B) The Fire Chief shall designate limited areas for use during the hours permitted by the Article for the discharge of fireworks as allowed by **Section 7-8-5** of this Article. Otherwise lawful discharge and possession of fireworks as allowed by **Section 7-8-5** in such areas shall not be a violation of this Section. In doing so, the Fire Chief shall consider:

- (1) The sensitivity of the area's environment, wildlife and wildlife habitat;
- (2) The inconvenience and nuisance to abutting property owners;

- (3) The safety and suitability of the area as a place for the discharge of fireworks; and
- (4) Danger of fire or other destruction of public property and improvements from the use of the fireworks.

(C) Upon designation of any area, it shall be signed and posted by **July 1<sup>st</sup>** of each year for use on **July 4<sup>th</sup>** between the hours of **9:00 A.M.** and **11:00 P.M.** Designation of any area may be appealed in writing to the Village Board by any citizen of the Village. The decision of the Village Board shall be final.

(D) Nothing in this Article shall be deemed to limit the authority of the Village Board to allow event display of special fireworks under a permit issued in accordance with the provisions of the Code and State statutes.

**7-8-14**     **SPECIAL EFFECTS FOR ENTERTAINMENT MEDIA.** This Code does not prohibit the assembling, compounding, use and display of special effects of whatever nature by any person engaged in the production of motion pictures, radio, or television productions, theatricals or operas when such use and display is a necessary part of the production and such person possesses a valid permit issued by the Village in accordance with **Sections 7-8-7** and **7-8-8** of this Code.

**7-8-15**     **NONPROHIBITED ACTS.** This Code does not prohibit the use of flares or fuses in connection with the operation of motor vehicles, railroads, or other transportation agencies for signal purposes or illumination or for use in forest protection activities.

**7-8-16**     **APPLICABILITY.** The provisions of this Code shall not be applicable to toy paper caps containing not more than **twenty-five hundredths grain** of explosive compound for each cap and trick nor to novelty device not classified as common fireworks.

**7-8-17**     **STATUS OF STATE LAW.** This Code is intended to implement applicable State law, to wit, **Chapters 225 ILCS 227 and 425 ILCS 35**, and shall be construed in connection, with that law and any and all rules or regulations issued pursuant to that law.

**7-8-18**     **ENFORCEMENT.** The Fire Chief or designee, is authorized to enforce all provisions of this Code and, in addition to criminal sanctions or civil remedies, may revoke any permit issued pursuant to this Code upon any failure or

refusal of the permittee to comply with the lawful orders and directives of the Fire Chief or designee, or to comply with any provisions of this Code or the requirements of the community development code relating to temporary structures.

**7-8-19      RECKLESS DISCHARGE OR USE PROHIBITED.** It is unlawful for any person to discharge or use fireworks in a reckless manner which creates a substantial risk of death or serious physical injury to another person or damage to the property of another.

**7-8-20      PENALTY.**

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

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

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

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

(E) All municipal ordinance offenses may be satisfied without a court appearance by written pleas of guilty and payment of the minimum fine, plus court costs, unless a court appearance is required by the ordinance violated. **(See 65 ILCS Sec. 5/1-2-7 and 5/1-2-8)**

(F) Any person convicted of a violation of any section of this Code shall, in addition to the fine assessed, be required to pay all of the Village's expenses, including attorney's fees, of enforcing and prosecuting the ordinance violation.

**VILLAGE OF OBLONG**

**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 CRAWFORD ) ss.  
VILLAGE OF OBLONG )

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

\_\_\_\_\_  
MAYOR  
VILLAGE OF OBLONG

COUNTERSIGNED:

\_\_\_\_\_  
VILLAGE CLERK  
VILLAGE OF OBLONG

(SEAL)

**APPLICATION FOR RAFFLE LICENSE**

Organization Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Type of Organization: \_\_\_\_\_  
Length of Existence of Organization: \_\_\_\_\_

If organization is incorporated, what is the date and state of incorporation?  
Date: \_\_\_\_\_ State: \_\_\_\_\_

List the organization's presiding officer, secretary, raffle manager, and any other members responsible for the conduct and operation of the raffle.

**PRESIDENT:**

**SECRETARY:** \_\_\_\_\_ Birth Date: \_\_\_\_\_  
Address: \_\_\_\_\_  
Social Security No.: \_\_\_\_\_ Phone No.: \_\_\_\_\_

**RAFFLE MANAGER:** \_\_\_\_\_ Birth Date: \_\_\_\_\_  
Address: \_\_\_\_\_  
Social Security No.: \_\_\_\_\_ Phone No.: \_\_\_\_\_

List any other members responsible for the conduct and operation of the raffle on the back of this page. List name, date of birth, address, social security number, and phone number.

\_\_\_\_\_ This request is for a single raffle license.  
\_\_\_\_\_ This request is for a multiple raffle license.

The aggregate retail value of all prizes to be awarded: \$ \_\_\_\_\_  
Maximum retail value of each prize to be awarded in the raffle: \$ \_\_\_\_\_  
The maximum price charged for each raffle chance issued: \_\_\_\_\_  
The area or areas in which raffle chances will be sold or issued: \_\_\_\_\_

Time period during which raffle chances will be issued or sold: \_\_\_\_\_

The date, time and location at which winning chances will be determined: \_\_\_\_\_  
\_\_\_\_\_

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

If multiple raffles license is requested, list on a separate sheet, the date, time, and location for each raffle to be held within the one (1) year period of time from the date of the issuance of the license.

**THE APPLICATION FEES ARE NONREFUNDABLE EVEN SHOULD THE APPLICATION BE REJECTED BY THE VILLAGE BOARD.**

**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            )  
  )  
COUNTY OF CRAWFORD        )        ss.

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 Oblong and the Corporate Seal thereof, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
MAYOR  
VILLAGE OF OBLONG

\_\_\_\_\_  
VILLAGE CLERK  
VILLAGE OF OBLONG

(SEAL)

**MULTIPLE 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: \$\_\_\_\_\_

This is a license for multiple raffles to be held within the maximum period of **one (1) year** from date of this license. The date, time and location of each raffle is as set forth on Exhibit 1, attached hereto and hereby incorporated by reference.

**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 Oblong and the Corporate Seal thereof, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
MAYOR  
VILLAGE OF OBLONG

\_\_\_\_\_  
VILLAGE CLERK  
VILLAGE OF OBLONG

**(SEAL)**

**EXHIBIT 1**

The following is the date, time and location at which winning chances will be determined for multiple raffles to be held within a maximum period of **one (1) year** from the date of issuance of this license.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**APPLICANT/FIELD CHECK**

**INFORMATION CARD**

Name	Location      Date      Time
Residence Address	D.L.#
Business Address Info	Vehicle    Color    Yr.    Body    License
Occupation	Vehicle Modifications:
Social Security Number	
Race      Sex      Height	Action Leading to Check:
Weight      Eyes      Hair	
Complexion      Date of Birth	
Unusual Features:	
	Comments:
Hat      Coat	Associates:
Cap      Jacket	
Blouse      Dress	
Shirt      Sweater	
Skirt      Trousers	

**CHAPTER 8**

**CABLE TELEVISION**

**ARTICLE I - GENERALLY**

**8-1-1**        **AGREEMENT.** The following agreement is hereby included and provided for Cable Television for the Village.

**THIS AGREEMENT** made and concluded at the Village of Oblong, Illinois, this **1<sup>st</sup> day of May, 1996**, by and between the Village Board and the Village of Oblong, Illinois hereinafter referred to as "**Village**" and Triax Midwest Associates L.P., a Missouri partnership, hereinafter referred to as "**COMPANY**":

**WHEREAS:** Village granted a franchise for a cable television system to Cox Cable Robinson, Inc., on **June 6, 1981** for a period of **fifteen (15) years**, which was then assigned to **Triax Midwest Associates L.P.**; and

**WHEREAS:** said franchise was set to expire on **June 6, 1996**, and Company is desirous of entering into a new non-exclusive franchise for the operation and maintenance of its cable television system in the Village of Oblong, Illinois; and

**WHEREAS:** the Village of Oblong has received public input and has negotiated with the Company on the proposed franchise and the parties mutually desire to enter into a franchise agreement;

**NOW THEREFORE:** in consideration of the mutual promises and agreements contained herein, it is agreed by and between the parties as follows:

**SECTION 1.** The Company is hereby granted the non-exclusive right to erect, maintain, operate and utilize facilities for the operation of Communications Systems as hereinafter defined and additions thereto, in the streets, roads, and rights of way of the Village of Oblong for an initial term of this agreement of **fifteen (15) years** from the effective date hereof. The Company may, with the approval of the Village, renew this franchise for the number of years determined by the Council, by giving written notice to the Village, not less than **three (3) months** prior to the expiration thereof. If the consent of the Village to such renewal is required by applicable federal or state law, such consent shall not be withheld unreasonably, after public notice and hearing. In deciding whether to consent to a renewal, the Village shall consider those factors prescribed by applicable law, and (1) whether the Company has complied substantially with the material terms hereof; (2) the extent and quality of the Company's service; and (3) whether the Company remains financially, legally and technically qualified; Any renewal of the initial term shall be as negotiated by the Village and the Company.



**SECTION 2.**

(A) The term "**Communications System**", whenever used in this agreement, includes community antenna television and the receipt, transmission, and distribution of voices, sounds, writings, signals, pictures, visions, images, or any type of closed circuit transmission of signal transmission by means of electrical impulses.

(B) Whenever the term "**streets**" is used in this agreement, it shall be deemed to include any duly dedicated streets, highways, lanes, avenues, sidewalks, alleys, bridges, boulevards, or other public places in the Village including all public rights of way and streets' rights of way.

(C) Whenever the term "**in**" is used in this agreement with respect to streets, it shall be deemed to refer to and include the terms in, unde4r, above, along, across, or upon such streets.

**SECTION 3.** The Company shall, upon agreement with the owners, use existing poles, towers, or other facilities wherever possible, and it shall be the sole responsibility of the Company to negotiate and enter into any and all contract with the owners of such facilities to secure the necessary space thereon or therein for its operation under this franchise. It is the stated intention of the Village that the number of new or additional poles constructed by the Company under the provisions of this franchise be kept to a minimum, and to the extent necessary to carry out this intention, the Company, upon securing such agreement with other holders of public permits and franchises, is hereby granted the right to use existing poles, towers, and other facilities. Except for companies furnishing the same or similar services, the Company shall permit any utility or utilities or holder of public permits or franchises for the use of streets for the erection of pole line facilities, by appropriate contracts or agreements negotiated by the parties, to use any and all facilities constructed or erected in the streets by the Company. All said agreements and installations shall be subject to all existing and future regulatory resolutions of the Village.

**SECTION 4.**

(A) To the extent that the Company is unable to use particular poles, towers, and other facilities, due to refusal by the owners of such facilities, it may be required to place its own poles, and may receive approval as set forth in Section 3. In the event that existing poles, towers, and other facilities are on private property, the Company agrees to secure easements where required from the property owners. When existing utilities are underground and no poles exist, the Company agrees to install its facilities underground with new lines to be constructed underground.

(B) The Company's poles, wires, and appurtenances shall be located, erected and maintained so as not to endanger the lives of any person, or to interfere with street improvements the Village may deem proper to make, or with facilities of present franchise holders, or to hinder unnecessarily or obstruct the free use of the streets. Removal of poles or equipment, when deemed necessary by the Village Board or their authorized representatives to avoid such interference for relocation of a street

or change in the grade of a street, will be at the Company's expense except as provided in Section 4(C) of this agreement. The Company shall be given not less than **four (4) weeks** advance notice to arrange such removal.

(C) The Company, on the request of any person who has complied with all requirements of the Village, or who has secured a building moving permit if required, will temporarily remove, raise, or lower its wires to permit the moving of the building. The actual expense incurred by Company for such temporary removal, raising, or lowering of wires shall be paid by the person requesting the same. The Company shall have the authority to require the payment of a deposition advance to cover **fifty percent (50%)** of the estimated cost and reasonable assurance, including a bond for payment of the balance. The Company shall be given not less than **four (4) weeks** advance notice to arrange for such removal.

(D) Construction and maintenance of the Communications System shall be in accordance with the resolutions and regulations of the Village affecting said installation. The Company shall restore all property damaged by such construction or maintenance to as reasonably good a condition as existed on such property prior to construction.

(E) All installations of equipment shall be durable and installed in accordance with good engineering practice and of sufficient height as directed by the Village Board and State Law so as not to interfere unduly with the rights of the public and individual property owners.

**SECTION 5.**

(A) In the maintenance and operation of its Communications System in the streets, and in the course of any new construction or addition to its facilities, the Company shall proceed so as to cause the least possible inconvenience to the general public and shall not unduly obstruct the streets, impede traffic, or interfere with travel by the public.

(B) The Company shall not make or cause to be made any opening or obstruction in the streets without first securing the approval of the Village Engineering Department.

(C) In case of disturbance by the company of any street, sidewalks, or paved area, the Company shall promptly, at its expense, in a manner reasonably approved by the Village, restore such area to a condition reasonably similar to the condition existing prior to the disturbance.

(D) In the case of fire, earthquake, flood or other similar event, the Village may temporarily remove any of the cable system, without advance warning being given to the Company. The Company shall not be entitled to payment for damage caused thereby.

(E) If the Village alters, changes, or makes any improvements on or about, any street, sidewalk, alley or other public way, the Village shall give the Company reasonable advanced notice to relocate its facilities and equipment, or take such other action as may be reasonably necessary to accommodate the public improvements.

(F) The Company shall temporarily move, reroute or move its equipment and facilities to accommodate public or private works, construction, movement of public or private works, construction, movement of buildings, extra large truckloads, etc., but the Company shall be entitled to reasonable notice prior to such any event and reasonable costs from any party causing such relocation, other than the Village.

(G) Before beginning and construction or installation of equipment or facilities which would materially disrupt the use of public ways, and suitable to the Village's reasonable approval, the Company shall provide the Village with reasonable prior notice of the work to be performed, and the location of and period of time involved in the undertaking. The Village shall have the right to inspect such work.

(H) The Company shall compensate property owners for, or restore, all damages caused by the construction, operation, or maintenance of the cable system. The Company shall be primarily responsible for all such damages, even though it may have been an agreement with a construction company.

(I) Upon request, the Company will provide the Village a diagram showing the location of the cable system, including any and all underground facilities existing and installed.

**SECTION 6.** The Company agrees to make the cable system available to each property owner or occupant of property within the Village limits. The Company agrees to make service available to annexed areas with a density of **twenty-five (25) homes** per mile within **twelve (12) months** of request. If there is not a density of **twenty-five (25) homes** per mile the company agrees to build the extension, if the potential customers pay for the extension on a cost sharing basis.

**SECTION 7.** The Company shall: (1) Provide continuous, reliable and good quality television reception and service; (2) Make repairs and maintenance promptly. Service interruptions shall be for the shortest time possible, and shall to the extent practicable, be preceded by a notice to subscribers and occur during periods of minimal viewership; (3) Maintain and test the cable system in compliance with the technical standards of the FCC; In the event of major damage to the cable system, the Company shall make reasonable efforts to supply alternative means of providing service to as many subscribers as possible, while making repairs.

**SECTION 8.**

(A) The Company shall indemnify, protect, and save harmless the Village and its agents and employees from any and all loss or damage arising out of, or claims for, injury or death to any person or persons or damage to any property incurred by or asserted against the Village or its agents or employees, directly or indirectly, by reason of the operations of the Company and the grant herein authorized, including undertaking the defense of the Village and paying all reasonable costs related thereto, including but not limited to reasonable attorney fees and court costs.

(B) The Company shall carry insurance to protect the parties hereto from and against all claims, demands, actions, judgments, costs, expenses, and liabilities which may arise or result directly or indirectly from or by reason of such loss, injury, or damage. The amounts of such insurance against liability due to physical damages to property shall not be less than **Five Hundred Thousand Dollars (\$500,000.00)**, and against liability due to bodily injury or to death of person, not less than **Five Hundred Thousand Dollars (\$500,000.00)**, to any **one (1) person** and not less than **Five Hundred Thousand Dollars (\$500,000.00)** to any **one (1) accident**. All insurance required by this agreement shall be and remain in full force and effect for the entire life of this agreement. Said policy or policies of insurance or a certificate or certificates thereof shall be submitted to the Village on request and be deposited with and kept on file in the office of said Village and shall name the Village as an additional insured.

(C) The Company shall indemnify and save the Village harmless and defend at its cost, any and all claims by persons for alleged violations of copyrights resulting from the company's activities or any and all claims by persons, resulting from the granting of the right to operate a cable system within the Village, to the Company.

**SECTION 9.** This franchise may not be assigned or transferred, in whole or in part, or in any other manner, nor shall title thereto, either legal or equitable, or any right or interest therein, pass to or vest in any transferee or assignee, except as otherwise provided in this paragraph, without the prior written consent of the Village. Any assignment or a transfer of such rights shall not be deemed to include any: (1) Transfer to an entity affiliated with the Company through common control, ownership or otherwise; (2) Restructuring or reorganization of the Company or any of its affiliates, and (3) Granting security interests in liens or encumbrances on, or collateral assignment of, the cable system or the Company rights hereunder to secure repayment of indebtedness.

**SECTION 10.**

(A) The Company shall maintain and notify the subscribers of a toll-free telephone number, and other telephone numbers for receiving complaints and requests made after normal business hours, and the Company must be capable of handling complaints **twenty-four (24) hours** each day.

(B) The Company shall investigate all complaints expeditiously, and within **forty-eight (48) hours**, the Company shall dispatch a qualified employee or agent to investigate the complaint.

(C) The Company shall maintain records concerning complaints and disruptive services, including the date and nature of the complaints and disrupted services, the action taken to resolve the same, date of resolution, and reasons for any delay in investigating and resolving the same. The Company shall make these records available to the Village upon request.

(D) Any subscriber to the service of the Company shall report any outages or failures or reception as set forth above. A subscriber may demand of the

Company a pro-rata adjustment of the charge for a Communications Services in the event of complete outage or failure, other than occurring as a result of a subscriber's negligence, which lasts for a period longer than **twenty-four (24) hours** after the subscriber has notified company of said failure. The Company shall compute such pro-rata adjustment for each **twenty-four (24) hour** period or any portion thereof above **twenty-four (24) hours**, and reflect the same in the next billing to such subscriber.

**SECTION 11.** The Company shall furnish such basic service connections as may be required to Village buildings; to the public and parochial elementary and secondary schools; without charge for monthly service or installation where service is available. The Village and the schools, may install such additional connections as they desire, provided that such installation shall not interfere with the operations of the Company's system, and additional connections shall have been approved by the Company and shall comply with all Village, County, and Federal laws and regulations.

**SECTION 12.** Subscribers to the Company's service shall not be required to assure the Company that they will subscribe to the Company's service for any length of time.

**SECTION 13.** The Company shall provide the Village and subscribers with at least **thirty (30) days'** notice of its intent to adjust rates. The Company and Village agree to abide by the rules of the Federal Communications Commission, as well as any other lawful authority with jurisdiction over rate regulation.

**SECTION 14.**

(A) The Company shall reimburse the Village for costs, fees and expenses reasonably incurred for the following: (1) Protection, removal or relocation of the cable system, if the Company has failed to perform its obligations hereunder; and (2) Restoring any damage or condition resulting from the construction, maintenance or other work performed by the Company.

(B) The Company shall pay to the Village a Franchise Fee of **three percent (3%)** of the Company's gross service revenues from subscriber service charges, excluding connection fee revenues. Said franchise fee shall be payable annually, on a calendar year basis on or before **March 31**.

**SECTION 15.**

(A) If the Company violates any material provision of the agreement, the Village shall comply with subsection (C) below; and

(B) If the procedures set forth in subsection (C), have not resolved the dispute, the Village may proceed to compel compliance with the provisions hereof, to collect any sums due hereunder, or to terminate the franchises granted hereby. Except as expressly provided herein, the Company shall not be liable for incidental or consequential damages.

(C) If the Village believes that the Company has violated a material provision hereof, it shall notify the Company in writing, (the "Violation Notice"), of the alleged violation(s) and the proposed remedy which is acceptable to the Village, and the Company shall have **ninety (90) days** after its receipt of the Violation Notice to cure such violation(s). If the Company disputes the proposed remedy or the existence of the violation, or if such default is not cured within such **ninety (90) day** period, then the matter shall be referred to a public hearing before the Village Board of Oblong, to be held after public notice and written notice to the Company at least **ten (10) days** in advance. At the hearing, the Village shall list the alleged violation(s) and proposed remedies as set forth in the Violation Notice, and shall give the Company and all other interested parties an opportunity to be heard with respect thereto. Within a reasonable time after the hearing, the Village shall determine whether the Company has violated the agreement, and shall issue written findings and conclusions with respect thereto, and the Company shall have reasonable opportunity of not less than **thirty (30) days** after the issuance of said findings and conclusions to remedy this matter. Any such determination shall be subject to judicial review and a de novo hearing before any court of competent jurisdiction, and/or to judicial review under any applicable state or federal law.

(D) Prevention or delay of any performance due to unforeseen circumstances, acts of God, or other circumstances beyond the reasonable control of the Company, shall not be deemed a violation by the Company of this franchise.

(E) It is the intent of the Village and the Company to avoid a forfeiture of this franchise; thus, the Company shall not be in default hereunder if it has delivered a reasonably or functionally equivalent service to that expressly required hereunder. Moreover, if the Village shall propose any remedy under Section 15, the Company shall be deemed to have satisfied such proposed remedy if it provides a reasonably or functionally equivalent service to that proposed.

(F) It shall be unlawful for any person, firm or corporation to make any unauthorized connection, whether physically, electrically, acoustically, inductively or otherwise, with any part of a licensed community cable system with the Village for the purpose of taking or receiving television signals, radio signals, pictures, programs or sound.

(G) It shall be unlawful for any person, without consent of the Company to willfully tamper with, remove or injure any cable, wires, or equipment used for distribution of television signals, radio signals, pictures, programs or sound.

(H) Any person, firm or corporation violating any of this Section shall be guilty of an offense, and each and every day or portion thereof during which any violation of any provisions of the section is committed, continued, or permitted, shall be deemed a separate offense, and upon conviction of any such violations, such violator shall be punished in an amount not exceeding the maximum prescribed by state statute. Any equipment or structure erected or maintained and any work commenced or continued in violation of this agreement shall be and is hereby declared unlawful and a public nuisance, and the Village Attorney, on direction of the Village Board, shall

institute necessary legal proceedings for abatement, removal or enjoinder thereof in the manner provided by law and shall take such other steps as may be necessary to accomplish these ends.

**SECTION 16.** The effective date of this franchise agreement between the Village of Oblong and Triax Midwest Associates L.P. is **June 6, 1996.**

**SECTION 17.** If any section, sentence, clause, or phrase of this resolution is for any reason held illegal, invalid, or unconstitutional by a court of competent jurisdiction, such invalidity shall not affect the validity of this agreement, and any portions in conflict are hereby repealed.

**SECTION 18.** This agreement shall constitute the entire agreement between the Village and the Company.

Village

\_\_\_\_\_  
Betty Cunningham, President

Triax Midwest Associates, L.P.

ATTEST:

\_\_\_\_\_  
Jim Russell, Clerk-Treasurer

**ARTICLE II - CABLE/VIDEO SERVICE PROVIDER FEE  
AND PEG ACCESS FEE**

**8-2-1**        **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

**Cable Television 8-3-1**

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.

**8-2-2 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).

**8-2-3 PEG ACCESS SUPPORT FEE IMPOSED.**

(A) **PEG Fee Imposed.** A PEG access support fee is hereby imposed on any holder providing cable service or video service in the Village in addition to the fee imposed pursuant to **Section 8-2-2(B).**

(B) **Amount of Fee.** The amount of the PEG access support fee imposed hereby shall be **one percent (1%)** of the holder's gross revenues or, if greater, the percentage of gross revenues that incumbent cable operators pay to the Village or its designee for PEG access support in the Village.

(C) **Payment.** The holder shall pay the PEG access support fee to the Village or to the entity designated by the Village to manage PEG access. The holder's liability for the PEG access support fee shall commence on the date set forth in **Section 8-2-2(D).**

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

(E) **Credit for Other Payments.** An incumbent cable operator that elects to terminate an existing agreement pursuant to **220 ILCS 5/21-301(c)** shall pay, at the time they would have been due, all monetary payments for PEG access that would have been due during the remaining term of the agreement had it not been

terminated pursuant to that section. All payments made by an incumbent cable operator pursuant to the previous sentence may be credited against the fees that the operator owed under **Section 8-2-3(B)**.

**8-2-4 APPLICABLE PRINCIPLES.** All determinations and calculations under this Article shall be made pursuant to generally accepted accounting principles.

**8-2-5 NO IMPACT ON OTHER TAXES DUE FROM HOLDER.** Nothing contained in this Article shall be construed to exempt a holder from any tax that is or may later be imposed by the Village, including any tax that is or may later be required to be paid by or through the holder with respect to cable service or video service. A State-issued authorization shall not affect any requirement of the holder with respect to payment of the Village's simplified municipal telecommunications tax or any other tax as it applies to any telephone service provided by the holder. A State-issued authorization shall not affect any requirement of the holder with respect to payment of the local unit of government's 911 or E911 fees, taxes or charges.

**8-2-6 AUDITS OF CABLE/VIDEO SERVICE PROVIDER.**

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

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

**8-2-7 LATE FEES/PAYMENTS.** All fees due and payments which are past due shall be governed by ordinances adopted by this municipality pursuant to the Local Government Taxpayers' Bill of Rights Act, 50 ILCS 45/1 *et seq.*

**(See 220 ILCS 5/21-801)**

**ARTICLE III - CABLE AND VIDEO CUSTOMER PROTECTION LAW**

**8-3-1            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.

**8-3-2            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.

**8-3-3            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.

**8-3-4            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).

## **CHAPTER TITLES**

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**CHAPTER 11**

**EMPLOYEES**

**ARTICLE I - SALARIES**

**11-1-1 SALARIES.** The rates of pay for the various employees in the following classifications shall be the base rate listed below:

<b>Classification</b>	<b>Name</b>	<b>Base Rate per Hour</b>
Village Treasurer	Jan Miller	\$14.46
Village Clerk	Ladora Boyd	11.55
Chief of Police	Chad Pusey	20.85
Superintendent of Public Works	Gary Lanter	18.44
Assistant Superintendent	Travis Smith	14.77
Utility Worker (A)	Rick White	12.38
Meter Reader/Utility Worker (B)	Jason Garrard	13.40
Water Office Administrator	Dale Davis	12.55
Park Groundskeeper	Paula Myers	7.55
Patrolman (PT-A)	Bill Rutan	11.55
Patrolman (PT-B)	Dan Cheadle	10.35
Patrolman (PT-C)	Doug McNary	10.00
Patrolman (PT-D)	Paul Maxwell	9.00
Patrolman (PT-E)	Rodney Eubank	10.00
Custodian	Byron Sanders	12.08

In addition to the above base pay per hour the Village Treasurer and the Village Clerk shall also be paid **Fifty Dollars (\$50.00)** per attended meetings of the Board of Trustees (with each Trustee allowed payment for **two (2)** missed meetings per fiscal year).

**(Ord. No. 06-490; 05-03-06)**



**ARTICLE II - SEXUAL HARASSMENT POLICY**

**11-2-1 GENERAL POLICY STATEMENT.** The Village is committed to maintaining a work environment that is free of discrimination. In keeping with this commitment, we will not tolerate harassment of Village employees by anyone, including any supervisor, co-worker, vendor or contractor of the Village.

The Village's policy on sexual harassment is part of its overall affirmative action efforts pursuant to state and federal laws prohibiting work place discrimination. Sexual harassment is prohibited by the Civil Rights Act of 1964, as amended in 1991, and the Illinois Human Rights Act.

The Village will not tolerate harassing conduct that affects job benefits, that interferes unreasonably with an individual's work performance, or that creates an intimidating hostile or offensive work environment. Individuals who instigate sexual harassment are subject to disciplinary action up to and including dismissal.

**11-2-2 DEFINITION OF SEXUAL HARASSMENT.** Sexual harassment is defined as: any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when:

- (A) submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment;
- (B) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals; or
- (C) 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.

**(775 ILCS 5/2-101(E)(1998))**

**11-2-3 GENERAL PROVISIONS.**

(A) Examples of sexual harassment situations include: Where an individual must submit to unwelcome sexual conduct in order to receive an employment opportunity or where employment opportunities are denied when an individual does not submit to unwelcome sexual advances.

(B) Other conduct commonly considered to be sexual harassment includes:

- (1) **Verbal.** Sexual innuendoes, suggestive comments, insults, foul or obscene language, 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.
- (4) **Physical.** Touching, unwelcome hugging or kissing, pinching, brushing the body, coerced sexual intercourse, or actual assault.

**11-2-4 RESPONSIBILITY OF INDIVIDUAL EMPLOYEES.** Each individual employee has the responsibility to refrain from sexual harassment in the workplace. An individual employee who sexually harasses a fellow worker is liable for his or her individual conduct. The harassing employee will be subject to disciplinary action up to and including discharge in accordance with the Village's disciplinary policy and the terms of any applicable collective bargaining agreement.

**11-2-5 RESPONSIBILITY OR SUPERVISORY EMPLOYEES.** Each supervisor is responsible for maintaining the workplace free of sexual harassment. This is accomplished by promoting a professional environment and by dealing with sexual harassment as with all other forms of employee misconduct.

Supervisors who observe an incident of sexual harassment or who receive a complaint must take prompt action to investigate it, report it, end it, implement appropriate disciplinary action, and observe strict confidentiality. This also applies to instances where an employee tells the supervisor about behavior that constitutes sexual harassment but does not wish to make a formal complaint.

Supervisors must ensure that no retaliation will result against an employee who makes a sexual harassment complaint.

**11-2-6 PROCEDURES FOR FILING A COMPLAINT OF SEXUAL HARASSMENT.** An employee who either observes or believes herself or himself to be the object of sexual harassment should deal with the incident as directly and firmly as possible by clearly communicating his or her position to the offending person and to his or her supervisor. It is not necessary for the sexual harassment to be directed at the person making the complaint.

Each incident of sexual harassment should be documented or recorded. A note should be made of the date, time, place, what was said or done, and by who. No one making a complaint of sexual harassment will be retaliated against even if a complaint made in good faith is not substantiated. Any witness to an incident of sexual harassment is also protected from retaliation.

(A) **Direct Communication.** If there is sexually harassing behavior in the workplace, the harassed employee should directly and clearly express his or her objection to the unwelcome conduct and ask that the offending behavior stop.

(B) **Contact Supervisor.** At the same time direct communication is undertaken, or if the employee feels threatened or intimidated by the harasser, the harassed employee must immediately report the incident orally or in writing to his or her immediate supervisor. If the harasser is the immediate supervisor, the incident should be reported to the Mayor. Oral or written complaints may also be made to the Village Attorney.

(C) **Formal Written Complaint.** Incidents of sexual harassment may be reported directly to the Department Head. The Department Head will counsel the reporting employee and will be available to assist with filing a formal complaint. The Department Head will fully investigate the complaint, and will advise the complainant and the alleged harasser of the results of the investigation. To the fullest extent practicable, complaints and the terms of their resolution will be kept confidential.

(D) **Discipline/Sanctions.** Disciplinary action will be taken against any employee found to have engaged in sexual harassment of any other employee. The extent of sanctions may depend in part upon the length and conditions of employment of the particular employee and the nature of the offense. The Village has a right to apply any sanction or combination of sanctions, up to and including discharge, to deal with unreasonable conduct or discrimination.

Where a hostile work environment has been found to exist, the Village will take all reasonable steps to eliminate the conduct creating such an environment.

**11-2-7 EXTERNAL REMEDIES.** The Village hopes that any incident of sexual harassment can be resolved using the above procedures. All employees, however also have the right to file formal charges with the Illinois Department of Human Rights and the United States Equal Employment Opportunity Commission. An employee who has been physically harassed or threatened while on the job may also have grounds for a criminal complaint.

**Charges through the Illinois Department of Human Rights**

A charge shall include:

- (A) the full name and address of the complainant;
- (B) the full name and address of the harasser;
- (C) a statement of facts constituting the harassment, including date, time and place;
- (D) a statement of the specific harm the harassed has suffered, and
- (E) a notarized signature under oath of affirmation.

A charge must be filed within **one hundred eighty (180) days** after the incident. After a charge has been filed, the Department's staff shall institute an investigation to ascertain the facts relating to the civil rights violation as alleged in the charge and any amendments.

Contact information for the following state agencies:

Illinois Department of Human Rights  
217-785-5100                      Springfield  
217-785-5119                      TDD Springfield

Illinois Human Rights Commission  
217-785-4350                      Springfield  
217-785-5119                      TDD Springfield

Equal Employment Opportunity Commission  
800-353-2713                      Chicago  
800-800-3302                      TDD

**11-2-8      FALSE AND FRIVOLOUS COMPLAINTS.** False and frivolous charges refer to cases where the accuser files a sexual harassment complaint to accomplish some end other than stopping sexual harassment. Charges made in good faith which are not proven are not false or frivolous. A false and frivolous charge is a serious offense which may result in disciplinary action to the individual who makes a bad faith claim.

**11-2-9      NON-RETALIATION PROVISION.** This policy prohibits retaliation against employees who bring sexual harassment charges or assist in investigating sexual harassment charges. Any employee filing a sexual harassment complaint under this policy will not be adversely affected in terms and conditions of employment not discriminated against or discharged because of such complaint.

**(Ord. No. 06-495; 10-04-06)**

**ARTICLE III**

**SEXUAL MISCONDUCT POLICY**

**11-3-1 PURPOSE OF POLICY.** The Village will not tolerate and will seek to eradicate any behavior by its employees which constitutes sexual misconduct toward another employee, volunteer, intern, or member of the public. "Sexual misconduct" means any actual, attempted or alleged sexual molestation, assault, abuse, sexual exploitation or sexual injury. "Sexual misconduct" does not include "sexual harassment".

**11-3-2 REPORTING PROCEDURES AND DESIGNATED SEXUAL MISCONDUCT 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 Misconduct Coordinator who shall remain accountable for the implementation and monitoring of this policy. The identity of the Sexual Misconduct 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 pursuant to this Article.

**11-3-3 EMPLOYEES.** Employees are required to report any known or suspected incidents of sexual misconduct. They shall report to their supervisor or the Sexual Misconduct Coordinator. If the person to whom an employee is directed to report is the offending person, the report should be made to the next higher level of administration or supervision.

**11-3-4 INVESTIGATION AND CONFIDENTIALITY.** All formal complaints shall be given a full, impartial and timely investigation. During such investigation, every effort shall be made to protect the privacy rights of all parties although confidentiality cannot be guaranteed.

**11-3-5 DISCIPLINE.** Any Village employee who is determined, after an investigation, to have engaged in sexual misconduct in violation of this policy shall be subject to disciplinary action up to and including discharge.

**11-3-6 FALSE ACCUSATIONS.** False accusations regarding sexual misconduct shall not be tolerated, and any person knowingly making a false accusation shall likewise be subject to disciplinary action up to and including discharge.

**11-3-7 RETALIATION AGAINST ACCUSER.** 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 participated 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.

**11-3-8 CHILD ABUSE INCIDENT REPORTING AND FOLLOW-UP.**

(A) Sexual child abuse as used in this Chapter is defined as: Child for the purposes of child abuse is defined as a person under **eighteen (18) years** of age, who prior to juvenile proceedings, has not been judicially emancipated or emancipated by marriage. Abuse means any one of the following acts which seriously endanger the physical, mental or emotional health of a child.

- (1) The infliction, attempted infliction, or as a result of inadequate supervision the allowance of the infliction of physical or mental injury upon a child by a parent of any other person.
- (2) The exploitation or overwork of a child by a parent or any other person.
- (3) The involvement of the child in any sexual act with a parent or any other person, or the aiding or toleration by the parent or caretaker of the child's sexual involvement with any other person or the child's involvement in pornographic displays, or any other involvement of a child in sexual activity constituting a crime under the laws of this State.

Sexual abuse of a minor is a crime.

(B) Any case of known or suspected child abuse of a minor shall be reported immediately in compliance with Illinois mandatory reporting guidelines and to the Sexual Misconduct Coordinator, the State's Attorney's Office, and Sheriff's Department.

(C) In the event that the Sexual Misconduct Coordinator is first notified of an incident of known or suspected child abuse, the Sexual Misconduct Coordinator shall immediately notify the child's parent(s) or legal guardian as the case may be and the appropriate legal authorities as required by the state or local law. The Sexual Misconduct 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 Sexual Misconduct Coordinator shall consult and communicate with the State's Attorney as necessary.

(D) Any employee involved in a reported incident of sexual misconduct and/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 involved in a reported incident of child abuse shall occur only after all allegations of child abuse have been fully investigated and resolved by the Village.

**11-3-9 MAINTENANCE OF RECORDS AND DOCUMENTS.** The Sexual Misconduct 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.

**11-3-10 EMPLOYEE ACKNOWLEDGEMENT OF POLICY.** This policy is to be reviewed and signed by all employees and volunteers.

The undersigned hereby acknowledges that he/she has read this Village of Oblong Sexual Misconduct Policy, understands the contents thereof and agrees to abide by the terms set forth in the Policy.

Print Name: \_\_\_\_\_ Date: \_\_\_\_\_

Position: \_\_\_\_\_

Signature: \_\_\_\_\_

**(Ord. No. 2006-496; 10-04-06)**

## HISTORY OF OBLONG

### THE BEGINNING

State of Illinois        )  
                                  )        ss.  
Crawford County        )

**Filed June 18, 1883, A.D. at 11:00 A.M.**

### ORGANIZATION OF THE VILLAGE OF OBLONG

**Be it remembered** that on the 24th day of March A.D. 1883, a petition addressed to the Honorable Jacob C. Olwin, Judge of the County Court of Crawford County in the State of Illinois, signed by at least thirty legal voters, resident on the South West quarter of Section thirty-one, Township seven North, of Range thirteen West sixty-seven rods in width and one hundred and sixty rods in length from East to West off the North side of the North West quarter of Section six, township six North, of Range thirteen West, thirty-eight rods off the North side of the North East quarter of Section one, township six North, of Range fourteen West, the South East quarter of Section thirty-six township seven North, of Range fourteen West, one hundred and twenty-two rods off the South side of the North East quarter of Section thirty-six, township seven North of Range fourteen West and ninety-three rods off the South side of the North West quarter of Section thirty-one, township seven North of Range thirteen West, all in Crawford County, Illinois contiguous territory, not exceeding two square miles and containing thereon a population of at least three hundred inhabitants, and not included in any incorporated town, village, or city, was filed in the office of the Clerk of the County Court of Crawford County, Illinois, praying the County Judge of said County to cause the question to be submitted to the legal voters of said territory, whether they would organize as a village under the general law by the name of the Village of Oblong.

**That** upon the filing of said petition the judge of the County Court fixed Saturday, April 14, 1883 as the time and the office of David W. Odell in Oblong City, within said territory, as the place, for holding an election to determine the said question, appointing David W. Odell, E. A. Morgan and Wilson Price judges of such Election, and giving notice of such election according to law by posting five notices in public places within said territory, for at least fifteen days prior to the 14th day of April, 1883, the time fixed for holding such election. That on the 16th day of April, 1883, the said judges of election made return of the same to the County judge, who called Thomas N. Browning and Matthias C. Mills, two Justices of the peace of said County of Crawford, to his assistance, and canvassed such returns, and who found, from such canvass, that said Election was in every respect conducted according to law,



and that a majority of the votes cast at such election was “for Village organization under the general law: and statements of the result of which election was then ordered to be entered upon the records of the County Court, which is done accordingly.

State of Illinois        )  
                                  )        ss.  
Crawford County        )

**In the matter of the organization of the Village of Oblong under the general law.**

**Be it remembered** that on the 16th day of April, 1883, the returns of an Election held in Oblong city, Crawford County, Illinois in pursuance of a petition filed in the office of the Clerk of the County Court of said County, praying the County judge of said County to call an election to determine the question whether certain territory in said petition mentioned and described should be organized under the general law into a village by the name of the Village of Oblong, having been made to the Honorable Jacob C. Olwin, County judge, he called to his assistance Thomas N. Browning and Mathias C. Mills, two justices of the peace of said County, they proceeded to canvass such returns with the said judge, and that they found that such election had in every way been conducted according to law and that the same was held on the 14th day of April, 1883, and that a majority of the votes cast at such election was “For Village organization under the general law” and this finding is ordered to be spread on the records of the County Court of said County.

Given under our hands this 16th day of April, 1883.

Jacob C. Olwin, County Judge  
Thos N. Browning J.P.  
M. C. Mills J.P.

And thereupon the judge of the County Court of said County called an election for six village trustees and fixed the time and place of holding such election on Saturday the 12th day of May, 1883 as the time and the Office of D. W. Odell in the village of Oblong as the place - and appointed D. W. Odell, L. R. Bowman and Joseph Parker as Judges, and Jack Wirt and Gilbert Gordon as Clerks of such election.

State of Illinois     )  
                                  )  
Crawford County    )     ss.

I, Thomas S. Price, County Clerk in and for said County and State do hereby certify that the foregoing is a correct copy of the proceedings in the matter of the organization of the Village of Oblong as appears from the records in this office.

In testimony whereof I hereunto set my hand and the seal of said Court at Robinson this 18th day of June, A.D., 1883.

Thomas S. Price  
Clerk

**Know all men by these presents:** That Mary J. Cash (formerly Mary J. Pierce) and James H. Cash her husband and Eliza A. Pierce all of Cass County, Indiana have made, constituted and appointed, and by these presents do make, constitute and appoint Franklin Pierce of Huntington County, Ind. our true and lawful Attorney for us and in our names places and stead to receive and receipt for all sums of money due or coming to us from the estate.

## 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 Sec. 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 Sec. 1-3.04)**

**“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 Sec. 5/1-3.24)

**"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.

**"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.

**"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 one who has his residence in this municipality and is a registered voter at that place of residence.

**"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 Sec. 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 Sec. 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 Sec. 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 Sec. 5/1-3.18)

**“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 Sec. 5/1-3.02)

**“TO SELL”** includes to keep or expose for sale and to keep with intent to sell. (See 235 ILCS Sec. 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 Sec. 5/1-3.01, et seq.)

## 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 Sec. 5/4-1)**

**21-2-2      APPLICATIONS.** The Mayor is authorized to grant and issue licenses to individuals, firms, and corporations to sell at retail and to keep and offer for sale at retail alcoholic liquors within the limits and territory of this municipality upon the conditions and in the manner provided by this Chapter and by the **Act of the General Assembly of Illinois**, and not otherwise. Such license shall be in writing, signed by the Mayor and attested by the Municipal Clerk, with the seal of his office affixed thereto.

Prior to issuance of a license, the applicant must submit to the Mayor an application in triplicate, in writing and under oath, stating the following:

(A)            The name, age, and address of the applicant in the case of an individual; in the case of a co-partnership, the persons entitled to share in the profits thereof, and in the case of a corporation for profit or a club, the date of incorporation, the object for which it was organized, the names and addresses of the officers, directors and the name of the person who will be managing the establishment for which the license is sought, and if a majority in interest of the stock of such corporation is owned by one person or his nominee, the address and name of such person.

(B)            The citizenship of the applicant, his place of birth and if a naturalized citizen, the time and place of his naturalization.

(C)            The character of business of the applicant, and in the case of a corporation, the objects for which it was formed.

(D)            The length of time that the applicant has been engaged in the business of that character or in the case of a corporation, the date on which its charter was issued.

(E)            The location and description of the premises or place of business which is to be operated under such license.

(F)            Whether applicant has made similar application for a similar other license on premises other than described in the application and the disposition of such application.

(G)            That applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any matter or thing contained in the aforesaid **Act of the General Assembly** or in this Chapter or resolution and amendments thereto.

(H) Whether a previous license issued to the applicant by any state, or subdivision thereof, or by the federal government has been revoked and the reasons therefor.

(I) That he will not violate any of the laws of the State of Illinois or of the United States, or any of the provisions of this Chapter or resolution and amendments thereto in the conduct of his place of business.

In the case of a partnership or corporation, the information and statements required by this Section shall be furnished as to each partner, and with respect to a corporation, the information and statements required by this Section shall be furnished as to the president of the corporation, the secretary of the corporation, the directors of the corporation, and with respect to the person who is to manage the establishment for which a license is sought.

If the application is made on behalf of a partnership, firm, association, club or corporation, then the same shall be signed and sworn to by at least **one (1) member** of such partnership, firm, association or club, or by the president and secretary of such corporation.

**One (1) copy** of the application shall be retained by the Mayor, **one (1) copy** given to the Chief of Police; the Chief of Police shall endorse on the copies his approval or disapproval of the application and may make further comments regarding that application. The copies shall be returned to the Mayor and the endorsement and comment of the Chief of Police shall be considered by him as an aid in deciding whether the license should be issued or refused. **(See 235 ILCS Sec. 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 Sec. 5/4-5)**

**21-2-4**        **PROHIBITED LICENSEES.** No retail license shall be issued by the Mayor to the following:

- (A) A person who **is not** a resident of this municipality;
- (B) A person who **is not twenty-one (21) years** of age;
- (C) A person who has been convicted of a felony under any federal or state law if the Mayor determines, after investigation, that such person has not been sufficiently rehabilitated to warrant the public trust;
- (D) A person who has been convicted of being the keeper of or is keeping a house of ill-fame;
- (E) A person who has been convicted of pandering or other crime or misdemeanor opposed to decency or morality;

- (F) A person whose license has previously been revoked for cause;
- (G) A person who, at the time of the application for renewal for any license issued hereunder, would not be eligible for such license upon first application;
- (H) 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;
- (I) A corporation, if any officer, manager or director thereof or any stockholder owning in the aggregate more than **five percent (5%)** of such corporation, would not be eligible to receive a license hereunder for any reason other than the requirement for citizenship and residence;
- (J) A corporation unless it is incorporated in the State of Illinois, or unless it is a foreign corporation which is qualified under the "**Business Corporation Act of 1983**" to transact business in Illinois;
- (K) 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;
- (L) Any person, association, or corporation not eligible for a state retail liquor license;
- (M) A person who is not of good character and reputation in the community in which he resides;
- (N) 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 Code or has forfeited his bond to appear in court to answer charges for any such violation;
- (O) A person who does not own the premises for which a license is sought, or does not rent nor have a lease thereon for the full period for which the license is to be issued;
- (P) Any law enforcing public official, including members of local liquor control commissions, any mayor, alderman, or member of a city council or commission, any president of a village board of trustees, any member of a village board of trustees, or any president or member of a county board; and no such official shall be interested directly in the manufacture, sale or distribution of alcoholic liquor, except that license may be granted to such official in relation to premises which 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 the Mayor.
- (Q) A person who is not a beneficial owner of the business to be operated by the licensee;
- (R) A person who has been convicted of a gambling offense as prescribed by any of **subsections (a)(3) through (a)(11) of Section 28-1.1 of, or as proscribed by Section 28-3 of the "Criminal Code of 1961", approved July 28, 1961, as heretofore or hereafter amended, or as proscribed by a statute replaced by any of the aforesaid statutory provisions;**
- (S) A person to whom a federal wagering stamp has been issued by the federal government for the current tax period; except those persons who are eligible to receive a license under the Raffles Act or the Illinois Pull Tabs and Jar Games Act;



(T) 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 stamp or federal wagering stamp by the federal government for the current tax period;

(U) 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;

(V) Any premises for which a federal wagering stamp has been issued by the federal government for the current tax period. **(See 235 ILCS Sec. 5/6-2)**

**21-2-5 TERM; FEE SUBMITTED IN ADVANCE.** Retail liquor licenses issued under this Chapter shall be valid for a **twelve (12) month period** upon the payment of the license fee as hereinafter set forth unless sooner revoked or suspended. The **twelve (12) month period** shall be from **May 1<sup>st</sup> to April 30<sup>th</sup>** of the following year.

The license fee shall be payable in advance by the applicant for a license at the time the application for a license is submitted to the Mayor as hereinbefore provided. A licensee may make arrangements to pay the liquor license fees quarterly. In the event the license is denied, the license fee shall be returned to the applicant. The fees shall be deposited in the Municipal General Fund. The application for a license shall be filed with the Municipal Clerk.

Licenses shall state thereon the names of the licensees and the address and description of the premises for which they are granted and the dates of their issuance and expiration.

With respect to a corporation operating an establishment for which a liquor license has been issued, should the manager of said establishment change after the issuance of said liquor license, the corporation **must submit** the new manager's name and shall be submitted within **thirty (30) days**. Continuation of the license will be contingent upon a background check of the new manager as set out in this Chapter, and all fees shall be waived should the license be changed only as a result of a change of managers. If, for some reason, the manager is not acceptable, the licensee shall have **thirty (30) days** to submit a new name before revocation. Failure to provide new information shall be grounds for suspension or revocation of said license. **(See 235 ILCS Sec. 5/4-1)**

**21-2-6 CLASSIFICATION - FEE - LIMITATION.** Every person engaged in the retail sale of alcoholic liquor in the Village shall pay an annual license fee. Such licenses shall be divided into the following **three (3) classes**:

(A) **Class "A" License: Taverns.** Class "A" licenses shall authorize retail sale on the premises specified of alcoholic liquor of all varieties for consumption on the premises, as well as retail sale of alcoholic liquor in the original package off premises. The annual fee for such license shall be **One Thousand Dollars (\$1,000.00)**. There shall be no more than **two (2) licenses** issued.

(B) **Class "B" License: Convenience Stores, Etc.** Class "B" licenses shall authorize the retail sale of alcoholic liquor, but not for consumption on the premises where sold; such sales to be made in the original package only. Such license shall allow the sale of foodstuffs solely incidental and complementary to the sale of alcoholic liquors. The fee for such license shall be **Seven Hundred Fifty Dollars (\$750.00)**. There shall be no more than **two (2) licenses**.

(C) **Class "C" License: Restaurants.** Class "C" licenses shall authorize the sale of alcoholic liquor at retail for consumption on the premises in conjunction with the operation of a restaurant. The annual fee for such license shall be **Seven Hundred Fifty Dollars (\$750.00)**. There shall be no more than **one (1) license** issued.

**21-2-7**        **NATURE OF LICENSE.** A license issued under this Chapter shall be purely a personal privilege, good for not to exceed **one (1) year** after issued unless sooner revoked as in this Chapter authorized and provided, and shall not constitute property nor shall it be subject to attachment, garnishment or execution; nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered or hypothecated. Such license shall not descend by the laws of testate or intestate devolution, but it shall cease upon the death of the licensee, provided that executors and administrators of any estate of the deceased licensee and the trustees of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic liquor, may continue the business of the sale of alcoholic liquor under the order of the court having jurisdiction of such estate and may exercise the privileges of such deceased, insolvent, or bankrupt licensee after the death of such decedent or such insolvency or bankruptcy until the expiration of such license, but not longer than **six (6) months** after the death, bankruptcy or insolvency of such licensee. (See 235 ILCS Sec. 5/6-1) (See Attorney General's Report No. 703; 01-08-48)

**21-2-8**        **LIMITATION OF LICENSES.**

(A)        **Annexing License Holders.** The restrictions contained in this Chapter shall in no way affect taverns and other business(es) holding retail liquor licenses, duly licensed by the County, which are located in the territory annexed to the municipality. Licenses may be issued to them or renewed by the duly constituted authorities upon annexation; provided that thereafter, all of the restrictions and contingencies contained herein shall apply.

(B)        **Destroyed or Damaged Business.** No license shall be held in existence by the mere payment of fees by any person, firm or corporation for a period longer than **ninety (90) days** without a tavern or liquor business for the same being in complete and full operation. However, if a tavern or liquor business has been destroyed or damaged by fire or act of God and cannot be rebuilt or repaired within the **ninety (90) day period**, then, in that event, the Mayor shall extend the period of time for which a liquor license may be held by the mere payment of fees without the tavern or liquor business being in full and complete operation for an additional **ninety (90) days**.

If either of the above stated periods of time passes without the particular tavern or liquor business returning to complete and full operation, the license for that particular business shall expire and not be subject to renewal, unless all other requirements of this Chapter shall have been met. (See 235 ILCS Sec. 5/4-1)

**21-2-9**        **DRAMSHOP INSURANCE.** No license shall be issued hereunder unless the applicant shall file with the application a certificate by an insurance company authorized to do business in the State of Illinois, certifying that the applicant has the following minimum coverages:

- |     |   |   |
|-----|---|---|
| (A) | <b><u>Bodily Injury Liability.</u></b>  | \$ 50,000 for each person<br>\$ 100,000 each occurrence |
| (B) | <b><u>Property Damage:</u></b>          | \$ 50,000 each occurrence                               |
| (C) | <b><u>Loss of Support Coverage:</u></b> | \$ 50,000 each occurrence                               |
- (See 235 ILCS Sec. 5/6-15)

**21-2-10     DISPLAY OF LICENSE.** Every licensee under this Chapter shall cause his license to be framed and hung in plain view in a conspicuous place on the licensed premises. (See 235 ILCS Sec. 5/6-24)

**21-2-11     RECORD OF LICENSES.** The Mayor shall keep a complete record of all licenses issued by him and shall supply the Clerk, Treasurer and Chief of Police a copy of the same. Upon issuance or revocation of a license, the Mayor shall give written notice to these same officers within **forty-eight (48) hours.** (See 235 ILCS Sec. 5/4-1)

### ARTICLE III - REGULATIONS

**21-3-1 HOURS.** It shall be lawful to sell and offer alcoholic liquor for sale at retail during the following hours and days:

Sunday	CLOSED		
Monday	From 6:00 A.M.	to	11:30 P.M.
Tuesday	From 6:00 A.M.	to	11:30 P.M.
Wednesday	From 6:00 A.M.	to	11:30 P.M.
Thursday	From 6:00 A.M.	to	11:30 P.M.
Friday	From 5:00 A.M.	to	12:30 P.M.
Saturday	From 6:00 A.M.	to	12:30 P.M.

All licensees shall be closed on Christmas Day.

It shall be unlawful to keep open for business or to admit the public to any premises in or on which alcoholic liquor is sold at retail during the hours within which the sale of alcoholic liquor is prohibited. All patrons shall leave the premises by **one-half (1/2) hour** after the time when it is lawful for alcoholic liquor to be sold.

Any holder of a retail liquor license or his agent or employee who violates the provisions of this Chapter in regulating the legal hours of operation shall, upon conviction, be fined according to the provisions of **Section 1-1-20** of this Code.

The times referred to above shall refer to Daylight Savings Time or when the same is in effect in the Village and upon cessation of Daylight Savings Time, shall be Central Standard Time. (Ord. No. 04-471; 06-02-04)

**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) Serve **two (2)** or more drinks of alcoholic liquor at one time to one person for consumption by that one person, except selling or delivering wine by the bottle or carafe;
- (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;
- (3) Sell, offer to sell or serve any drink of alcoholic liquor to any person on any one date at a reduced price other than that charged other purchasers of drinks on that day where such reduced price is a promotion to encourage consumption of alcoholic liquor, except as authorized in subsection C(7) of this Section.

- (4) 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;
- (5) 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 licensed premises; or
- (6) Advertise or promote in any way, whether on or off the licenses premises, any of the practices prohibited under paragraphs (1) through (5).

(C) Nothing in subsection B shall be construed to prohibit a licensee from:

- (1) Offering free food or entertainment at any time;
- (2) Including drinks or alcoholic liquor as part of a meal package;
- (3) Including drinks of alcoholic liquor as part of a hotel package;
- (4) Negotiating drinks of alcoholic liquor as part of a contract between a hotel or multi-use establishment and another group for the holding of any function, meeting, convention or trade show;
- (5) Providing room service to persons renting rooms at a hotel;
- (6) Selling pitchers (or the equivalent, including but not limited to buckets), carafes, or bottles of alcoholic liquor which are customarily sold in such manner and delivered to **two (2)** or more persons at one time; or
- (7) Increasing prices of drinks of alcoholic liquor in lieu of, in whole, or in part, a cover charge to offset the cost of special entertainment not regularly scheduled.

(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 Code. **(See 235 ILCS Sec. 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 feet (100')** 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. (See 235 ILCS Sec. 5/6-11)

**21-3-4**      **CHANGE OF LOCATION.** A retail liquor dealer's license shall permit the sale of alcoholic liquor only on the premises described in the application and license. Such location may be changed only upon the written permit to make such change issued by the Mayor. No change of location shall be permitted unless the proposed new location is a proper one for the retail sale of alcoholic liquor under the law of this state and the Code of this municipality. (See 235 ILCS Sec- 5/7-14)

**21-3-5**      **STORES SELLING SCHOOL SUPPLIES, LUNCHES, ETC.** No license shall be issued to any person for the sale at retail of any alcoholic liquor at any store or other place of business where the majority of customers are minors of school age or where the principal business transacted consists of school books, school supplies, food, lunches, or drinks for such minors. (See 235 ILCS Sec. 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**        **ELECTION DAYS.** All such licensees may sell alcoholic liquor at retail, by the drink or in the original package for consumption either on or off the premises licensed on the day of any national, state, county or municipal election, including primary elections during the hours the polls are open within the political area in which such election is being held and on Sundays; subject to all the remaining terms, conditions and opening hours and closing hours as set forth in this Chapter.

**21-3-10**       **UNLAWFUL ACTS.** It shall be unlawful for any person to do or commit any of the following acts within the Village, to-wit:

(A)            Drink any alcoholic liquors on any public street, alley, sidewalk, or other public way without special permission granted by the Mayor.

(B)            Drink any alcoholic liquors in any public park, except with the permission of the Mayor.

(C)            Drink any alcoholic liquors on any private property without permission of an owner thereof.

(D)            Appear on or in any public street, alley, sidewalk or other public place, including parks and recreation areas, in an intoxicated condition.

**21-3-11**       **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.

**21-3-12**      **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 Sec. 650/1, et seq.)

**21-3-13**      **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 Sec. 650/10)

**21-3-14**      **HEALTH PERMIT.** Every licensee shall have, at all times, a valid operating permit from the County Health Department which regulates health standards.

**21-3-15**      **PEDDLING.** It shall be unlawful to peddle alcoholic liquor in this municipality. (See 235 ILCS Sec. 5/4-1)

**21-3-16**      **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. It shall be unlawful for any licensee, or his agent and/or employee, to give or award a cash prize or equivalent to any person playing any devices or machines defined as a coin-operated amusement device pursuant to Section 7-4-1 of the Revised Code. (See 720 ILCS Sec. 5/28-1)

**21-3-17**      **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 Sec. 5/4-1)

**21-3-18**      **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 Sec- 5/6-16)

**21-3-19**      **PERSONS SELLING LIQUOR.** It shall be unlawful for any person under the age of **twenty-one (21) years** to attend any bar or to sell, draw, pour or mix any alcoholic liquor in any Class “A” or “B” licensed retail premises. In a Class “C” or “D” licensed business, a person may serve if he is **eighteen (18) years** of age or older. (See 235 ILCS Sec. 5/4-1)

**21-3-20**      **UNDERAGED; ENTRY ON LICENSED PREMISES.** It shall be unlawful for any person under the age of **twenty-one (21) years** to enter upon premises where alcoholic liquors, spirits, beer or wine are sold by the holder of a Class “A” license. No holder of a Class “A” license, nor any officer, associate, member, representative, agent or employee of such licensee shall permit any person under the age of **twenty-one (21) years** to enter the licensed premises. (See 235 ILCS Sec- 5/4-1)

**21-3-21**      **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 Sec. 5/6-20)

**21-3-22**      **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 Sec. 5/6-20)

**21-3-23**     TRANSFER OF IDENTIFICATION CARD. No person shall transfer, alter or deface such an identification card; use the identification card of another; carry or use a false or forged identification card; or obtain an identification card by means of false information. No person shall purchase, accept delivery, or have possession of alcoholic liquor in violation of this Chapter.

The consumption of alcoholic liquor by any person under the age of **twenty-one (21) years** is forbidden. (See 235 ILCS Sec. 5/6-20)

**21-3-24**     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.”**

**21-3-25**     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 Sec. 5/6-20)

**21-3-26**     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 Sec- 5/4-4)

**21-3-27**     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 Sec. 5/6-10)

**21-3-28**      **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 license to accept, receive or borrow money or anything of value directly or indirectly from any manufacturer or distributor of alcoholic liquor. (See 235 ILCS Sec. 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 Sec. 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 Sec. 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 Sec. 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 Sec. 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)

**21-3-29**      **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 Sec. 5/6-16)

**21-3-30**      **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 Sec. 5/6-16)

**21-3-31**      **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 Sec. 5/6-16)

**21-3-32**      **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 **eighteen (18) years** of age and the following factors also apply:

(A)            the person occupying the residence knows that any such person under the age of **eighteen (18)** is in possession of or is consuming any alcoholic beverage; and

(B)            the possession or consumption of the alcohol by the person under **eighteen (18)** is not otherwise permitted by this Code and

(C)            the person occupying the residence knows that the person under the age of **eighteen (18)** 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 Sec. 5/6-16)

**21-3-33**      **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. (See 235 ILCS Sec. 5/6-16)

## 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 Sec. 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 Sec. 5/10-3)

**21-4-3 REVOCAION OF LICENSE AFTER CONVICTION.** Whenever any licensee shall be convicted of any violation of this Code, the license of said licensee may, in the discretion of the Mayor, be revoked and forfeited and all fees paid thereon shall be forfeited, and it shall thereafter be unlawful and shall constitute a further violation of this Code for said licensee to continue to operate under such license. (See 235 ILCS Sec. 5/10-4)

**21-4-4 REVOCAION OF LICENSE WHEN EMPLOYEE CONVICTED.** Whenever any officer, director, manager, or other employee in a position of authority of any licensee under this Code shall be convicted of any violation of this Code while engaged in the course of his employment or while upon the premises described by the license, the license shall be revoked and the fees paid thereon forfeited, both as to the holder of the license and as to the premises, as if said licensee had himself been convicted. (See 235 ILCS Sec. 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 Sec. 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 Sec. 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 Sec. 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 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 Sec. 5/4-4)

**21-4-9**        **COMPLAINT BY RESIDENTS.** Any five (5) residents of the municipality shall have the right to file a complaint with the Liquor Commissioner, stating that a licensee under this Code has been or is violating the provisions of this Code or any

amendments hereto, or of any of the statutes of this State of Illinois, enacted with reference to the control of liquor. Such complaint shall be made in writing and shall be signed and sworn to by the parties complaining.

The complaint shall state the particular provision, rule or regulation believed to have been violated and the facts in detail upon which such belief is based. If the Liquor Commissioner is satisfied that the complaint substantially charges a violation, and that from the facts alleged, there is reasonable cause for such belief, he shall set the matter for hearing, and shall serve notice upon the licensee of the time and place of such hearing and of the particular charges in the complaint. (See 235 ILCS Sec. 5/7-7)

**21-4-10 REVOCAION 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 suspension and/or revocation, the Liquor Commissioner may levy a fine on the licensee for such violations. The fine imposed shall not exceed One Thousand Dollars (\$1,000.00) for each violation; each day on which a violation continues shall constitute a separate violation. No more than Ten Thousand Dollars (\$10,000.00) 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, as the case may be. (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 licensee. The findings of the Commissioner shall be predicted upon competent evidence. (See 235 ILCS Sec. 5/7-5)



**21-4-11**     **APPEALS FROM ORDER OF LIQUOR COMMISSIONER.** Except as provided in this section, any order or action of a Local Liquor Control Commissioner levying a fine or refusing to levy a fine on a licensee, granting or refusing to grant a license, revoking or suspending or refusing to revoke or suspend a license or refusing for more than **thirty (30) days** to grant a hearing upon a complaint to revoke or suspend a license may within **twenty (20) days** after notice of such order or action be appealed by any resident of the municipality under the jurisdiction of the Liquor Commissioner or any person interested, to the State Commission.

In any case where a licensee appeals to the State Commission from an order or action of the Liquor Commissioner having the effect of suspending or revoking a license, denying a renewal application, or refusing to grant a license, the licensee shall resume the operation of the licensed business pending the decision of the State Commission and the expiration of the time allowed for an application for rehearing. If an application for rehearing is filed, the licensee shall continue the operation of the licensed business until the denial of the application or, if the rehearing is granted, until the decision on rehearing. **(See 235 ILCS Sec. 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 Sec. 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 Sec. 5/7-9)**

APPLICATION  
FOR  
LIQUOR LICENSE  
REQUIRED BY  
VILLAGE  
OF OBLONG  
TO BE FILED WITH  
THE  
VILLAGE CLERK

License No. \_\_\_\_\_  
Date Issued \_\_\_\_\_  
Expires \_\_\_\_\_  
Checked By \_\_\_\_\_  
Approved By \_\_\_\_\_  
Date \_\_\_\_\_  
Order to Receive No. \_\_\_\_\_  
Amount \_\_\_\_\_  
 Cash  Bank Draft  
 Cashier's Check  Money Order  
 Certified Check  \_\_\_\_\_

**IMPORTANT -- READ CAREFULLY -- PERSONAL CHECKS NOT ACCEPTED UNLESS CERTIFIED**

This application properly completed and signed must be filed with the Village Clerk and must be accompanied by a remittance in the proper amount, made payable to the Village Treasurer. This remittance must be in the form of a Certified or Cashier's Check, United States Postal Money Order, Express Money Order, or Licensed Currency Exchange Money Order, Bank Draft, Bank Money Order, or Personal Money Order. Cash accepted.

The undersigned individual or partnership hereby makes application for a LIQUOR LICENSE and submits the following information:

1. Applicant: \_\_\_\_\_  
(GIVE NAME OF INDIVIDUAL OR NAMES OF PARTNERS---TYPE OR PRINT PLAINLY)
2. Trade, Partnership or Assumed Name \_\_\_\_\_  
TYPE OR PRINT NAME PLAINLY TELEPHONE \_\_\_\_\_
3. Location of above place of business (NUMBER AND STREET OR LOT AND BLOCK OR SECTION, TOWNSHIP AND RANGE MUST BE GIVEN) \_\_\_\_\_  
CITY/TOWN/OR VILLAGE ZIP CODE RURAL ROUTE AND POST OFFICE
4. Has your Assumed Name been filed with the County Clerk? \_\_\_\_\_
5. Are alcoholic liquors stored but not sold at any location other than the one given above? \_\_\_\_\_  
If "yes", give location: \_\_\_\_\_  
NUMBER AND STREET OR LOT AND BLOCK OR SECTION, TOWNSHIP AND RANGE, CITY
6. Check principal kind of business:  Restaurant  Grocery  Hotel  Other  
 Tavern  Amusement Place  Country Club  
 Package Store  Department Store  Social Club
7. Give number of your Current Liquor License for this location \_\_\_\_\_  
A. In whose name or names is your license issued? \_\_\_\_\_  
B. Date license issued \_\_\_\_\_ Date license expires \_\_\_\_\_  
Month Day Year Month Day Year
8. Give name and address of owner of premises: \_\_\_\_\_  
When does your lease expire? \_\_\_\_\_  
Month Day Year
9. Give the date you first made application for a Liquor License for any location in Illinois: \_\_\_\_\_  
(Month/Date/Year).  
A. Disposition of application: \_\_\_\_\_  
B. Give address \_\_\_\_\_  
NUMBER AND STREET OR LOT AND BLOCK OR SECTION, TOWNSHIP AND RANGE, CITY
10. Give date you began liquor business at this location \_\_\_\_\_  
Month Day Year
11. Give date partnership was formed under name given on Line 1: \_\_\_\_\_  
Month Day Year
12. Has a Liquor License been revoked at this location within the past year? \_\_\_\_\_
13. Is this business located within \_\_\_\_\_ feet of any church, school, hospital, home for the aged or indigent persons or for veterans, their wives or children or any naval or military station? \_\_\_\_\_  
A. If answer to the above is "yes", is your place of business a hotel offering restaurant service, a regularly organized club, a food shop, or other place where the sale of liquor is not the principal business carried on?  
B. If answer to (A) is "yes", on what date was business started? \_\_\_\_\_ (Month/Day/Year)
14. Has any manufacturer, importing distributor or distributor directly or indirectly paid or agreed to pay for this license, advanced money, or anything else of value, except as specifically permitted in the Act, or any credit, (Other than merchandising credit in the ordinary course of business as specifically permitted in the Act), or is such a person directly or indirectly interested in the ownership, conduct or operation of the place of business? \_\_\_\_\_ If answer is "yes", give particulars \_\_\_\_\_
15. Name \_\_\_\_\_  
A. Residence Address \_\_\_\_\_  
(NUMBER AND STREET OR RURAL ROUTE)  
\_\_\_\_\_  
(NAME OF CITY, COUNTY AND STATE)  
B. Place of Birth: \_\_\_\_\_  
Date of Birth: \_\_\_\_\_  
C. Are you a citizen of the United States? \_\_\_\_\_  
If a naturalized citizen, time and place of naturalization? \_\_\_\_\_
16. Name \_\_\_\_\_  
A. Residence Address \_\_\_\_\_  
(NUMBER AND STREET OR RURAL ROUTE)  
\_\_\_\_\_  
(NAME OF CITY, COUNTY AND STATE)  
B. Place of Birth: \_\_\_\_\_  
Date of Birth: \_\_\_\_\_  
C. Are you a citizen of the United States? \_\_\_\_\_  
If a naturalized citizen, time and place of naturalization? \_\_\_\_\_

- D. Have you ever been convicted of a felony or otherwise disqualified to receive the license applied for by reason of any matter or thing contained in the Illinois Liquor Control Act or the Municipal Liquor Code?  YES  NO  
If "yes", name court of conviction \_\_\_\_\_
- E. Have you ever made application for a liquor license for any other premises? \_\_\_\_\_  
DATE: \_\_\_\_\_  
State disposition of application: \_\_\_\_\_  
Give address: \_\_\_\_\_
- F. Are you or is any other person, directly or indirectly interested in your place of business, a public official as defined in Sec. 2 (14) Art. VI of the Illinois Liquor Control Act? \_\_\_\_\_  
If so, office held? \_\_\_\_\_
- G. Has any license previously issued to you by any State or local authorities been SUSPENDED? \_\_\_\_\_  
DATE: \_\_\_\_\_  
If so, state reasons therefor: \_\_\_\_\_  
WHERE: \_\_\_\_\_  
(CITY COUNTY STATE)
- H. Has any license previously issued to you by any State or local authorities been REVOKED? \_\_\_\_\_  
If so, state reasons therefor: \_\_\_\_\_  
WHERE: \_\_\_\_\_  
(CITY COUNTY STATE)
- I. Will you comply with the Local Liquor Code and the Regulations in connection therewith? \_\_\_\_\_

- D. Have you ever been convicted of a felony or otherwise disqualified to receive the license applied for by reason of any matter or thing contained in the Illinois Liquor Control Act or the Municipal Liquor Code?  YES  NO  
If "yes", name court of conviction \_\_\_\_\_
- E. Have you ever made application for a liquor license for any other premises? \_\_\_\_\_  
DATE: \_\_\_\_\_  
State disposition of application: \_\_\_\_\_  
Give address: \_\_\_\_\_
- F. Are you or is any other person, directly or indirectly interested in your place of business, a public official as defined in Sec. 2 (14) Art. VI of the Illinois Liquor Control Act? \_\_\_\_\_  
If so, office held? \_\_\_\_\_
- G. Has any license previously issued to you by any State or local authorities been SUSPENDED? \_\_\_\_\_  
DATE: \_\_\_\_\_  
If so, state reasons therefor: \_\_\_\_\_  
WHERE: \_\_\_\_\_  
(CITY COUNTY STATE)
- H. Has any license previously issued to you by any State or local authorities been REVOKED? \_\_\_\_\_  
If so, state reasons therefor: \_\_\_\_\_  
WHERE: \_\_\_\_\_  
(CITY COUNTY STATE)
- I. Will you comply with the Local Liquor Code and the Regulations in connection therewith? \_\_\_\_\_

17. Do you possess a current Federal Wagering or Gaming Device Stamp?  YES  NO  
Stamp No. \_\_\_\_\_ Amount \_\_\_\_\_
18. Will this business be conducted by a manager or agent?  YES  NO If answer is "YES", Manager or Agent must give the following information:
- A. Name \_\_\_\_\_ Date of Birth \_\_\_\_\_
- B. Residence Address \_\_\_\_\_  
(STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER CITY COUNTY STATE)
- C. Place of Birth \_\_\_\_\_ Are you a citizen of the United States?  YES  NO
- D. If a naturalized citizen, time and place of naturalization? \_\_\_\_\_
- E. Have you ever been convicted of any crime as stated in Question 15-D or 16-D above?  
 YES  NO State Offense: \_\_\_\_\_
- F. Are you or have you ever been interested in any liquor business at another address?  YES  NO  
DATE: \_\_\_\_\_ If so, state reasons therefor \_\_\_\_\_  
WHERE: \_\_\_\_\_ (CITY, COUNTY, AND STATE)
- G. Has any license previously issued to you by any State or local authorities been SUSPENDED?  
 YES  NO DATE: \_\_\_\_\_ If so, state reasons therefor \_\_\_\_\_  
WHERE: \_\_\_\_\_ (CITY, COUNTY AND STATE)
- H. Has any license previously issued to you by any State or local authorities been REVOKED?  
 YES  NO DATE: \_\_\_\_\_ If so, state reasons therefor \_\_\_\_\_  
WHERE: \_\_\_\_\_ (CITY, COUNTY AND STATE)
- NO LICENSE SHALL BE ISSUED UNLESS ALL THE ABOVE QUESTIONS ARE COMPLETELY ANSWERED**

**AFFIDAVIT  
(PLEASE READ CAREFULLY BEFORE SIGNING)**

I (We) do solemnly swear (or affirm) that the statements given above are true and correct to the best of my (our) knowledge and belief; that I (We) will comply with all regulations of Federal, State and Local Liquor Control Laws; that a copy of an ordinance governing the sale at retail of alcoholic liquors and beverages in this municipality has been furnished to me (us); that I (we) understand the same, and agree to comply with all the provisions set forth therein.

I (We) swear (or affirm) that I (We) will not violate any of the laws of the State of Illinois or 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 and are made for the purpose of inducing the Village of Oblong, Illinois to issue the license herein applied for.

SUBSCRIBED AND SWORN TO BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D., \_\_\_\_.

APPLICANT(S):

\_\_\_\_\_

CLERK

(SEAL)

**VILLAGE OF OBLONG, ILLINOIS**

<u>ORD. #</u>	<u>TITLE</u>	<u>DATE</u>	<u>ORD. #</u>	<u>TITLE</u>	<u>DATE</u>
151	Missing	1912-1942	193	Appropriation	06/17/53
152	Appropriation	06/03/42	194	Tax Levy	08/05/53
153	Tax Levy	07/01/42	195		
154	Blackout Regs.	08/19/42	196	Social Security	04/07/54
155	Appropriation	06/02/43	197	Appropriation	06/16/54
156	Tax Levy	08/04/43	198	Tax Levy	08/04/54
157	Births Recorded	10/06/43	199		
158	Appropriation	06/07/44	200		
159	NYA Buildings	08/02/44	201		
160	Tax Levy	08/14/44	202	Water Bonds	01/05/55
161	NYA Buildings	09/18/44	203	Civil Defense	06/20/55
162	NYA Buildings	11/25/44	204	C.I.P.S.	08/13/55
163	Sewer Tax	03/05/45	205	Tax Levy	08/17/55
164	Liquor	03/07/45	206	Appropriation	06/20/56
165	Appropriation	06/06/45	207	Motor Vehicles	08/15/57
166	Tax Levy	08/15/45	208	Tax Levy	08/15/56
167	Water Bonds	04/17/46	209	Missing	
168	Daylight Time	06/05/46	210	Sales Tax (1/2%)	11/21/56
169	Appropriation	06/19/46	211	Appropriation	06/19/57
170	Tax Levy	07/07/46	212	Tax Levy	08/07/57
171	Waterworks	11/08/46	213	C.I.P.S.	04/02/58
172	Water System Est.	12/04/46	214	Appropriation	06/04/58
173	Appropriation	06/18/47	215	Tax Levy	08/06/58
174	Tax Levy	08/06/47	216	Appropriation	06/17/59
175	Water Line	01/07/48	217	Tax Levy	07/15/59
176	Appropriation	06/16/48	218	Civil Defense	07/01/59
177	Tax Levy	08/04/48	219	Garbage	06/01/60
178	Appropriation	06/01/49	220A	Appropriation	06/01/60
179	Reckless Driving	07/20/49	220B	Vacating Streets	06/15/60
180	Street Excavation	07/20/49	221	Vacating Streets	06/15/60
181	Tax Levy	08/03/49	222	Missing	
182	Missing		223	Missing	
183	Missing		224	Tax Levy	08/30/60
184	Appropriation	06/07/50	225	Police Magistrate	02/01/61
185	Tax Levy	08/02/50	226	Appropriation	05/17/61
186	Appropriation	07/18/51	227	Tax Levy	07/05/61
187	Tax Levy	09/05/51	228	Appropriation	06/06/62
188	Sales Tax	11/07/51	229	Tax Levy	08/15/62
189	Sewer Rates	05/01/52	230	Animals	09/19/62
190	Appropriation	06/18/52	231	Peddlers	09/19/62
191	Motor Vehicles	07/02/52	232	Appropriation	06/01/63
192	Tax Levy	08/05/52	233	Tax Levy	08/21/63

<u>ORD. #</u>	<u>TITLE</u>	<u>DATE</u>	<u>ORD. #</u>	<u>TITLE</u>	<u>DATE</u>
234	Parking Lots	08/21/63	278	E.S.D.A.	02/18/76
235	Motor Vehicles	11/06/63	279	Appropriation	05/05/76
236	Missing		280	Tax Levy	08/18/76
237	Appropriation	05/06/64	281	Appropriation	04/06/77
238	Tax Levy	08/19/64	282	Utilities	04/20/77
239	Appropriation	06/21/65	283	C.I.P.S.	05/04/77
240	Appropriation	06/21/65	284	Offenses	06/01/77
241	Motor Vehicles	09/15/65	285	Nuisance	07/20/77
242	Sewer Bonds	11/17/65	286	Utilities	09/07/77
243	Missing		287	Liquor	12/07/77
244	Appropriation	07/19/66	288	Motor Vehicles	02/15/77
245	Public Sewers	08/03/66	289	Appropriation	04/05/78
246	Public Sewers	08/03/66	290	C.I.P.S.	04/05/78
247	Sewer Rate	08/17/66	291	Tax Levy	08/16/78
248	Missing		292	Cable TV	04/04/79
249	Franchise: Refuse	12/07/66	293	Appropriation	05/16/79
250	Sales Tax	07/17/67	294	Tax Levy	07/18/79
249-1	Tax Levy	08/06/67	295	Utility Rates	07/18/79
251	Appropriation	06/24/68	296	Appropriation	04/16/80
252	Tax Levy	08/07/68	297	Franchise: Trash	05/07/80
253	Tax Levy	07/16/69	298	Offenses	06/04/80
254	R.O. Tax (1%)	08/06/69	299	Motor Vehicles	06/04/80
255	Curfew	09/17/69	300	Cable TV	06/06/80
256	Disorderly Conduct	10/01/69	301	Vacate Lots	10/15/80
257	Appropriation	04/01/70	302		
258	Tax Levy	05/20/70	303	Motor Vehicles	08/19/81
259	Civil Defense	05/20/70	304	Real Estate	08/19/81
260	Motor Vehicles	01/06/71	304	Water Lines	1982
261	Appropriation	04/21/71	305A	Ind. Rev. Bonds	06/16/82
262	Tax Levy	08/04/71	305B	Real Estate	06/02/82
263	C.I.P.S.	10/06/71	306	Gas Utilities Co.	09/16/81
264	IMRF	11/23/71	307	Dogs	08/04/82
265	Motor Vehicles	12/15/71	308	Utility Fees	08/04/82
266	Appropriation	03/15/72	309	Tax Levy	08/04/82
267	Tax Levy	06/07/72	310	\$520,000 Water Bonds	08/18/82
268	Motor Vehicles	06/07/72	311	IMRF - Hours	08/18/82
269	Appropriation	04/18/73	312	Motor Vehicles	12/15/82
270	Tax Levy	09/05/73	313	Tax Levy	08/17/83
271	Liquor	11/07/73	314	Cable TV	10/19/83
272	Appropriation	05/15/74	315	Appropriation	07/18/84
273	Tax Levy	08/21/74	315A	Appropriation	09/19/84
274	Motor Vehicles	10/02/74	316	Tax Levy	08/15/84
275	Appropriation	05/07/75			
276	Tax Levy	08/20/75			
277	C.I.P.S.	09/17/75			

<u>ORD. #</u>	<u>TITLE</u>	<u>DATE</u>	<u>LOCATION IN CODE</u>
84-317	S.O. Tax	09/05/84	Ch. 36 - Deleted
84-318	Use Tax	09/05/84	Ch. 36 - Deleted
85-319	Revised Code	09/05/84	
85-320	Property Sale	01/16/85	Special Legislation
85-321	Motor Vehicles	05/06/85	Ch. 24-5-3
85-322	Utility Rates	03/20/85	Ch. 38-4-5
85-323	Appropriation	07/17/85	Special Legislation
85-324	Tax Levy	09/04/85	Special Legislation
85-325	I.R. Bonds: Strohm	09/04/85	Special Legislation
85-326	Real Estate Purchase	11/20/85	Special Legislation
85-327	Real Estate	01/15/86	Special Legislation
85-328	Appropriation	07/16/86	
86-329	Administration: Clerk	08/06/86	Ch. 1-2-52
86-330	Tax Levy	08/20/86	Special Legislation
86-331	Real Estate: Woods Addn.	10/15/86	Special Legislation
86-332	Real Estate: Section 31	12/17/86	Special Legislation
87-333	Second Lien Sewer Rev. Bonds	02/04/87	Special Legislation
87-334	Franchise - Norris Electric	02/18/87	Special Legislation
87-335	Appropriation	07/15/87	Special Legislation
87-336	Tax Levy	09/02/87	Special Legislation
87-337	Sewer Use and Sewer Charge	09/02/87	Chapter 38
87-338	Motor Vehicles	12/16/87	Ch. 24-6-3
88-339	Crawford Cty. Waste	05/04/88	Special Legislation
88-340	Appropriation	06/15/88	Special Legislation
88-341	Tax Levy	09/07/88	Special Legislation
88-342	Kentucky St. - Vacating	10/05/88	Special Legislation
88-343	Utilities - Sewer Rates	02/01/89	Ch. 38-4-5
88-344	Utilities - Water Bonds	03/15/89	Special Legislation
89-345	Appropriation	07/05/89	Special Legislation
89-346	Sanitary Hauling Service	08/02/89	Special Legislation
89-347	Tax Levy	09/06/89	Special Legislation
89-348	Revised Code	04/04/90	Code Readopted
90-349	Prevailing Wage Rate	05/02/90	Special Legislation
90-350	Loan Payment Adj. on Municipal Bldg.	08/17/90	Special Legislation
90-351	Appropriation	09/05/90	Special Legislation
90-352	Tax Levy	09/19/90	Special Legislation
90-353	Franchise: K.C. Disposal	09/19/90	Special Legislation

<u>ORD. #</u>	<u>TITLE</u>	<u>DATE</u>	<u>LOCATION IN CODE</u>
90-354	Intergovernmental Coop. Contract IL Mun. League/R.M.A.	11/07/90	Special Legislation
90-355	Water Purchase Agreement	11/07/90	Special Legislation
91-356	Sewer Rates	01/02/91	Section 38-4-10
91-357	Prevailing Wage Rate	06/19/91	Special Legislation
91-358	Appropriation	08/07/91	Special Legislation
91-359	Tax Levy	11/06/91	Special Legislation
91-360	Sanitary Trash	10/16/91	Ch. 7; Art. III
92-361	Appropriation	09/02/92	Special Legislation
92-362	Tax Levy	09/02/92	Special Legislation
92-363	Open Burning	10/01/92	Ch. 27; Art. VII
93-364	Intergovernmental Coop. Contract IL Mun. League/R.M.A.	01/20/93	Special Legislation
93-365	Administration: Clerk & Treasurer	06/02/93	Chapter 1-3-1
93-366	Prevailing Wage Rate	06/16/93	Special Legislation
93-367	Motor Vehicles: Inoperable	09/01/93	Sec. 24-7-1 et seq.
93-368	Tax Levy	11/17/93	Special Legislation
94-369	Street Regulations	01/05/94	Chapter 33; Art. VIII
94-370	Prevailing Wage Rate	06/01/94	Special Legislation
94-371	Appropriation	08/03/94	Special Legislation
94-372	Tax Levy	10/19/94	Special Legislation
94-373	Motor Vehicle	10/19/94	Ch. 24-3-3; Schd. "C"
94-374	Animals	11/16/94	Ch. 3-2-8; Art. II
94-375	Franchise - Rumpke	12/07/94	Special Legislation
95-376	Administration: Salaries	01/02/95	Sec. 1-2-2; 1-3-1
95-377	Prevailing Wages	06/07/95	Special Legislation
95-378	Appropriation	07/05/95	Special Legislation
95-379	Motor Vehicles	07/05/95	Ch. 24; Schd. "C"
95-380	Sale of Poles	08/03/95	Special Legislation
95-381	Tax Levy	08/03/95	Special Legislation
95-382	Motor Vehicles	12/06/95	Ch. 24; Schd. "A"
96-383	Prevailing Wages	07/03/96	Special Legislation
96-384	Appropriation	09/04/96	Special Legislation
96-385	Tax Levy	10/02/96	Special Legislation
97-386	Revised Code	01/06/97	New Code
97-387	Central Tax Inc. Project	04/02/97	Special Legislation
97-388	Central Tax Inc. Project	04/02/97	Special Legislation

<u>ORD. #</u>	<u>TITLE</u>	<u>DATE</u>	<u>LOCATION IN CODE</u>
97-389	Tax Increment Financing	04/02/97	Special Legislation
97-390	Motor Vehicle	06/04/97	Chapter 24
97-391	Prevailing Wage	06/04/97	Special Legislation
97-392	Offenses: Disorderly Conduct	06/04/97	Sec. 27-4-1(H)
97-393	Offenses: Tobacco	06/04/97	Sec. 27-2-8(B)(C)
97-394	Liquor: Classes	07/02/97	Sec. 21-2-6
97-395	Appropriation	09/03/97	Special Legislation
97-396	Tax Levy	10/01/97	Special Legislation
97-397	Mobile Housing Code	11/05/97	Chapter 23
97-398	Taxation: Infrastructure	12/03/97	Ch. 36; Art. II
98-399	Offenses: Mining	05/06/98	Section 27-2-30
98-400	Prevailing Wage	06/03/98	Special Legislation
98-401	Utilities: Water Rates	07/01/98	Sec. 38-4-5
98-402	Appropriation	08/05/98	Special Legislation
98-403	Tax Levy	09/02/98	Special Legislation
98-404	Administration	10/07/98	Sec. 1-3-1
98-405	Utilities: Water	12/02/98	Secs. 38-2-6; 38-3-13; 38-4-5; 38-4-6
98-406	Administration: Attorney	12/02/98	Sec. 1-2-88
99-407	Water Revenue Bonds	01/06/99	Special Legislation
99-408	Administration: Investment Policy	02/03/99	Sec. 1-5-1
99-409	Tax Increment Redevelopment Plan & Redevelopment Project	02/11/99	Special Legislation
99-410	Tax Increment Project Area	02/11/99	Special Legislation
99-411	Tax Increment Financing	02/11/99	Special Legislation
99-412	Administration: Gift Ban	06/02/99	Sec. 1-6-1
99-413	Prevailing Wage	06/02/99	Special Legislation
99-414	Appropriation	08/04/99	Special Legislation
99-415	Not Used		
99-416	Tax Levy	09/01/99	Special Legislation
99-417	Redevelopment Agreement	09/01/99	Special Legislation
00-418	Motor Vehicles: Stop	01/05/00	Ch. 24; Schd. "A"
00-419	Employees: Pay Rate	05/03/00	Chapter 11
00-420	Prevailing Wage	06/07/00	Special Legislation
00-421	Appropriation	08/02/00	Special Legislation
00-422	Tax Levy	09/06/00	Special Legislation
00-423	Taxation: Taxpayers' Rights Code	12/06/00	Chapter 36
01-424	Waterworks Revenue Bonds	01/16/01	Special Legislation
01-425	Waterworks System Revenue Bonds	03/07/01	Special Legislation



<u>ORD. #</u>	<u>TITLE</u>	<u>DATE</u>	<u>LOCATION IN CODE</u>
01-426	CIPS Franchise	04/04/01	Chapter 12
01-427	Administration: Penalty	04/04/01	Sec. 1-1-20
01-428	Employees: Pay Rate	04/04/01	Chapter 11
01-429	Not Used		
01-430	Prevailing Wage	06/06/01	Special Legislation
01-431	Appropriation	06/06/01	Special Legislation
01-432	Tax Levy	2001	Special Legislation
01-433	Annexation: Oil Museum	09/05/01	Special Legislation
01-434	Administration: Penalty	10/03/01	Secs. 1-1-20; 1-1-21
01-435	Manufactured Housing	11/07/01	Chapter 23
01-436	Loan – E.P.A.	11/07/01	Special Legislation
02-437	Payroll	04/03/02	Special Legislation
02-438	Utilities: Water Rates	04/03/02	Secs. 38-4-5 – 38-4-9
02-439	Appropriation	06/05/02	Special Legislation
02-440	Prevailing Wage	06/05/02	Special Legislation
02-441	Motor Vehicles: Abandoned	06/05/02	Sec. 24-7-2
02-442	Supply Loan Fund Borrow - Public Water	07/03/02	Special Legislation
02-443	Taxation: Telecommunications	09/04/02	Chapter 36
02-444	Tax Levy	09/04/02	Special Legislation
02-445	Lease: IL Oilfield Museum	09/23/02	Special Legislation
02-446	Offenses: Loitering	10/02/02	Sec. 27-2-31
03-447	Utilities: Water Service	01/23/03	Chapter 38
03-448	Utilities: Rates	02/05/03	Section 38-4-16
03-449	Utilities: Water Conservation	02/05/03	Chapter 38
03-450			
03-451	Administration: Salaries	04/02/03	Chapter 1
03-452	Motor Vehicles: Parking	04/02/03	Section 24-6-3
03-453	Manufactured Homes: Definitions	05/07/03	Section 23-1-1
03-454	Motor Vehicles: Driving Rules	05/07/03	Ch. 24; Art. IV
03-455	Motor Vehicles: Parking	05/07/03	Section 24-6-3
03-456	Prevailing Wage	06/04/03	Special Legislation
03-457	Appropriation	06/04/03	Special Legislation
03-458	Tax Levy	09/03/03	Special Legislation
03-459	Nuisances	11/05/03	Chapter 25
03-460	Liquor: Underaged Entry	12/03/03	Section 21-3-20
03-461	Offenses: Truancy & Curfew	12/03/03	Chapter 27

<u>ORD. #</u>	<u>TITLE</u>	<u>DATE</u>	<u>LOCATION IN CODE</u>
04-462	Animals: In Village	01/07/04	Section 3-1-9
04-463	Manufactured Homes: Definitions	02/04/04	Section 23-1-1
04-464	Animals: In Village	02/04/04	Section 3-1-9
04-465	Utilities: Sewer Rates	03/03/04	Section 38-5-75
04-466	Payroll	04/07/04	Special Legislation
04-467	Administration: Ethics Code	05/05/04	Ch. 1; Art. VI
04-468	Prevailing Wage	06/02/04	Special Legislation
04-469	Appropriation	06/02/04	Special Legislation
04-470	Manufactured Homes: Prohibited Residential Uses	06/02/04	Section 23-1-10
04-471	Liquor: Hours	06/02/04	Section 21-3-1
04-472	Police: Rates of Pay	06/02/04	Special Legislation
04-473	National Incident Management System	09/01/04	Special Legislation
04-474	Administration: Salaries	10/06/04	Section 1-3-1
04-475	Tax Levy	10/06/04	Special Legislation
05-476	Motor Vehicles: Stops	02/02/05	Ch. 24; Schd. "A"
05-477	Condemnation of Building: 402 S. Range St.	03/02/05	Special Legislation
05-478	Condemnation of Building: 405 S. Garfield St.	03/02/05	Special Legislation
05-479	Motor Vehicles: Stops	04/06/05	Ch. 24; Schd. "A"
05-480	Employees: Salaries	04/06/05	Chapter 11
05-481	Appropriation	06/01/05	Special Legislation
05-482	Prevailing Wage	06/01/05	Special Legislation
05-483	Utilities: Water Charges	09/07/05	Section 38-3-88
05-484	Tax Levy	11/02/05	Special Legislation
06-485	Manufactured Housing: Skirting	04/05/06	Section 23-1-6
06-486	Utilities: Regulations	04/05/06	Secs. 38-2-8(F); 38-2-20(A)
06-487	Utilities: Water Regulations	04/05/06	Secs. 38-3-87; 38-3-88
06-488	Utilities: Water Regulations	04/05/06	Secs. 38-3-86(B)(C)(D)
06-489	Appropriation	04/05/06	Special Legislation
06-490	Employees: Salaries	05/03/06	Ch. 11; Art. I
06-491	Prevailing Wage	06/07/06	Special Legislation
06-492	Business: Fireworks	06/07/06	Ch. 7; Art. VIII
06-493	Condemnation of Building	07/05/06	Special Legislation
06-494	Motor Vehicles: Parking Rules	08/02/06	Section 24-6-3(A)(2); Schd. "E"
06-495	Employees: Sexual Harassment	10/04/06	Ch. 11; Art. II
06-496	Employees: Sexual Misconduct	10/04/06	Ch. 11; Art. III
06-497	Tax Levy	10/04/06	Special Legislation
06-498	Taxation: Hotel or Motel Tax	11/01/06	Ch. 36; Art. IV

**[Supplement No. 23; 01-08-09]**

<b><u>ORD. #</u></b>	<b><u>TITLE</u></b>	<b><u>DATE</u></b>	<b><u>LOCATION IN CODE</u></b>
07-499	Manufactured Housing: Definitions	03/07/07	Section 23-1-1
07-502	Offenses: Burning	09/05/07	Section 27-8-3
07-503	Motor Vehicles: Stop Signs	09/05/07	Ch. 24; Schd. "A"
08-505	Appropriation	04/02/08	Special Legislation
08-506	Motor Vehicles: No Parking	05/07/08	Ch. 24; Schd. "E"
08-507	Streets: Discharge of Sewers	05/07/08	Section 33-2-19
08-508	Encroachment	05/07/08	Special Legislation
08-509	Prevailing Wage	06/04/08	Special Legislation
08-510	Motor Vehicles: Obstruction of Crossings	06/04/08	Ch. 24; Art. VIII
08-511	Tax Levy	08/06/08	Special Legislation
08-512	Public Safety: Police Officers	09/03/08	Section 30-2-20
08-513	Condemnation of Building	10/01/08	Special Legislation
08-514	Identity Theft	10/01/08	Chapter 22
09-515	Cable TV: Customer Protection	01/07/09	Ch. 8; Art. III
09-516	Cable TV: Fee	01/07/09	Ch. 8; Art. II
09-517	Streets: Standards for Construction By Cable TV Companies	01/07/09	Ch. 33; Art. XI

**CHAPTER 22**

**MANDATED POLICIES**

**ARTICLE I – IDENTITY THEFT PREVENTION PROGRAM**

**22-1-1**     **OBJECTIVE.**     The purpose of this Identity Theft Prevention Program (Program) is to protect customers of the Village’s utility services from identity theft. The Program is intended to establish reasonable policies and procedures to facilitate the detection, prevention and mitigation of identity theft in connection with the opening of new Covered Accounts and activity on existing Covered Accounts.

**22-1-2**     **SCOPE.**     This Program applies to the creation, modification and access to Identifying Information of a customer of one or more of the utilities operated by the Municipality (sewer and water) by any and all personnel of the Municipality, including management personnel. This Program does not replace or repeal any previously existing policies or programs addressing some or all of the activities that are the subject of this Program, but rather it is intended to supplement any such existing policies and programs.

**22-1-3**     **DEFINITIONS.**     When used in this Program, the following terms have the meanings set forth opposite their name, unless the context clearly requires that the term be given a different meaning:

(A)           **Covered Account.**     The term “covered account” means an account that the Village offers or maintains, primarily for personal, family or household purposes, that involves or is designed to permit multiple payments of transactions. **(16 VFR 681.2(b)(3)(i))**. A utility account is a “covered account”. The term “covered account” also includes other accounts offered or maintained by the Municipality for which there is a reasonably foreseeable risk to customers, the Municipality, or its customers from identity theft. **(16 CFR 681.2(b)(3)(ii))**

(B)           **Identity Theft.**     The term “identity theft” means a fraud committed or attempted using the identifying information of another person without authority. **(16 CFR 681.2(b)(8) and 16 CFR 603.2(a))**

(C)           **Identifying Information.**     The term “identifying information” means any name or number that may be used, alone or in conjunction with any other information, to identify a specific person, including any name, social security number, date of birth, official State or government issued driver’s license or identification number, alien registration number, government passport number, employer or taxpayer identification number. Additional examples of “identifying information” are set forth in **16 CFR 603.2(a)**.

(D) **Red Flag.** The term "Red Flag" means a pattern, practice or specific activity that indicates the possible existence of identity theft.

Certain terms used but not otherwise defined herein shall have the meanings given to them in the FTC's Identity Theft Rules (**16 CFR Part 681**) or the Fair Credit Reporting Act of 1970 (15 U.S.C. §1681 *et seq.*), as amended by the Fair and Accurate Credit Transactions Act of 2003 into law on **December 4, 2003**. (Public Law 108-159)

**22-1-4 POLICY.**

(A) **Administration of the Program.** Issues to be addressed in the annual Identity Theft Prevention Report include:

- (1) The effectiveness of the policies and procedures in addressing the risk of Identity Theft in connection with the opening of new Covered Accounts and activity with respect to existing Covered Accounts.
- (2) Service provider arrangements.
- (3) Significant incidents involving Identity Theft and management's response.
- (4) Recommendations for material changes to the Program, if needed for improvement.

(B) **Identity Theft Prevention Elements.**

(1) **Identification of Relevant Red Flags.** The Village has considered the guidelines and the illustrative examples of possible Red Flags from the FTC's Identity Theft Rules and has reviewed the Municipality's past history with instances of identity theft, if any. The Municipality hereby determines that the following are the relevant Red Flags for purposes of this Program given the relative size of the Municipality and the limited nature and scope of the services that the Municipality provides to its citizens:

(a) **Alerts, Notifications, or Other Warnings Received From Consumer Reporting Agencies or Service Providers.**

- (i) A fraud or active duty alert is included with a consumer report or an identity verification response from a credit reporting agency.
- (ii) A consumer reporting agency provides a notice of credit freeze in response to a request for a consumer report.
- (iii) A consumer reporting agency provides a notice of address discrepancy, as defined in §681.1(b) of the FTC's Identity Theft Rules.
- (iv) A consumer report indicates a pattern of activity that is inconsistent with the history and

usual pattern of activity of an applicant or customer, such as:

- a. A recent and significant increase in the volume of inquiries;
- b. An unusual number of recently established credit relationships;
- c. A material change in the use of credit, especially with respect to recently established credit relationships; or
- d. An account that was closed for cause or identified for abuse of account privileges by a financial institution or creditor.

(b) **The Presentation of Suspicious Documents.**

- (i) Documents provided for identification appear to have been altered or forged.
- (ii) The photograph or physical description on the identification is not consistent with the appearance of the applicant or customer presenting the identification.
- (iii) Other information on the identification is not consistent with information provided by the person opening a new covered account or customer presenting the identification.
- (iv) Other information on the identification is not consistent with readily accessible information that is on file with the Municipality, such as a signature card or a recent check.
- (v) An application appears to have been altered or forged, or gives the appearance of having been destroyed and reassembled.

(c) **The Presentation of Suspicious Personal Identifying Information, Such as a Suspicious Address Change.**

- (i) Personal identifying information provided is inconsistent when compared against external information sources used by the Municipality. For example:
  - a. The address does not match any address in the consumer report or CRA ID Check response; or
  - b. The Social Security Number (SSN) has not been issued, or is listed on the Social Security Administration's Death Master File.

## Mandated Policies 22-1-5

- (ii) Personal identifying information provided by the customer is not consistent with other personal identifying information provided by the customer. For example, there is a lack of correlation between the SSN range and date of birth.
- (iii) Personal identifying information provided is associated with known fraudulent activity as indicated by internal or third-party sources used by the Municipality. For example:
  - a. The address on an application is the same as the address provided on a fraudulent application; or
  - b. The phone number on an application is the same as the number provided on a fraudulent application.
- (iv) Personal identifying information provided is of a type commonly associated with fraudulent activity as indicated by internal or third-party sources used by the Municipality. For example:
  - a. The billing address on an application is fictitious, a mail drop, or a prison; or
  - b. The phone number is invalid, or is associated with a pager or answering service.
- (v) The SSN provided is the same as that submitted by other persons opening an account or other customers.
- (vi) The address or telephone number provided is the same as or similar to the account number or telephone number submitted by an unusually large number of other persons opening accounts or other customers.
- (vii) The person opening the covered account or the customer fails to provide all required personal identifying information on an application or in response to notification that the application is incomplete.
- (viii) Personal identifying information provided is not consistent with personal identifying information that is on file with the Municipality.
- (ix) If the Municipality uses challenge questions, the person opening the covered account or the

customer cannot provide authenticating information beyond that which generally would be available from a wallet or consumer report.

(d) **The Unusual Use of, or Other Suspicious Activity Related to, a Covered Account.**

- (i) Shortly following the notice of a change of address for a covered account, the Municipality receives a request for the addition of authorized users on the account.
- (ii) A new utility account is used in a manner commonly associated with known patterns of fraud patterns. For example: the customer fails to make the first payment or makes an initial payment but no subsequent payments.
- (iii) A covered account with a stable history shows irregularities.
- (iv) A covered account that has been inactive for a reasonably lengthy period of time is used (taking into consideration the type of account, the expected pattern of usage and other relevant factors).
- (v) Mail sent to the customer is returned repeatedly as undeliverable although usage of utility products or services continues in connection with the customer's covered account.
- (vi) The Municipality is notified that the customer is not receiving paper account statements.
- (vii) The Municipality is notified of unauthorized usage of utility products or services in connection with a customer's covered account.

(e) **Notice of Possible Identity Theft.**

- (i) The Municipality is notified by a customer, a victim of identity theft, a law enforcement authority, or any other person that it has opened a fraudulent account for a person engaged in identity theft.

- (2) **Detection of Red Flags.** The employees of the Village that interact directly with customers on a day-to-day basis shall have the initial responsibility for monitoring the information and documentation provided by the customer and any third-party service provider in connection with the opening of new accounts and the modification of or access to existing accounts and the detection of any Red Flags that



## Mandated Policies 22-1-5

might arise. Management shall see to it that all employees who might be called upon to assist a customer with the opening of a new account or with modifying or otherwise accessing an existing account are properly trained such that they have a working familiarity with the relevant Red Flags identified in this Program so as to be able to recognize any Red Flags that might surface in connection with the transaction. An Employee who is not sufficiently trained to recognize the Red Flags identified in this Program shall not open a new account for any customer, modify any existing account or otherwise provide any customer with access to information in an existing account without the direct supervision and specific approval of a management employee. Management employees shall be properly trained such that they can recognize the relevant Red Flags identified in this Program and exercise sound judgment in connection with the response to any unresolved Red Flags that may present themselves in connection with the opening of a new account or with modifying or accessing of an existing account. Management employees shall be responsible for making the final decision on any such unresolved Red Flags.

The Chairman of Finance shall establish from time to time a written policy setting forth the manner in which a prospective new customer may apply for service, the information and documentation to be provided by the prospective customer in connection with an application for a new utility service account, the steps to be taken by the employee assisting the customer with the application in verifying the customer's identity and the manner in which the information and documentation provided by the customer and any third-party service provider shall be maintained. Such policy shall be generally consistent with the spirit of the Customer Identification Program rules (31 CFR 103.121) implementing Section 326(a) of the USA PATRIOT Act but need not be as detailed. The Program Administrator shall establish from time to time a written policy setting forth the manner in which customers with existing accounts shall establish their identity before being allowed to make modifications to or otherwise gain access to existing accounts.

- (3) **Response to Detected Red Flags.** If the responsible employees of the Village as set forth in the previous section are unable, after making a good faith effort, to form a

## **Mandated Policies 22-1-5**

reasonable belief that they know the true identity of a customer attempting to open a new account or modify or otherwise access an existing account based on the information and documentation provided by the customer and any third-party service provider, the Municipality shall not open the new account or modify or otherwise provide access to the existing account as the case may be. Discrimination in respect to the opening of new accounts or the modification or access to existing accounts will not be tolerated by employees of the Municipality and shall be grounds for immediate dismissal.

The Finance Chairman shall establish from time to time a written policy setting forth the steps to be taken in the event of an unresolved Red Flag situation. Consideration should be given to aggravating factors that may heighten the risk of Identity Theft, such as a data security incident that results in unauthorized access to a customer's account, or a notice that a customer has provided account information to a fraudulent individual or website. Appropriate responses to prevent or mitigate Identity Theft when a Red Flag is detected include:

- (a) Monitoring a Covered Account for evidence of Identity Theft.
- (b) Contacting the customer.
- (c) Changing any passwords, security codes, or other security devices that permit access to a Covered Account.
- (d) Reopening a Covered Account with a new account number.
- (e) Not opening a new Covered Account.
- (f) Closing an existing Covered Account.
- (g) Not attempting to collect on a Covered Account or not selling a Covered Account to a debt collector.
- (h) Notifying law enforcement.
- (i) Determining that no response is warranted under the particular circumstances.

### **22-1-5**

#### **PROGRAM MANAGEMENT AND ACCOUNTABILITY.**

##### **(A)**

#### **Initial Risk Assessment - Covered Accounts.**

Utility accounts for personal, family and household purposes are specifically included within the definition of "covered account" in the FTC's Identity Theft Rules. Therefore, the Village determines that with respect to its residential utility accounts it offers and/or maintains covered accounts. The Municipality also performed an initial risk assessment to determine whether the utility offers or maintains any other accounts for which there are reasonably foreseeable risks to customers or the utility from identity theft. In making this determination the Municipality considered (1) the methods it uses to open its accounts, (2) the methods it uses to access

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## Mandated Policies 22-1-5

its accounts, and (3) its previous experience with identity theft, and it concluded that it does not offer or maintain any such other covered accounts.

(B) **Program Updates - Risk Assessment.** The Program, including relevant Red Flags, is to be updated as often as necessary but at least annually to reflect changes in risks to customers from Identity Theft. Factors to consider in the Program update include:

- (1) An assessment of the risk factors identified above.
- (2) Any identified Red Flag weaknesses in associated account systems or procedures.
- (3) Changes in methods of Identity Theft.
- (4) Changes in methods to detect, prevent, and mitigate Identity Theft.
- (5) Changes in business arrangements, including mergers, acquisitions, alliances, joint ventures, and service provider arrangements.

(C) **Training and Oversight.** All staff and third-party service providers performing any activity in connection with one or more Covered Accounts are to be provided appropriate training and receive effective oversight to ensure that the activity is conducted in accordance with policies and procedures designed to detect, prevent, and mitigate the risk of Identity Theft.

(D) **Other Legal Requirements.** Awareness of the following related legal requirements should be maintained:

- (1) 31 U.S.C. 5318(g) - Reporting of Suspicious Activities.
- (2) 15 U.S.C. 1681 c-1(h) - Identity Theft Prevention; Fraud Alerts and Active Duty Alerts - Limitations on Use of Information for Credit Extensions.
- (3) 15 U.S.C. 1681 s-2 - Responsibilities of Furnishers of Information to Consumer Reporting Agencies.
- (4) 15 U.S.C. 1681 m - Requirements on Use of Consumer Reports.

**22-1-6** **RESPONSIBILITY.** The initial adoption and approval of the Identity Theft Prevention Program shall be by Ordinance of the Village Board. Thereafter, changes to the Program of a day-to-day operational character and decisions relating to the interpretation and implementation of the Program may be made by the Chairman of Finance. Major changes or shifts of policy positions under the Program shall only be made by the Chairman of Finance with the Village Board's approval.

Development, implementation, administration and oversight of the Program will be the responsibility of the Chairman of Finance. The Chairman of Finance may, but shall not be required to, appoint a committee to administer the Program. The Finance Chairman shall be the head of any such committee. The Finance Chairman will report at least annually to the Mayor regarding compliance with this Program.

**(Ord. No. 08-514; 10-01-08)**

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.

**"IMMOBILIZED MANUFACTURED HOME"** means any manufactured home resting on a permanent foundation with wheels, tongue, and hitch permanently removed. The City Council establishes the following criteria to complete the immobilization of a manufactured home:

(A)           The foundation shall extend 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, or mortared brick extending into the ground below the frost line shall satisfy the requirement for a permanent foundation.

(B)           As an alternative to paragraph (A) above, piers may be used, extending into the ground below the frost line and sufficient in number to properly support the manufactured home.

(C)           To complete the immobilization, wheels, tongue, and hitch shall be removed. Axles **may** be removed.

**"LICENSE"** means a license certificate issued by the Village allowing a person to operate and maintain a mobile home park under the provisions of this Code and the rules and regulations issued hereunder.

**"LICENSEE"** means any person having a license or permit under this Chapter.

**"MANUFACTURED HOME"** means a structure designed for permanent habitation and so constructed as to permit its transport on wheels, temporarily or permanently attached to its frame, from the place of its construction to the location or subsequent location at which it is intended to be a permanent habitation and designed to permit the occupancy thereof as a dwelling place for **one (1)** or more persons. The terms shall only include "manufactured homes" constructed within **ten (10) years** from the date such structure is placed in the Village. **(Ord. No. 07-499; 03-07-07)**

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

**"MANUFACTURED HOME, DOUBLE-WIDE"** consists of **two (2) mobile units** joined at the side into a single home, but kept on their separate chassis for repeated transportation to a site.

**"MANUFACTURED HOME, INDEPENDENT"** means a manufactured home which has self-contained toilet and bath or shower facilities. **(See 210 ILCS Sec. 115/2.4)**

**"MANUFACTURED HOME LOT"** means a parcel of land for the placement of a manufactured home and the exclusive use of its occupants.

**"MANUFACTURED HOME PAD"** means that part of an individual manufactured home space or lot beneath the manufactured home, including the concrete portion of the pad.

**"MANUFACTURED HOME PARK"** means a tract of land or **two (2)** or more contiguous tracts of land upon which contain sites with the necessary utilities for **two (2)** or more independent manufactured homes for permanent habitation either free of charge or for revenue purposes, and shall include any building, structure, vehicle, or enclosure used or intended for use as a part of the equipment of such manufactured home park. Separate ownership of contiguous tracts of land shall not preclude the tracts of land from common licensure as a manufactured home park if they are maintained and operated jointly. Neither an immobilized manufactured home nor a motorized recreational vehicle shall be construed as being a part of a manufactured home park. **(See 210 ILCS Sec. 115/2.5)**

**"MANUFACTURED HOME SALES AREA"** means a parcel of land used for the display, sale, and repair of new or used manufactured homes.

**"MANUFACTURED HOME SPACE"** means a portion of a manufactured home park designed for the use or occupancy of **one (1) manufactured home**.

**"MANUFACTURED HOUSING UNIT"** includes all forms of housing units listed in this Section and as regulated in this Code.

**"MOBILE HOME"** means a structure designed for permanent habitation and so constructed as to permit its transport on wheels, temporarily or permanently attached to its frame, from the place of its construction to the location or subsequent location at which it is intended to be a permanent habitation and designed to permit the occupancy thereof as a dwelling place for **one (1)** or more persons. The terms shall only include **"mobile homes"** shall only include homes constructed within **ten (10)**

## **Manufactured Housing Code 23-1-2**

**years** of the date of application under the terms and provisions of this Code. **(Ord. No. 07-499; 03-07-07)**

**"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 in 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 Building Code (BOCA). All structures shall be placed on a permanent foundation in order that they may be assessed as real estate.

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

**"PERMIT"** means a certificate issued by the Building or Zoning Inspector, permitting the construction, alteration, or reduction in number of spaces of a manufactured home park under the provisions in this Code.

**"PERSON"** means any individual, group of individuals, association, trust, partnership, corporation, person doing business under an assumed name, county, municipality, the State of Illinois, or any political subdivision or department thereof or any other entity.

**"REVOCATION"** means to declare invalid a permit or license issued to the applicant or licensee by this Village for an indefinite period of time.

**"SITE"** means the lot on which the mobile home is located for permanent habitation. **(See 210 ILCS Sec. 115/2.7)**

**"SPACE"** shall be synonymous with **"Manufactured Home Space"**.

**"SUSPENSION"** means to declare invalid a permit or license issued to the applicant or licensee by this Village for a temporary period of time with an expectation of resumption.

**23-1-2 STATE REQUIREMENTS ADOPTED BY REFERENCE.** The Illinois **Mobile Home Park Act** and the **Mobile Home Tiedown Act (77 Ill. Adm. Code 870)** of the **Illinois Compiled Statutes, Chapter 210, Section 115/1 et seq., as passed, approved and amended by the Illinois General Assembly** are hereby adopted by the Village. The applicable provisions as they pertain to manufactured homes and immobilized manufactured homes shall be controlling within the corporate limits of the Village.

**23-1-3 MANUFACTURED HOUSING ACT ADOPTED.** The **Illinois Manufactured Housing and Mobile Home Act, as passed and approved 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 Village. **(See 430 ILCS Sec. 115/1 et seq.)**

**23-1-4 ILLINOIS DEPARTMENT OF PUBLIC HEALTH ADOPTED AND REGULATIONS.** The **Manufactured Home Community Code** as approved by the **Illinois Department of Public Health (1998)** is hereby adopted by the Village. The applicable provisions as they pertain to Manufactured Home Community shall be controlling within the corporate limits.

**23-1-5 NATIONAL SAFETY STANDARDS.** No manufactured home or immobilized manufactured home shall be located in the Village unless the unit has the **National Manufactured Housing Construction and Safety Standards** metal seal affixed thereto.

**23-1-6 SKIRTING.** Skirting shall be used to conceal all underpinning, plumbing, and support piers whether on a permanent foundation or otherwise. All skirting shall be of masonry, metal or other material approved by the Mayor or Police Chief prior to and after installation. All skirting shall be installed on all manufactured housing units within **sixty (60) days** of the placement of the unit. **(Ord. No. 06-485; 04-05-06)**

**23-1-7 FIRE EXTINGUISHERS.** All manufactured housing units located in the Village shall be equipped with a fire extinguishing apparatus capable of extinguishing all types of fires. Such extinguishers shall be of sufficient size so that they will reasonably protect the manufactured housing unit. All fire extinguishers shall be approved by the Fire Chief or his designated representative prior to installation. **(See 425 ILCS Secs. 60/1 – 60/4)**



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**23-1-8**     **INSPECTION.** All manufactured housing units located in the Village shall be subject to reasonable inspection by an official or officials designated by the Village Board.

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

**23-1-10**    **PROHIBITED RESIDENTIAL USES.**

(A)     **Dependent Mobile Home.** It shall be unlawful to locate a dependent mobile 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 Village 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 or the Zoning Board.

(D)     **Relocation Within Village.** It shall be unlawful to relocate a manufactured home or a mobile home which, on the date of the proposed relocation, would not be lawful to be initially located in the Village.

Any person, his agent or employee who violates the provisions of said Chapter shall, upon conviction, be fined according to the provisions of **Section 1-1-20** of this Code. **(Ord. No. 04-470; 06-02-04)**

**ARTICLE II - IMMOBILIZED MANUFACTURED HOMES**

**23-2-1**     **IMMOBILIZED MANUFACTURED HOMES.** All immobilized manufactured homes located in the Village shall be classified as real estate; therefore, it is mandatory for all persons owning, operating, renting, or leasing an existing manufactured home outside a manufactured home park to remove or cause to have removed the wheels or any other transportation device from the manufactured home. The owner or lessor shall permanently fix it to the ground in a manner that conforms to the definition of an immobilized manufactured home in **Section 23-1-1**. All existing manufactured homes, when replaced, shall comply with the immobilization provisions of this Code.

**23-2-2**     **PERMIT - FEE.** All persons seeking to locate or replace a manufactured home or an immobilized manufactured home outside a manufactured home park shall obtain a **Building or Zoning Permit** from the Village Clerk or Building Inspector. No utility services shall be connected to the unit until the Village has issued the appropriate permits. The fee to locate or relocate a manufactured home or immobilized manufactured home shall be **Twenty-Five Dollars (\$25.00)**.

**23-2-3**     **LOT SIZE.** The minimum lot size for the location of an immobilized manufactured home unit shall be **seven thousand (7,000) square feet**. All units shall be located in the Village according to the requirements and restrictions of this Code. They shall not exceed **forty percent (40%) coverage** of the lot or the requirements of the Zoning Code, if any.

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

**23-2-5**     **LIMIT OF UNITS.** There shall be **only one (1)** immobilized manufactured home per lot in the Village.

**ARTICLE III - MANUFACTURED HOME PARKS**

**DIVISION I - ADMINISTRATION REQUIREMENTS**

**23-3-1 COMPLIANCE WITH STATUTES, APPLICABILITY OF ARTICLE.** Every manufactured home park hereafter established in the Village shall, at a minimum, conform to the requirements of:

(A) The Illinois **Mobile Home Park Act** and the **Mobile Home Tiedown Act (77 Ill. Adm. Code 870)** of the **Illinois Compiled Statutes, Chapter 210, Section 115/1 et seq., as passed, approved and amended by the Illinois General Assembly** are hereby adopted by the Village. The applicable provisions as they pertain to manufactured homes and immobilized manufactured homes shall be controlling within the corporate limits of the Village.

(B) The **Manufactured Home Community Code** as approved by the **Illinois Department of Public Health (1998)** is hereby adopted by the Village. The applicable provisions as they pertain to Manufactured Home community shall be controlling within the corporate limits.

(C) **This Code.**

(D) Zoning Code, if any.

In case of conflict between any provisions of the above, the more stringent requirement shall prevail.

**23-3-2 PERMITTING AND PLANNING A PARK.** Any person seeking to establish, operate, alter, or expand a manufactured home park shall obtain a permit to construct or a license to operate a manufactured home park.

**"Construct or operate a manufactured home park"**, as used in this Code shall include, but not necessarily be limited to supplying or maintaining common water, sewer, or other utility supplies or services, or the collection of rents directly or indirectly from **two (2)** or more independent manufactured homes. **(All plans shall be submitted to the Village Board or Plan Commission for approval prior to the granting of a permit.)**

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

**23-3-4 PERMITS.** The Plan Commission or the Village Board shall review each application and plan documents submitted. When the application and plan documents are found to be in compliance with the **"Manufactured Home Community Code"**, as approved

## Manufactured Housing Code 23-1-2

by the **Illinois Department of Public Health**, the Village Board or its designee may issue the proper permit to construct or alter a manufactured home park to the applicant. Permits shall be valid for **one (1) year from date of issue.**

**23-3-5 INSPECTION OF MANUFACTURED HOME PARK.** Upon completion of the proposed construction of a manufactured home park or the proposed alteration of a manufactured home park, the applicant shall notify the Village or the designated official in order that an inspection of the complete facilities can be made.

**23-3-6 VIOLATION PROCEEDINGS.** Any license granted hereunder shall be subject to revocation or suspension by the Mayor. However, the Mayor or his representative shall first serve or cause to be served upon the licensee a written notice in which shall be specified the way or ways in which such licensee has failed to comply with the statutes, or any rules or regulations promulgated by the Village pertaining thereto. The notice shall require the licensee to remove or abate such nuisance, unsanitary or objectionable condition, specified in such notice within **five (5) days** or within a longer period of time as may be allowed by the Village Board. If the licensee fails to comply with the terms and conditions of the notice within the time specified or such extended period of time, the Mayor or his representative may revoke or suspend such license.

**23-3-7 INITIAL PERMIT REQUIRED.** Each manufactured home that locates on a lot in a manufactured home park shall secure an initial Building or Zoning Permit from the Village. All future locations on the same lot shall be exempt from the fee. **(See Zoning Code)**

**23-3-8 - 23-3-9 RESERVED.**

**DIVISION II - DESIGN AND CONSTRUCTION REQUIREMENTS**

**23-3-10**     **PLAN DOCUMENT.** In order to obtain a permit to construct or an original license to operate a manufactured home park, the applicant shall file with the Village a written application and plan documents and such plan documents shall be prepared by a registered engineer or architect licensed to practice in the State of Illinois, with registration seal affixed. **Two (2) copies** of the plan document shall accompany the application filed with the Village Clerk to obtain a permit to construct or alter a manufactured home park or an original license to operate a manufactured home park, not previously licensed by the Department. These plans shall include, but not be limited to the design and construction criteria set forth herein. **[If there is a Zoning Administrator then the plans should be filed with that office.]**

**23-3-11**     **APPLICATION.**

(A)           Every applicant shall file with the Village Clerk a written application and plan documents for the proposed construction or alteration of a manufactured home park.

(B)           The application shall be completed by the applicant and the engineer or architect and shall include:

- (1)       The full name and address of the applicant or applicants, or names and addresses of the partners if the applicant is a partnership, or the names and addresses of the officers if the applicant is a corporation, and the present or last occupation of the applicant at the time of the filing of the application. If the applicant is a corporation, a copy of the certificate of incorporation must be filed with the application.
- (2)       The proposed method of lighting the structures and land upon which the manufactured home park is to be located.
- (3)       The plot plans of the manufactured home park, building plans and specifications for existing buildings and facilities, and the plans and specifications for new buildings and facilities or the proposed alterations in existing facilities.
- (4)       An affidavit of the applicant as to the truth of the matters contained in the application shall be attached.
- (5)       Each application shall be accompanied by an application fee of **Three Hundred Dollars (\$300.00)** for a permit to construct, or an application fee of **One Hundred Fifty Dollars (\$150.00)** for a permit to alter to increase the size of the park.

**23-3-12      LOCATION.**

(A)            Sites selected for manufactured home development shall be well-drained and free from topographical or geological hinderances and from other conditions unfavorable to a proper residential environment. The manufactured home development shall not be located near swamps, wetlands, marshes, or other breeding places of insects, rats, mice or other rodents. When a good, natural drainage is not available, storm water drainage shall be provided and such drainage shall not endanger any water supply or surface watercourse.

(B)            The Village Board may authorize a site survey to ascertain that the proposed location complies with the above requirements. **(See Flood Plain and Zoning Codes, if any.)**

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

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

(B)            All streets in parks constructed shall have a minimum right-of-way of **fifty (50) feet** and a minimum road width of **thirty-two (32) feet** for the purpose of this Code, and shall be considered private streets to be maintained by the park owner or operator.

                If a manufactured home park has more than **fifty (50) units**, a wider street may be required by the corporate authorities.

(C)            Sidewalks and walkways shall be constructed abutting a street in a manufactured home park and shall be a minimum of **four (4) feet** in width; provided, however, there shall be no minimum width requirement for sidewalks for each individual lot. No portion of a mobile home shall block, in any way, the pedestrian traffic on the walkways.

**23-3-14 - 23-3-16      RESERVED.**

**DIVISION III - GENERALLY**

**23-3-17**    **LOT SIZE.** The minimum lot size for a manufactured home pad shall be **eight thousand (8,000) square feet**, with a minimum frontage of **sixty (60) feet**.

**23-3-18**    **MISCELLANEOUS RESTRICTIONS.**

(A)            No manufactured home unit parked in a manufactured home park shall be immobilized.

(B)            Not more than **one (1) manufactured home unit** shall be parked in **one (1)** space.

(C)            No travel-trailer shall be permitted in any manufactured home park, unless a special area has been approved for that purpose by the Village Board or the Zoning Board.

**23-3-19 - 23-3-20**    **RESERVED.**

**DIVISION IV - FEES**

**23-3-21**    **LICENSE FEE.** The annual license fee per manufactured home park shall be **One Hundred Dollars (\$100.00)**, and shall be due and payable **on or before May 1<sup>st</sup> of each year**. The Village Clerk shall notify the owner or operator of the annual fee at least **thirty (30) days** prior to **May 1<sup>st</sup>**.

**(Ord. No. 01-435; 11-07-01)**

**CHAPTER 24**

**MOTOR VEHICLE CODE**

**ARTICLE I - DEFINITIONS**

**24-1-1**     **ILLINOIS VEHICLE CODE; DEFINITIONS ADOPTED.** The Illinois Vehicle Code, **Illinois Compiled Statutes, Chapter 625, Chapter 1**, entitled "**Title and Definitions**", as passed, approved and amended by the Illinois General Assembly is hereby adopted by the Village, the provisions thereof shall be controlling within the corporate limits of the Village. **(See 65 ILCS Sec. 5/1-3-2 and 5/11-1-1)**

**ARTICLE II - GENERAL REGULATIONS**

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

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

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



**24-2-4**      **UNAUTHORIZED SIGNS.** No person shall place, maintain or display upon or in view of any street, any unauthorized sign, signal, marking, light, reflector or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, nor shall any person 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 State Department of Public Works and Buildings, which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal in view of any street or highway, and it shall be unlawful to place or maintain any sign which hides from view any lawful traffic-control device. It shall be unlawful to maintain or operate any flashing or rotating beacon of light in view of any street or highway. **(See Chapter 27 and 33) (Also See Chapter 40 - Zoning Code)**

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

**24-2-8**      **LAMPS AND OTHER EQUIPMENT ON BICYCLES.**  
(A)            Every bicycle, when in use at nighttime, shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least **five hundred feet (500')** to the front and with a red reflector on the rear of a type approved by the Department which shall be visible from all distances of **one hundred feet (100')** to **six hundred feet (600')** to the rear when directly in front of lawful lower beams of headlights on a motor vehicle. A lamp emitting a red light visible from a distance of **five hundred feet (500')** to the rear may be used in addition to the red reflector.

(B) A bicycle shall not be equipped with, nor shall any person use any siren upon a bicycle.

(C) Every bicycle shall be equipped with a brake which will adequately control movement of and stop and hold such bicycle.

(D) No person shall sell a new bicycle or pedal for use on a bicycle that is not equipped with a reflex reflector or conforming to specifications prescribed by the State on each pedal, visible from the front and rear of the bicycle during darkness from a distance of **two hundred feet (200')**.

(E) No person shall sell or offer for sale a new bicycle that is not equipped with side reflectors. Such reflectors shall be visible from each side of the bicycle from a distance of **five hundred feet (500')** and shall be essentially colorless or red to the rear of the center of the bicycle and essentially colorless or amber to the front of the center of the bicycle provided. The requirements of this paragraph may be met by reflective materials which shall be at least **three-sixteenths of an inch (3/16th")** wide on each side of each tire or rim to indicate as clearly as possible the continuous circular shape and size of the tires or rims of such bicycle and which reflective materials may be of the same color on both the front and rear tire or rim. Such reflectors shall conform to specifications prescribed by the State.

(F) No person shall sell or offer for sale a new bicycle that is not equipped with an essentially colorless front-facing reflector.

(G) Any person charged with a violation of this section shall pay a fine of **One Dollar (\$1.00)** for the first offense and for a similar charge during the same year a fine of **Five Dollars (\$5.00)**. (See 625 ILCS Sec. 5/11-1507)

**ARTICLE III - STOP AND THROUGH STREETS**

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

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

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

**24-3-4**     **YIELD RIGHT-OF-WAY STREETS.** The driver of a vehicle approaching a yield sign, in obedience to such sign, shall slow down to a speed reasonable for the existing conditions and if required for safety to stop, shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway. After slowing or stopping, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection. (**See Schedule "C"**)

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

**ARTICLE IV - DRIVING RULES**

**24-4-1 ILLINOIS VEHICLE CODE; RULES OF THE ROAD ADOPTED.**

The Illinois Vehicle Code, **Illinois Compiled Statutes, Chapter 625, 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 Unlawful.** No person shall be a participant in drag racing as defined in **Section 5/11-504 of the Illinois Compiled Statutes.**

(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.** The Department of Local Authorities with reference to traffic-control signals, signs or markers owned by the Department of Local Authorities are authorized to indicate the ownership of such signs, signals or markers on the back of such devices in letters not less than **three-eighths of an inch (3/8")** or more than **three-fourths of an inch (3/4")** in height, by use of a metal stamp, etching or other permanent means and except for employees of the Department of Local Authorities, police officers, contractors and their employees engaged in highway construction, contract or work on the highway approved by the Department of Local Authorities, it is a violation of this Chapter for any person to possess such sign, signal or marker so identified. **(See 625 ILCS Sec. 5/11-313)**

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

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

(F) **General Speed Restrictions.** The speed limits on the various streets shall be approved by the Village Board, but shall not exceed **twenty miles per hour (20 MPH)** in a school zone and not to exceed **twenty-five miles per hour (25 MPH)** on a residential street; otherwise, **thirty miles per hour (30 MPH)** on an arterial street unless otherwise posted. **(See Schedule "D") (See 625 ILCS Sec. 5/11-604) (See 65 ILCS Sec. 5/11-40-1)**

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

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

(H) **Failure to Reduce Speed.** A vehicle shall be driven upon the streets and alleys of this Village at a speed which is reasonable and proper with regard to traffic conditions and the use of the street or alley. The fact that the vehicle does not exceed the applicable maximum speed limit does not relieve the driver of the duty to decrease speed when approaching and crossing an intersection or when special hazard exists with respect to pedestrian or other traffic or by reason of weather or highway conditions. Speed must be decreased as may be necessary to avoid colliding with any person or vehicle on or entering the highway in compliance with legal requirements and the duty of all persons to use due care.

(I) **Traffic Lane Usage.** Whenever any roadway within the Village has been divided into **two (2)** or more clearly marked lanes for traffic, a vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.

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

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

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

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

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

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

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

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

**ARTICLE V - EQUIPMENT OF VEHICLES**

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

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

**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**      **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) in the following No-Parking zones. See Schedule "E" for designated No-Parking areas. **(Ord. No. 06-494; 08-02-06)**
  - (a)      In front of a public or private driveway.
  - (b)      Within **fifteen (15) feet** of a fire hydrant.



- (c) Within **twenty (20) feet** of a crosswalk at an intersection.
  - (d) Within **thirty (30) feet** upon the approach to any flashing signal, stop sign, yield sign or traffic-control signal located at the side of the roadway.
  - (e) Within **twenty (20) feet** of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within **seventy-five (75) feet** of such entrance (when properly sign-posted).
  - (f) At any place where official signs prohibit standing or parking.
- (3) **Parking a Vehicle** (whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading property or passengers):
- (a) within **fifty (50) feet** of the nearest rail of a railroad crossing;
  - (b) at any place where official signs prohibit parking;
  - (c) in yellow zones.
- (B) No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful.
- (C) Schedules "E", "F" and "G" shall list all applicable no-parking zones.  
**(See 625 ILCS Sec. 5/11-303)**

**24-6-4 PARKING FOR THE HANDICAPPED.**

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

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

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

(D) **Penalty.** Any vehicle parked in violation of this Article in a posted designated handicapped space which does not bear an Illinois Handicapped Registration Plate, or a valid handicapped parking permit issued by another governmental agency of a Village Handicapped Registration Card will be ticketed and the vehicle will be removed in accordance

with departmental policies and in accordance with **Section 5/11-1302, Chapter 625 of the Illinois Compiled Statutes**. The registered owner of the vehicle as ascertained by the registration plates of the vehicle will be presumed to be in control of the vehicle and will be fined **One Hundred Dollars (\$100.00)**. 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.

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

**24-6-5 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.

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

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

**24-6-7 PARKING VIOLATIONS.** Any person accused of a violation of an ordinance prohibiting parking a vehicle in a designated area or restricting the length of time a vehicle may be there parked, may settle and compromise the claim against him or her for such illegal parking by paying to the Village **Ten Dollars (\$10.00)** for each such offense. Such payment may be made at the Village Hall and a receipt shall be issued for all money so received and such money shall be promptly turned over to the Treasurer to be credited to the General Fund. The members of the Police Department are hereby authorized to refrain from

instituting a prosecution for the alleged offense involved for at least **forty-eight (48) hours**; provided, however, that this section shall not apply to persons parking a vehicle so as to obstruct the entrance or 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.

**24-6-8 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.

**24-6-9 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 VEHICLES**

**24-7-1**     **DEFINITIONS.** For the purpose of this Code, the following words shall have the meanings ascribed to them as follows:

**"ABANDONED VEHICLE"** shall mean all motor vehicles or other vehicles in a state of disrepair, rendering the vehicle incapable of being driven in its condition; or any motor vehicle or other vehicle that has not been moved or used for **seven (7) consecutive days** or more and is apparently deserted.

**"ANTIQUE VEHICLE"** means any motor vehicle or other vehicle **twenty-five (25) years** of age or older.

**"COMPONENT PART"** means any part of a vehicle other than a tire having a manufacturer's identification number or an identification number issued by the Secretary of State.

**"DERELICT VEHICLE"** means any inoperable, unregistered, or discarded motor vehicle, regardless of title, having lost its characteristic as a substantial property and left unattended without justification on the owner's, lienholder's or other legally entitled person's land contrary to the public policy expressed in this Code.

**"HIGHWAY"** means any street, alley or public way within this municipality.

**"REMOVE"** means to remove, deface, cover, or destroy.

**"VEHICLE"** means every device in, upon or by which any person or property is or may be transported or drawn upon a street or highway, whether subject to or exempt from registration, excepting, however, bicycles, snowmobiles and devices used exclusively upon stationary rails or tracks. **(See 625 ILCS Sec. 5/4-201)**

**24-7-2**     **ABANDONMENT.**

(A)     **Highway.** The abandonment of a motor vehicle or other vehicle or part thereof on any highway in this Municipality is unlawful and subject to penalties as set forth herein.

(B)     **Private Property.** 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 Municipality is unlawful, except on property of the owner, or bailee of such abandoned vehicle, and except as provided in paragraph (C).

(C)     **Owner's Property.** A vehicle or any part thereof so abandoned on private property, of the owner or bailee of such abandoned vehicle, for a period not exceeding **seven (7) days**, unless such vehicle is kept within a building or out of public view, shall be authorized for removal.

**24-7-3 POSSESSION OF VEHICLE BY OTHER PARTY; TOWING.**

Where an abandoned, lost, stolen or unclaimed motor vehicle or other vehicle comes into the temporary possession or custody of a person in this municipality who is not the owner, lienholder or other legally entitled person of the vehicle, such person shall immediately notify the Police Department when the vehicle is within the corporate limits of the municipality. Upon receipt of such notification, the Police Department or designated representative shall authorize a towing service to remove and take possession of the abandoned, lost, stolen or unclaimed motor vehicle or other vehicle. The towing service will safely keep the towed vehicle and its contents, maintain a record of the tow, as set forth in **Section 24-7-5**, until the vehicle is claimed by the owner, lienholder, or any other person legally entitled to possession thereof or until it is disposed of as provided in this Chapter. **(See 625 ILCS Sec. 5/4-202)**

**24-7-4 REMOVAL OF MOTOR VEHICLES OR OTHER VEHICLES - TOWING OR HAULING AWAY.**

(A) When a vehicle is abandoned or left unattended on a highway in an urban district for **ten (10) hours** or more, its removal by a towing service may be authorized by the Police Department.

(B) 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 the Police Department.

(C) When a vehicle removal from either public or private property is authorized by the Police Department, the owner, lienholder or other legally entitled person of the vehicle shall be responsible for all towing costs.

(D) The remaining provisions of **Section 4-203 of Chapter 95 1/2**, of the **Illinois Compiled Statutes** are hereby adopted by reference and the provisions thereof shall be controlling within the corporate limits of this municipality. **(See 625 ILCS Sec. 5/4-203)**

**24-7-5 POLICE RESPONSIBILITIES.** When a vehicle is authorized to be towed away as provided herein, the Police Department shall keep and maintain a record of the vehicle towed, listing by color, year of manufacture, manufacturer's trade name, manufacturer's series name, body style, vehicle identification number and license plate year

and number displayed on the vehicle. The record shall also include the date and hour of tow, location towed from, location towed to, reason for towing and the name of the officer authorizing the tow. **(See 625 ILCS Sec. 5/4-204)**

**24-7-6 UNKNOWN OWNER.** When the Police Department does not know the identity of the registered owner, lienholder or other legally entitled person, they will cause the motor vehicle registration records of the State of Illinois to be searched by a directed communication to the Secretary of State for the purpose of obtaining the required ownership information.

The Police Department authorizing the impoundment shall cause the stolen motor vehicle files of the Illinois State Police to be searched by a directed communication to the Illinois State Police for stolen or wanted information of the vehicle. The information determined from these record searches shall be used by the Police Department in sending notification by certified mail to the owner, lienholder or legally entitled person advising where the vehicle is held, requesting a disposition to be made and setting forth public sale information. **(See 625 ILCS Sec. 5/4-205)**

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

**24-7-8 RECLAIMED VEHICLES - EXPENSES.** Any time before a motor vehicle or other vehicle is sold at public sale or disposed of as provided in **Section 24-7-9**, the owner, lienholder, or other person legally entitled to its possession may reclaim the vehicle by presenting to the Police Department proof of ownership or proof of the right to possession of the vehicle. No vehicle shall be released to the owner, lienholder, or other legally entitled person under this section until all towing and storage charges have been paid. **(See 625 ILCS Sec. 5/4-207)**

**24-7-9 DISPOSAL OF UNCLAIMED VEHICLE.** Whenever an abandoned, lost, stolen, or unclaimed motor vehicle or other vehicle **seven (7) years** of age or newer remains unclaimed by the registered owner, lienholder, or other person legally entitled to its possession for a period of **thirty (30) days** after notice has been given as provided herein, the

Police Department having possession of the vehicle shall cause it to be sold at public auction to a person licensed as an automatic parts recycler, rebuilder or scrap processor under **Chapter 5 of Chapter 95 1/2, of the Illinois Compiled Statutes**. Notice of the time and place of the sale shall be posted in a conspicuous place for at least **ten (10) days** prior to the sale on the premises where the vehicle has been impounded. At least **ten (10) days** prior to the sale, the Police Department shall cause a notice of the time and place to be sent by certified mail to the registered owner, lienholder, or other person known by the Police Department or towing service to be legally entitled to the possession of the vehicle. Such notice shall contain a complete description of the vehicle to be sold and what steps must be taken by any legally entitled person to reclaim the vehicle.

In those instances where the certified notification specified herein has been returned by the postal authorities to the Police Department due to the addressee having moved or being unknown at the address obtained from the registration records of this State, the sending of a second certified notice shall not be required.

**24-7-10      DISPOSAL OF UNCLAIMED VEHICLES WITHOUT NOTICE.**

(A)      **New Car.** When the identity of the registered owner, lienholder, or other person legally entitled to the possession of an abandoned, lost, or unclaimed vehicle of **seven (7) years** of age or newer cannot be determined by any means provided for in this Chapter, the vehicle may be sold as provided for in **Section 24-7-9** of this Code 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 Code, it shall be kept in custody for a minimum of **ten (10) days** for the purpose of determining the identity of the registered owner and lienholder and contacting the registered owner and lienholder by the U.S. Mail, public service or in person for a determination of disposition; and an examination of the Illinois State Police stolen motor 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 person, the Chief of Police shall authorize the disposal of the vehicle as junk.)

(C)      **Antique Vehicle.** A vehicle classified as an antique vehicle may, however, be sold to a person desiring to restore it. **(See 625 ILCS Sec. 5/4-209)**

**24-7-11      POLICE RECORD FOR DISPOSED VEHICLE.** When a motor vehicle or other vehicle in the custody of the Police Department is reclaimed by the registered owner, lienholder, or other legally entitled person or when the vehicle is sold at public sale or otherwise disposed of as provided in this Chapter, a report of the transaction shall be maintained by the Police Department for a period of **one (1) year** from the date of the sale or disposal. **(See 625 ILCS Sec. 5/4-210)**

**24-7-12**     **PUBLIC SALE PROCEEDS.** When a vehicle located within the corporate limits of this municipality is authorized to be towed away by the Police Department and disposed of as set forth in this Code, the proceeds of the public sale or disposition, after the deduction of towing, storage and processing charges, shall be deposited in the municipal treasury. **(See 625 ILCS Sec. 5/4-211)**

**24-7-13**     **LIABILITY.** A law enforcement officer or agency, 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 Code. **(See 625 ILCS Sec. 5/4-213)**

**24-7-14**     **PENALTY.**  
(A)           Any person who violates or aids and abets in the violation of this Article is guilty of a petty offense, and  
(B)           shall be fined not less than **Seventy-Five Dollars (\$75.00)** nor more than **Seven Hundred Fifty Dollars (\$750.00)**, and  
(C)           shall be required by the Court to make a disposition on the abandoned or unclaimed vehicle and pay all towing and storage charges pursuant to this Article. **(See 625 ILCS Sec. 5/4-214)**



**ARTICLE VIII - OBSTRUCTION OF CROSSINGS**

**24-8-1      OBSTRUCTION OF CROSSINGS.**

(A)            Except as provided in paragraph (B) of this Section, it shall be unlawful for a rail carrier to permit any train, railroad car or engine to obstruct public travel at a railroad-highway grade crossing for a period in excess of **ten (10) minutes.**

(B)            The following shall be affirmative defenses to a charge brought under paragraph (A) of this Section:

- (1)          The obstruction was caused by compliance with a statute or regulation of the United States government or statute or regulation of the State of Illinois.
- (2)          The obstruction was caused by circumstances over which the rail carrier had no reasonable control.
- (3)          The train, railroad car or engine was continuously moving during the period of the obstruction.

(C)            Any person who violates or aids and abets in the violation of this Article is guilty of a petty offense, and shall be fined no less than **Seventy-Five Dollars (\$75.00)** nor more than **Seven Hundred Fifty Dollars (\$750.00)**, costs and the reasonable attorney's fees of the Village.

**(Ord. No. 08-510; 06-04-08)**

CITATION FORM

NO. \_\_\_\_\_

DATE \_\_\_\_\_

TIME \_\_\_\_\_

LICENSE NO. \_\_\_\_\_

STATE \_\_\_\_\_

LICENSE EXPIRES \_\_\_\_\_

MAKE OF VEHICLE \_\_\_\_\_

METER NUMBER \_\_\_\_\_

OFFICER \_\_\_\_\_

YOU ARE CHARGED WITH THE VIOLATION MARKED BELOW:

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

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

VILLAGE \_\_\_\_\_

STATE \_\_\_\_\_

ZIP CODE \_\_\_\_\_

You may settle and compromise a claim for illegal parking by paying the sum set forth above for the first particular violation and the same sum shall apply for the same particular offense for the second and each subsequent violation within 5 days after the time set out above. If not paid within this time limit, an **Enforcement Warrant** will be issued and an assessment of not less than **\$5.00** will be collected.

**FOR YOUR CONVENIENCE**

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

## SCHEDULE "A"

### TWO-WAY STOP INTERSECTIONS

In accordance with the provisions of **Section 24-3-1** and **Section 24-3-3**, the following are designated as stop intersections:

#### **I. ONE OR TWO-WAY STOPS.**

<b><u>THROUGH STREET</u></b>	<b><u>STOP STREET (DIRECTION)</u></b>
Main St.	All Intersecting Streets
Range St.	All Intersecting Streets
Adams St.	Indiana St. (Both)
Adams St.	Missouri St. (Both)
Farley Rd.	Illinois St. (West Bd.)
Garfield St.	Illinois St. (Both)
Garfield St.	Indiana St. (Both)
Garfield St.	Iowa St. (Both)
Garfield St.	Kentucky St.
Garfield St.	Missouri St. (Both)
Garfield St.	Ohio St. (Both)
Garfield St.	Ridge Ln. (West Bd.)
Georgia St.	Taylor St. (South Bd.)
Grant St.	Indiana St. (Both)
Grant St.	Kentucky St. (Both)
Grant St.	Missouri St. (Both)
Illinois St.	Joy St. (North Bd.)
Illinois St.	Madison St. (North Bd.)
Indiana St.	Harrison St. (North Bd.)
Indiana St.	Lincoln St. (North Bd.)
Jefferson St.	Missouri St. (West Bd.)
Kentucky St.	Grant St. ( <b>#05-476</b> )
Kentucky St.	Harrison St. (South Bd.)
Kentucky St.	Lincoln St. (South Bd.)
Kentucky St.	Roosevelt St. (Both)
Missouri St.	Jackson St. (Both)

**SCHEDULE "A" (CONTINUED)**

<b>THROUGH STREET</b>	<b>STOP STREET (DIRECTION)</b>
Missouri St.	Washington St. (Both)
Ohio St.	Adams St. (South Bd.)
Ohio St.	Museum Rd. (South Bd.)
Ohio St.	Washington St. (North Bd.)
E. Oklahoma St.	S. Garfield St. (Both)
Roosevelt St.	Indiana St. (East Bd.)
Taylor St.	Ohio St. ( <b>#07-503</b> )
S. Taylor St.	E. Kentucky St. (Both)
Wilson St.	Illinois St. (Both)
Wisconsin St.	Museum Rd. (North Bd.)
Wisconsin St.	Taylor St. (North Bd.)

**II. THREE-WAY STOPS.**

Adams St. (North Bd.)                      at                      Texas (Both)

**III. FOUR-WAY STOPS.**

N. Garfield St.	and	E. Wisconsin
Grant St.	and	Illinois St.
Main St.	and	Range St.
Ohio St.	and	Harrison St.
Taylor St.	and	Indiana St.
W. Texas St.	and	S. Adams St. ( <b>#05-479</b> )
Wisconsin St.	and	Harrison St.

**(Ord. No. 00-418; 05-01-00)**

**SCHEDULE "B"**

**ONE-WAY STREETS**

In accordance with Section 24-3-2 of this Chapter the following are established as "One Way Streets":

<b>STREET (DIRECTION)</b>		<b>LOCATION</b>
Jefferson St. (North) <b>10-02-74)</b>	From	Missouri St. to Main St. ( <b>#274;</b>

## SCHEDULE "C"

### YIELD RIGHT-OF-WAY STREETS

In accordance with **Section 24-3-4**, the following are designated as yield right-of-way intersections:

<b>THROUGH STREET</b>	<b>YIELD STREET (DIRECTION)</b>
Adams St.	Alabama St. (East Bd.)
Adams St.	Michigan St. (Both)
Adams St.	Tennessee St. (Both)
Adams St.	Wisconsin St. (Both)
Alabama St.	Wilson St. (North Bd.)
Garfield St.	Alabama St. (Both)
Garfield St.	Florida St. (East Bd.)
Garfield St.	Kentucky St. (Both)
Garfield St.	Nebraska St. (Both)
Garfield St.	Texas St. (Both)
Grant St.	Georgia St. (West Bd.)
Grant St.	Iowa St. (Both)
Grant St.	Nebraska St. (East Bd.)
Grant St.	Ohio St. (Both)
Grant St.	Texas St. (East Bd.)
Grant St.	Wisconsin St. (Both)
Harrison St.	Illinois St. (Both)
Harrison St.	Iowa St. (East Bd.)
Harrison St.	Nebraska St. (East Bd.)
Illinois St.	Division St. (South Bd.)
Indiana St.	Jackson St. (South Bd.)
Iowa St.	Adams St. (North Bd.)
Iowa St.	Wilson St. (North Bd.)
Jackson St.	Illinois St. (East Bd.)
Jackson St.	Ohio St. (Both)
Jackson St.	Wisconsin St. (Both)
Jefferson St.	Illinois St. (East Bd.)
Kansas St.	Garfield St. (North Bd.)
Kansas St.	Grant St. (North Bd.)

**SCHEDULE "C" (CONTINUED)**

<b>THROUGH STREET</b>	<b>YIELD STREET (DIRECTION)</b>
Michigan St. (West Bd.) Michigan St.	Jackson St. (Both) Wilson St. (Both)
Taylor St. Taylor St. Texas St.	Illinois St. (Both) Ohio St. (Both) Wilson St. (South Bd.)
Washington St. Wilson St. Wilson St.	Illinois St. (East Bd.) Ohio St. (Both) Wisconsin St. (Both)

**(Ord. No. 00-418; 01-05-00)**

**SCHEDULE "D"**

**SPEED LIMIT STREETS**

In accordance with **Section 24-4-2(F)** the following streets are designated speed limit streets, to-wit:

<b>STREET – LIMIT</b>	<b>LOCATION</b>
School Zones (20 MPH)	All streets ( <b>#2003-454</b> )

## SCHEDULE "E"

### NO PARKING

In accordance with **Section 24-6-3** of this Chapter the following are established as "No Parking Zones":

<b>STREET (DIRECTION)</b>		<b>LOCATION</b>
S. Grant St. (East Side)	From	Main St. to Alley
W. Illinois St. (South)	From	N. Range to N. Wilson St.
Main St. (Both)	From	East Corporate Line to Grant St.
Main St. (Both)	From	West Corporate Line to Wilson St.
Main St. (IL 33) (Both)	Except from	Wilson St. to Grant St. ( <b>#08-506</b> )
W. Missouri St. (South)	From	Washington St. to Jefferson St. ( <b>2003-452</b> )
E. Missouri St. (South Side)	From	Range St. to Alley
N. Range St. (East Only)	From	Corporate Limit to Main St.
S. Range St. (East Only)	From	Corporate Limit to Kentucky St.
S. Range St. (East)	From	Main St. to Missouri St.
S. Range St. (East Side)	From	Main St. to Village Limits ( <b>#06-494</b> )
N. Range St. (Both Sides)	From	Illinois St. to Village Limits ( <b>#06-494</b> )

## SCHEDULE "F"

### LIMITED PARKING

In accordance with Section 24-6-3 of this Chapter the following are established as "Limited Parking Zones":

I. **No parking from 7:00 A.M. to 4:00 P.M. when school is in session.**

<b>STREET – DIRECTION</b>		<b>LOCATION</b>
W. Texas St. (Both)	From	S. Range St. to S. Adams St. ( <b>#97-390</b> )
S. Range St. (West)	From	W. Texas south 180 feet ( <b>#97-390</b> )

**2 Hour Parking From 9:00 A.M. until 5:00 P.M.**

Main St. (Both)	From	Adams St. to Grant St.
Range St. (West)	From	Illinois St. to Missouri St.



**VILLAGE OF OBLONG**

**NUISANCE VIOLATION NOTICE**

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

You are hereby notified that the Police Chief or his representatives has determined that the property owned by you (and/or occupied by you, as the case may be) located at \_\_\_\_\_ located within the Municipality contains an unlawful nuisance(s) as defined by **Section 25-1-1** of the Revised Code of Ordinances as follows:

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

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

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

If you wish to appeal this notice, then the appeal shall be made to the Village Hall by: \_\_\_\_\_.

If the nuisance is not abated by the date prescribed and/or if no request for hearing is made within the time prescribed, the Municipality will abate the nuisance and assess the costs against the property and/or impose a fine as provided by the **Revised Code of Ordinances, Chapter 25; Article I and Chapter 1.**

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

\_\_\_\_\_  
MUNICIPAL CLERK  
VILLAGE OF OBLONG

**NOTE:** The penalty for failure to abate said nuisance(s) may be as high as \$750.00 per violation plus the cost of the clean-up.

**VILLAGE OF OBLONG**

**NOTICE**

**UNLAWFUL WEED GROWTH**

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

You are hereby notified that \_\_\_\_\_  
has determined that property owned by you (and/or occupied by you, as the case may be) at \_\_\_\_\_, located within the Village Limits contains unlawful weed growth as defined by **Chapter 25, Article II**, of the Revised Code of Ordinances.

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

If you refuse or neglect to remove such growth, the authorities of this Municipality may provide for the removal thereof. The cost of such growth removal shall be paid by you.

\_\_\_\_\_  
VILLAGE CLERK  
VILLAGE OF OBLONG

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

**VILLAGE OF OBLONG**

**NOTICE**

**UNLAWFUL GARBAGE AND/OR DEBRIS**

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

You are hereby notified that the \_\_\_\_\_

\_\_\_\_\_

has determined that property owned by you (and/or occupied by you, as the case may be) located at \_\_\_\_\_, located within the Village Limits contains garbage and/or debris as defined by **Chapter 25, Article III**, of the Revised Code of Ordinances.

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

If you refuse or neglect to remove such garbage and/or debris, the corporate authorities of this Municipality may provide for the removal thereof. The cost of the garbage and/or debris removal shall be paid by you.

\_\_\_\_\_  
VILLAGE CLERK  
VILLAGE OF OBLONG

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

**VILLAGE OF OBLONG**

**NOTICE**

**INOPERABLE VEHICLE**

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

You are hereby notified that the Police Department has determined that an “inoperable vehicle(s)” owned by you (and/or stored by you, as the case may be) located at \_\_\_\_\_, located within the Corporate Limits of this Municipality contains an inoperable vehicle(s), as defined by **Chapter 25, Article IV**, of the Revised Code of Ordinances.

You are required to abate and remove any and all inoperable vehicles within **seven (7) days** from the date of this Notice.

If you wish to appeal said notice, then the appeal shall be made to the Corporate Authorities within **five (5) days** of this Notice.

If you refuse or neglect to remove and dispose of the specified inoperable vehicle(s), the Health Officer or Police Chief of this Municipality may provide for the removal and abatement thereof. The cost of such removal and abatement shall be paid by you.

\_\_\_\_\_  
HEALTH OFFICER/POLICE CHIEF  
VILLAGE OF OBLONG

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

**VILLAGE OF OBLONG**  
**LETTER OF NOTICE**  
**DANGEROUS AND UNSAFE BUILDING**

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

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

- Dangerous and/or unsafe
- Uncompleted and/or abandoned

The lawful property shall be described as \_\_\_\_\_

\_\_\_\_\_

(legal description)

located at \_\_\_\_\_

(address)

Unless such building is put into safe condition or demolished within **ninety (90) days** of the receipt of this notice, the Village shall apply to the Circuit Court for an order authorizing such action to be taken by the **Village** with respect to the above described building. Any costs incurred by the Village to restore the building to a safe condition or to demolish the building shall be recovered from the owner(s) of the above described property pursuant to **Chapter 65, Paragraph 5/11-31-1, Illinois Compiled Statutes**.

\_\_\_\_\_

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

\_\_\_\_\_  
VILLAGE CLERK  
VILLAGE OF OBLONG

(SEAL)

**VILLAGE OF OBLONG**  
**NOTICE**  
**ABANDONED VEHICLE VIOLATION**

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

You are hereby notified that the \_\_\_\_\_ has determined that the property owned by you (and/or occupied by you, as the case may be) located at \_\_\_\_\_, located within the Corporate Limits contains an unlawful vehicle(s), as defined by **Section 25-4-1** of the Revised Code of Ordinances.

You are required to abate and remove any abandoned vehicle(s) within **seven (7) days** from the date of this Notice.

If you wish to appeal said notice, then the appeal shall be made to the Village Clerk within **seven (7) days** of this Notice.

If you refuse or neglect to remove and abate specified nuisance(s), the Corporate Authorities of this Municipality may provide for the removal and abatement thereof. The cost of such removal and abatement shall be paid by you.

\_\_\_\_\_  
MUNICIPAL CLERK  
VILLAGE OF OBLONG

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

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 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, 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 **twenty (20) rods** 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 **one thousand (1,000) feet** of any occupied dwelling house.

(G)            **Noxious Odors.** To erect, continue or use any building or other place for the exercise of any trade, employment or manufacture, which, by occasioning noxious exhalations, offensive smells or otherwise, is offensive or dangerous to the health of individuals, or of the public.

(H)            **Unlawful Advertising.** To advertise wares or occupations by painting notices of the same on, or affixing them to fences or other private property, or on rocks or other natural objects without the consent of the owner, or if in the highway or other public place, without permission of the proper authorities.

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

(J)            **Burn-Out Pits.** To construct or operate any salt water pit or oil field refuse pit, commonly called a "burn-our 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 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 within the Village limits.

(O) **Filthy Premise Conditions.** To keep or suffer to be kept in a foul, offensive, nauseous or filthy condition, any chicken coop, cow barn, stable, cellar, vault, drain, privy, sewer or sink upon any premises belonging to or occupied by him, or any railroad car, building, yard, grounds, and premises belonging to or occupied by him.

(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, ashes, garbage, refuse, hazardous waste, plastic, brush, litter, weeds, slush, lead, glass bottles or broken glass upon any 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) **Motor Transport Engines.** To operate motor transport engines in the nighttime between the hours of **eight (8:00) o'clock P.M.** and **six (6:00 ) o'clock A.M.**, in any place in which a majority of the buildings, within a radius of **four hundred (400) feet** are used exclusively for residence purposes, excluding state and federal highways.

(W) **Generally.** To commit any offense which is a nuisance according to the common law of the land or made such by statute of the State.

**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, maintaining of any nuisance shall be dangerous or detrimental to health.

**25-1-3** **NOTICE TO ABATE.** Whenever the Police Chief or his designated representative 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) A statement suggesting how such abatement might be accomplished;
- (E) The date by which abatement must be completed;
- (F) A statement indicating that if the nuisance is not abated by the date prescribed this municipality will abate the nuisance and assess the costs against the property and/or impose a fine.

**25-1-4** **ABATEMENT OF NUISANCE BY VILLAGE; UNKNOWN OWNER.** It shall be the duty of the Chief of Police or a designated officials to proceed at once upon the expiration of the time specified in the notice to cause such nuisance to be abated, provided, however, that whenever the owner, occupant, agent, or person in possession or control of any premises in or upon which any nuisance may be found in unknown or cannot be found, the Chief of Police shall proceed to abate such nuisance without notice. In either case, the expense of such abatement shall be paid by the person who may have created or suffered such nuisance to exist, in addition to any penalty or fine.

**25-1-5** **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.

(See 65 ILCS Sec. 5/11-60-2 and 740 ILCS Secs. 55/221 and 55/222)

## ARTICLE II - WEEDS

**25-2-1 DEFINITIONS.** "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 and Johnson 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 inches (8")** anywhere in the Village. Any such plants or weeds exceeding such height are hereby declared to be a nuisance.

**25-2-3 NOTICE.** The Police Department or any other person so designated by the Mayor may issue a written notice for removal of weeds or grass. Such weeds or grass shall be cut by the owner or occupant within **five (5) days** after such notice has been duly served.

**25-2-4 SERVICE OF NOTICE.** Service of the notice provided for herein may be effected by handing the same to the owner, occupant or lessee of the premises, or to any member of his household of the age of **fifteen (15) years** or older found on the premises or by mailing such notice to the last known residence address of the owner; provided, that if the premises are unoccupied and the owner's address cannot be obtained, then the notice may be served by posting the same upon the premises.

**25-2-5 ABATEMENT.** If the person so served does not abate the nuisance within **five (5) days**, the Police Chief 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 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 Secs. 5/11-20-6 and 5/11-20-7)

**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 his 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 the 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 Sec. 5/11-20-13)**

**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 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 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.

**(See 65 ILCS Sec. 5/11-40-3)**

**ARTICLE V - BUILDING AS NUISANCE**

**25-5-1 BUILDING CONDITION - NUISANCE.** The Building Inspector or his designated representative shall report to the Village Board when any building or structure in the Village is in a dangerous condition and constitutes a nuisance. Hereinafter, all references to Building Inspector shall include “his designated representative”.

**25-5-2 TIME LIMIT.** The owner of such building shall repair or alter it so as to make it safe within **ninety (90) days** from the time the notice is served upon him in the manner provided by law.

**25-5-3 NOTIFICATION.** The Building Inspector, with the approval of the Village Board, shall place a notice on all “dangerous and unsafe buildings”, which notice shall read as follows:

“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.”

**25-5-4 DANGEROUS AND UNSAFE BUILDING DEFINED.** All buildings or structures which have any or all of the following defects shall be deemed “dangerous and unsafe buildings”.

(A) Those whose interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.

(B) Those which, exclusive of the foundation, show **thirty-one percent (31%)** or more of damage or deterioration of the supporting member or members, or **fifty percent (50%)** of damage or deterioration of the non-supporting enclosing or outside walls or covering.

(C) Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used.

(D) Those which have been damaged by fire, wind, or other causes so as to have become dangerous to life, safety, morals, or the general health and welfare of the occupants or the people of the Village.

(E) Those which have become or are so dilapidated, decayed, unsafe, unsanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation or are likely to cause sickness or disease, so as to cause injury to the health, morals, safety or general welfare of those living therein.

(F) Those having light, air, and sanitation facilities which are inadequate to protect the health, morals, safety, or general welfare of human beings who live or may live therein.

(G) Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes, or other means of communication.

(H) Those which have parts thereof which are so attached that they may fall and injure members of the public or property.

(I) Those which, because of their condition, are unsafe, unsanitary, or dangerous to the health, morals, safety or general welfare of the people of this Village.

(J) Those buildings existing in violation of any provision of the Building Code of this Village, or any provision of the Fire Prevention Code, or any other ordinances of the Village.

(K) Those vacant buildings with unguarded openings shall be deemed to constitute a fire hazard and to be unsafe within the provisions of this Code.

(L) Those buildings which are uncompleted or abandoned.

**25-5-5**        **STANDARDS FOR REPAIR, VACATION OR DEMOLITION.** The following standards shall be followed in substance by the Building Inspector in ordering repair, vacation, or demolition:

(A) If the “dangerous and unsafe building” is in such condition as to make it dangerous to the health, morals, safety, or general welfare of its occupants, it shall be ordered to be vacated.

(B) If the “dangerous and unsafe building” can reasonably be repaired so that it will no longer exist in violation of the terms of this Code, it shall be ordered repaired.

(C) In any case where a “dangerous and unsafe building” if **fifty percent (50%)** damaged or decayed, or deteriorated from its original value or structure, it shall be demolished, and in all cases where a building cannot be repaired so that it will no longer exist in violation of the terms of this Code, it shall be demolished. In all cases where a “dangerous and unsafe building” is a fire hazard existing or erected in violation of the terms of this Code, or any ordinance of the Village, or statute of the State of Illinois, it shall be demolished. **(See “Non-Conforming Uses” of the Zoning Code)**

**25-5-6**        **DANGEROUS AND UNSAFE BUILDINGS - NUISANCES.** All dangerous and unsafe buildings within the terms of this Article are hereby declared to be public nuisances and shall be repaired, vacated, or demolished as hereinbefore or hereinafter provided.



**25-5-7**        **DUTIES OF THE ATTORNEY.** The Village Attorney shall apply to the Circuit Court for an order authorizing the demolition, repair, or vacation of dangerous and unsafe buildings or uncompleted or abandoned buildings when notices have not been complied with and when requested to do so by the Building Inspector.

**25-5-8**        **LIENS.** The cost of repair, demolition, vacation, or enclosure shall be recoverable from the owner or owners of such real estate and shall be a lien thereon, which lien shall be subordinate to all prior existing liens and encumbrances; provided that within **sixty (60) days** after said cost and expense is incurred, the Village or person performing the service by authority of the Village, in his or its own names, shall file notices of lien in the office of the County Recorder of Deeds. The notice shall consist of a sworn statement setting out:

- (A)            A description of the real estate sufficient for identification therefor;
- (B)            The amount of money representing the cost and expense incurred or payable for the service; and
- (C)            The date or dates when said cost and expense was incurred by the Village.

Upon payment of said cost and expense by the owner of or persons interested in said property after notice of lien has been filed, the lien shall be released by the Village or person in whose name(s) the lien has been filed and said release may be filed of record as in the case of filing notice of lien. The lien may be enforced by proceedings to foreclose as in the case of mortgages or mechanics of lien. Suit to foreclose this lien shall be commenced within **three (3) years** after the date of filing notice of lien.

(See 65 ILCS Sec. 5/11-31-1)

**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 Sec. 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 Sec. 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 evoke into a crime unless the language provokes a breach of the peace or constitutes fighting words evoking some violent response. **(See 65 ILCS Sec. 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, or attempt to prevent any such officer from arresting any person, either by force or by giving notice to such person, or attempt to rescue from such officer any person in his custody, or impersonate any of the

**Offenses 27-8-1**

members of the Police Force of this Village, or maliciously or

with the intention of deceiving any person, wear the uniform of or a uniform similar to that worn by the members of the Police Department, or use any of the signs, signals or devices adopted and used by the Police Department. **(See 65 ILCS Sec. 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 Sec. 5/11-5-2)**

**27-2-4 UNLAWFUL ASSEMBLY.** It shall be illegal for persons to assemble unlawfully in the following situations:

(A) The use of force or violence disturbing the public peace by **two (2)** or more persons acting together and without authority of law; or

(B) The assembly of **two (2)** or more persons to do an unlawful act; or

(C) The assembly of **two (2)** or more persons, without authority of law, for the purpose of doing violence to the person or property of any one supposed to have been guilty of a violation of the law, or for the purpose of exercising correctional powers or regulative powers over any person by violence. **(See 720 ILCS Sec. 5/25-1) (See 65 ILCS Sec. 5/11-5-2)**

**27-2-5 DISTURBING THE PEACE.** No person shall disturb the good order of society, or the peace of any private family, or of any congregation within the Village by any noise or amusement, or by vulgar or profane language, or by any disorderly or immoral conduct. **(See 65 ILCS Sec. 5/11-5-2)**

**27-2-6 BARBED WIRE AND ELECTRIC FENCES.** It shall be unlawful for any person to erect or maintain any electrically-charged fence or barbed wire or other such sharp, pointed fence below **eight feet (8')** in height, except in an agricultural or conservation zone district.

**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 minor under **eighteen (18)** 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 **eighteen (18) years of age.**

For the purpose of this Section, "smokeless tobacco" means any tobacco products that are suitable for dipping or chewing. **(See 720 ILCS Sec. 675/1)**

(B)            It shall be unlawful for any person under the age of **eighteen (18) years** to purchase tobacco products, or to misrepresent their identity or age, or to use any false or altered identification for the purpose of purchasing tobacco products. Any person who violates this Section shall be punished by a fine of not less than **Fifty Dollars (\$50.00)** nor more than **Five Hundred Dollars (\$500.00).** **(Ord. No. 97-393; 06-04-97)**

(C)            It shall be unlawful for any person under the age of **eighteen (18) years** to possess any tobacco products, provided that the possession by a person under the age of **eighteen (18) 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. Any person who violates this Section shall be punished by a fine of not less than **Fifty Dollars (\$50.00)** nor more than **Five Hundred Dollars (\$500.00).** **(Ord. No. 97-393; 06-04-97)**

**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 Sec. 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 Sec. 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 Sec. 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 Sec. 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 Sec. 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 colt, or sling-shot, or cross knuckles or knuckles of lead, brass or other metal, or any 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.

**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 any citizen to discharge a firearm when lawfully defending his personal property.

**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 Sec. 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 **Oct. 31** and no later than **9:00 P.M.** **(See 65 ILCS Sec. 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 MINING OF MINERALS ILLEGAL.** It shall be illegal for any person to mine for minerals, including but not limited to the drilling or construction of oil or gas wells, in the Village limits. **(See Section 25-1-1 for regulations pertaining to existing wells.)**

**27-2-30 LOITERING.** No person shall loiter in public places in the Village. **(See also Sections 27-2-4 and 27-2-5)** Any person violating any provision of this Section shall, upon conviction, be subject to a fine of not less than **Fifty Dollars (\$50.00)** nor more than **Seventy-Five Dollars (\$75.00)**, plus attorney's fees and costs of prosecution. **(See also Section 1-1-20 – Penalties) (Ord. No. 02-446; 10-02-02)**



**ARTICLE III**

**OFFENSES AGAINST PROPERTY**

**27-3-1**     **PETTY THEFT.** A person commits a petty theft when the value of the property is under **Three Hundred Dollars (\$300.00)** and he knowingly:

(A)           obtains or exerts unauthorized control over property of the owner;  
or

(B)           obtains by deception, control over property of the owner; or

(C)           obtains by threat, control over property of the owner; or

(D)           obtains control over stolen property knowing the property to have been stolen by another or under such circumstances as would reasonably induce him to believe that the property was stolen; and

(1)           intends to deprive the owner permanently of the use or benefit of the property;

(2)           knowingly uses, conceals or abandons the property in such a manner as to deprive the owner permanently of such use or benefit;

(3)           uses, conceals or abandons the property, knowing such use, concealment or abandonment probably will deprive the owner permanently of such use or benefit.

(E)           It shall be unlawful to commit a petty theft.

**(See 720 ILCS Sec. 5/16-1)**

**27-3-2**     **CRIMINAL DAMAGE TO PROPERTY.** Any of the following acts by a person shall be a violation of this Code.

(A)           To knowingly damage any property of another without his consent;  
or

(B)           recklessly, by means of fire or explosive, damage property of another; or

(C)           knowingly start a fire on the land of another without his consent;  
or

(D)           knowingly injure a domestic animal of another without his consent;  
or

(E)           knowingly deposit on the land or in the building of another, without his consent, any stink bomb or any offensive smelling compound and thereby, intend to interfere with the use by another of the land or building. **(See 720 ILCS Sec. 5/21-1)**

**27-3-3**     **CRIMINAL DAMAGE TO FIRE-FIGHTING APPARATUS, HYDRANTS OR EQUIPMENT.** No person shall willfully and maliciously cut, injure,

damage, tamper with or destroy or deface any fire hydrant or any fire hose or any fire

engine, or other public or private fire-fighting equipment or any apparatus appertaining to such equipment, or to intentionally open any fire hydrant without proper authorization. **(See 720 ILCS Sec. 5/21-1.1)**

**27-3-4 INJURY TO UTILITY WIRES AND POLES.** It shall be unlawful to willfully, maliciously, or negligently break, deface, injure or destroy any telegraph or telephone pole, post or wire, or any electric lightpost, pole, or electric conductor, wire or lamp or any other thing connected with the same or belonging thereto, or any water main, gas main, pipe or hydrant or lamp or lamppost, or anything belonging to or connected therewith or with any of them.

**27-3-5 STREET SIGNS; MOLESTING OF PROHIBITED.** It shall be unlawful for any person or persons, in any manner or form, to deface, disfigure, damage or molest any of the street signs or parts thereof located in the Village.

**27-3-6 TAMPERING WITH PUBLIC NOTICE.** It shall be unlawful for a person to knowingly and without lawful authority alter, destroy, deface, remove or conceal any public notice, posted according to law, during the time for which the notice was to remain posted. **(See 720 ILCS Sec. 5/32-9)**

**27-3-7 SKATEBOARDS, ETC. PROHIBITED.** The practice of riding or propelling oneself upon a device commonly known or referred to as a skateboard, roller skates or blade skates, is hereby prohibited upon any publicly-owned property within the Village limits.

**ARTICLE IV**

**PUBLIC HEALTH, SAFETY AND DECENCY**

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

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

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

(C) transmits in any manner to another a false alarm to the effect that a bomb or other explosive device of any nature is concealed in such a place that its explosion would endanger human life, knowing at the time of such transmission that there is no reasonable ground for believing that such bomb or explosive device is concealed in such a place; or

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

(E) enters upon the property of another and for a lewd or unlawful purpose, deliberately looks into a dwelling on the property through any window or other opening in it;

(F) while acting as a collection agency as defined in the "Collection Agency Act" or as an employee of such collection agency, and while attempting to collect an alleged debt, makes a telephone call to the alleged debtor which is designed to harass, annoy or intimidate the alleged debtor;

(G) transmits a false report to the Department of Children and Family Services; or

(H) loitering continuously in public places or being idle or dissolute.  
**(Ord. No. 97-392; 06-04-97) (See 720 ILCS Sec. 5/25-1)**

**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 Sec. 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 Sec. 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 Sec. 5/11-5-2)**

**27-4-5 EXCAVATIONS.** It shall be unlawful for any person who owns, maintains, uses, 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. This Section 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 Sec. 605/1)**

**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, except by handing or transmitting any such handbill directly to the occupant of such private premises. Provided, however, that in case of private premises 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.

**27-5-15 CLEARING OF LITTER FROM OPEN PRIVATE PROPERTY BY THE VILLAGE.** The procedure for the removal of litter from private premises and the charging of expense(s) thereof as a lien upon such property to be collected shall be in accordance with the state statutes. The Mayor or his designated representative shall be responsible for the implementation of this enforcement program.

**(See 65 ILCS Sec. 5/11-80-15)**

**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 Sec. 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 **eleven (11) 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.

## ARTICLE VIII - OPEN BURNING

**27-8-1 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.

**27-8-2 BURNING PROHIBITED.** It shall be unlawful to cause or allow open burning of agricultural waste, household trash or garbage.

**27-8-3 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 the hours of **6:00 A.M. and 6:00 P.M.** 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) Cooking and campfires shall be permitted only after prior notification of the Fire Chief or the Chief of Police by the owner of the premises upon which the fire shall occur. There shall be no set time limit for cooking or campfires providing that permission has been granted to the property owner by the Fire Chief or Chief of Police. **(Ord. No. 07-502; 09-05-07)**

**ARTICLE IX – TRUANCY AND CURFEW CODE**

**27-9-1**                    **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 **11:00 P.M.** on any Sunday, Monday, Tuesday, Wednesday, Thursday until **6:00 A.M.** on the following day; and **12:01 A.M.** until **6:00 A.M.** on any Saturday or Sunday.

**"COURT"** means the Second Judicial Circuit; Crawford 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 **seventeen (17) 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.

**"UNINCORPORATED AREA"** means any area within Crawford County, Illinois, that is not included within the geographical area of an unincorporated municipality.

**27-9-2**

**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 Village 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 Village curfew hours.

(C) It is a defense to prosecution under **Section 27-9-2(A) and (B)** or **Section 27-9-4** (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.

**27-9-3**

**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 27-9-4** 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.

**27-9-4**                    **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 27-9-2** or **27-9-3** 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 27-9-2** or **27-9-3** 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.

**27-9-5**                    **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 27-9-3** 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.

**27-9-6** **PENALTY.**

(A) Any person who violates any provision of this Code shall upon conviction thereof be fined not less than **Five Dollars (\$5.00)** nor more than **Two Hundred Dollars (\$200.00)**; and a separate offense shall be deemed to have been committed upon each day on which such violation occurs or continues. **(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 27-9-7** hereinafter.

**27-9-7** **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 27-9-6** 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.

**(Ord. No. 2003-461; 12-03-03)**

CHAPTER 31

PARKS

ARTICLE I - REGULATIONS

**31-1-1 ALCOHOL PROHIBITED.** No alcoholic beverages shall be permitted on the premises of the Village Park.

**31-1-2 PARK HOURS.**

(A) The Village Park, including the adjacent parking area shall be open to the public daily from **7:00 A.M.** until **10:00 P.M.**, provided, however, the Village Board may grant special permission for extended hours of use to those persons or corporations who or which make a specific request in writing to the Village Board at the regular meeting of the Village Board next preceding the date such specific request for extended hours of use is desired.

(B) No person, except Village personnel on official business shall remain in the park at any other time unless he has obtained permission from the Village Board or is engaged in a Village-sanctioned activity.

**31-1-3 DESTRUCTION OF PARK PROPERTY.** Within the Village Park, no person, except Village or Park personnel on official business shall:

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

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

(C) willfully mutilate, injure or destroy any building, bridge, table, bench, fireplace, guidepost, notice, fence, monument, or other Village Park property or appurtenances.

**31-1-4 LITTERING - WATER POLLUTION.**

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

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

**31-1-5 FIRES IN PARKS.**

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

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

**31-1-6 ERECTION OF STRUCTURES.** No person shall build or place any tent, building, booth, stand, or other structure in or upon any municipal park or other recreational facility unless he has obtained permission to do so from the Village Board.

**31-1-7 SIGNS.** No person shall place within any municipal park or affix to any object therein any sign or device designed to advertise any business, profession, exhibition, event, or thing unless he has obtained permission to do so from the Village Board.

**31-1-8 ANIMALS.** No person shall:

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

**31-1-9 MOTOR VEHICLES PROHIBITED.** No person, other than municipal personnel on official business, shall drive or park any motor vehicle in any municipal park, except on a roadway or parking lot.

**31-1-10 SALES; AMUSEMENTS FOR GAIN.** Within the parks of this municipality, no person shall, without first obtaining permission to do so from the Village Board:

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

**31-1-11 GROUP ACTIVITIES.** Whenever any group or organization desires to use municipal park facilities for a particular purpose such as picnics or parties, a representative of said group shall make proper reservations by calling the Mayor prior to the scheduled activity.

CHAPTER 29

PROPERTY MAINTENANCE CODE

ARTICLE I – GENERAL PROVISIONS

**29-1-1**        **TITLE: PURPOSE.**

(A)            These regulations shall be known as the "Property Maintenance Code" hereinafter referred to as the "Property Maintenance Code" or "This Code".

(B)            This Code is to establish minimum acceptable standards, premises, and facilities in the Village, which must be maintained in existing buildings, structures, premises, and facilities to protect health, safety, and general welfare.

**29-1-2**        **SCOPE.** This Code is to protect the public health, safety, and welfare in all Village neighborhoods, by:

(A)            Establishing minimum exterior maintenance standards for all nonresidential structures.

(B)            Establishing minimum exterior maintenance standards for residential structures.

(C)            Establishing minimum maintenance standards for basic equipment and facilities for light, ventilation, space, heating and sanitation of all residential dwelling units and structures.

(D)            Fixing the responsibilities of owners, operators, and occupants of all structures.

(E)            Providing for administration, enforcement, and penalties.

**29-1-3**        **LIBERAL INTERPRETATION REQUIRED.** This Code shall be construed liberally and justly to insure public health, safety, and welfare insofar as they are affected by the maintenance of structures and premises.

**29-1-4**        **EFFECT ON EXISTING ORDINANCES, REMEDIES.**

(A)            This Code establishes minimum requirements for the initial and continued occupancy and use of all structures and premises and does not replace or modify requirements otherwise established by ordinance which may be additional or more stringent for the construction, repair, alteration, or use of structures, equipment, or facilities.

(B)            The provisions in this Code shall not be construed to prevent the enforcement of other ordinances or regulations which prescribe standards other than are provided herein.



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(C) The provisions in this Code shall not be deemed to abolish or impair existing remedies of the Village or its officers or agencies relating to the removal or demolition of any buildings which are deemed to be dangerous, unsafe, and unsanitary.

(D) This Code shall not effect violations of any other ordinances, codes, or regulations existing prior to the effective date hereof, and any such violation shall be governed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes, or regulations in effect at the time the violation was committed.

### **29-1-5 CODE ENFORCEMENT GUIDELINES.**

#### **(A) Building, Construction Code.**

(1) Any repairs or alterations to a structure or changes of use therein, which may be caused directly or indirectly by the enforcement of this Code shall be done in accordance with the procedures and provisions of the Building Code now in existence.

(2) Any repair, alteration, or replacement of structural elements of a building, which may be required by the provisions of these guidelines, shall be done in accordance with the applicable sections of the Building Code, Electrical Code, Plumbing Code or other applicable code or ordinance of this jurisdiction.

(B) **Zoning Code.** The provisions of these guidelines shall not permit the abridgement or violation of the Zoning Code of this Municipality, if any.

(C) **Conflicts.** Specific provisions of these guidelines indicate their precedence over the requirements of other related codes and ordinances. Where specific precedence is not indicated, the requirements of the most restrictive code or ordinance prevail.

### **29-1-6 OCCUPANCY PERMIT REQUIRED.**

(A) Hereinafter, upon change of occupants, no residential property shall be occupied or used until an occupancy permit shall have been issued by the Building Official stating that the premises complies with the provisions of this Code.

(B) Multiple-family complexes which are less than **ten (10) years** of age, have **fifty (50)** or more units and contractual maintenance service or maintenance staff available **twenty-four (24) hours** a day, shall be inspected on a quarterly basis and are exempt from the requirements of **Section 29-1-6(A)**. A selected number of vacant units shall be inspected, upon request, once per quarter. A yearly inspection shall be conducted of all common mechanical areas.

(C) The fee for the occupancy permit shall be **Twenty-Five Dollars (\$25.00)** for each dwelling unit occupied. If an inspection certificate has been issued, then an occupant may move in on weekends and holidays when the department, responsible for issuing occupancy permits, is closed. The occupant is required to obtain the written permit **three (3) days** after the department is open.

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(D) Multiple-family complexes as identified in **Section 29-1-6(B)** shall pay **Twenty-Five Dollars (\$25.00)** per dwelling unit inspected, at the time of inspection, and **One Hundred Dollars (\$100.00)** for the annual inspection.

**29-1-7 APPLICATION DWELLING UNIT.** It shall be unlawful for any person to knowingly make any false statement on an application for an occupancy permit for a dwelling unit as to the names, relationships, or number of occupants who will occupy the dwelling unit.

**29-1-8 ACTION ON AN APPLICATION.** The Code Official shall examine, or cause to be examined, all applications for permits within a reasonable time after filing. He shall cause the premises to be inspected within **seven (7) working days** after filing. If premises are not inspected within the **seven (7) working days**, the Permit and Certificate of Compliance shall be automatically issued without an inspection. If the premises are not in compliance with this Code and all laws and ordinances applicable thereto, the Code Official shall provide the applicant with a list of defects that are not in compliance. Said defects shall be listed with as much specificity as possible. The owner or occupant of every dwelling unit and its premises will give the Code Official free access thereto, at a reasonable time, for the purpose of such inspection.

There shall be no fee for the original inspection, or the first reinspection, if necessary. A reinspection shall be made within **seven (7) working days**, from receipt of the written request, if not then the Permit and Certificate of Compliance shall be automatically issued without a reinspection. If specific defects are found in the original inspection, the Code Official shall not require additional defects to be corrected that were discovered on a reinspection unless the new defects occurred after the original inspection. There shall be a fee of **Fifty Dollars (\$50.00)** for every reinspection after the first one.

**29-1-9 ISSUANCE OF PERMIT.** If all the fees are paid and the Code Official is satisfied that the premises and its occupancy are in compliance with this Code and all laws and ordinances applicable thereto, the Code Official shall issue the occupancy permit as soon as practicable.

**29-1-10 CONDITIONAL PERMIT.** Occupancy shall be permitted on a conditional basis when in the judgment of the Code Official practical difficulties interfere with the completing repairs required to bring the premises into full compliance with this Code prior to permitting occupancy. However, no conditional permit shall be issued when there is a condition on the premises which can threaten the health or safety of an occupant. No conditional permit shall be issued under the provisions of this Code for premises which have

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been newly constructed, newly altered, or on which a change in use is proposed unless a Certificate of Use and Occupancy has first been issued under the provisions of the Building Code.

**29-1-11**     **REJECTION OF APPLICATION.** If the application does not comply with the requirements of all pertinent laws, the Code Officials shall reject such application in writing, stating the reasons therefore.

**29-1-12**     **SUSPENSION OF PERMIT.** Any permit issued shall become invalid if the occupancy is not commenced within **six (6) months** after issuance of a permit or if the occupancy is terminated.

**29-1-13**     **REVOCAION OF PERMIT.** The Code Official may revoke a permit in case of any false statement or misrepresentation of facts in the application on which a permit was based, or in the event a structure or part thereof is condemned pursuant to this Code.

**29-1-14**     **EXISTING RESIDENTIAL OCCUPANCIES.** The provisions of **Section 29-1-6** shall not apply to any residential occupancy in existence at the time this ordinance takes effect, unless there is a change in the occupancy of any person after said date, or complaint filed.

## ARTICLE II - DEFINITIONS

### 29-2-1 GENERAL.

(A) Scope. Unless otherwise expressly stated, the following terms shall, for the purpose of this Code, have the meanings indicated in this Article.

(B) Interchangeability. Words used in the present tense include the future; words in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular.

(C) Terms Defined in Other Codes. Where terms are noted in this Code and are defined in the Building, Plumbing and/or Mechanical Codes, they shall have the same meanings ascribed to them as in those Codes.

(D) Terms Not Defined. Where terms are not defined under the provisions of this Code or under the provisions of the Building, Plumbing and/or Mechanical Codes, they shall have ascribed to them their ordinarily accepted meanings or such as the context herein may imply. (See Chapter 1 of the Revised Code)

### 29-2-2 APPLIED MEANINGS OF WORDS AND TERMS.

“APPROVED”. Approved, as applied to a material, device, or method of construction shall mean approved by the Code Official under the provisions of this Code, or approved by other authority designated by law to give approval in the matter in question.

“BASEMENT”. That portion of a building which is partly below and partly above grade, and having at least one-half (1/2) its height above grade. (See “Cellar”).

“BUILDING CODE”. The Building Code officially adopted by the legislative body of this jurisdiction, or such other code as may be officially designed by the legislative body of the jurisdiction for the regulation of construction, alteration, addition, repair, removal, demolition, use, location, occupancy and maintenance of buildings and structures.

“BUILDING OFFICIAL”. The official designated by the jurisdiction to enforce building, zoning or similar laws, or a duly authorized representative.

“CELLAR”. That portion of a building which is partly or completely below grade and having at least one-half (1/2) its height below grade. (See “Basement”).

“CENTRAL HEATING”. The heating system permanently installed and adjusted so as to provide the distribution of heat to all habitable rooms, bathrooms and water closet compartments from a source outside of these rooms.

**“CODE OFFICIAL”**. The official who is charged with the administration and enforcement of this Code, or any duly authorized representative.

**“CONDEMN”**. To adjudge unfit for use or occupancy.

**“CONDEMNATION”**. The act of judicially condemning.

**“DWELLING UNIT”**. One (1) or more rooms in a residential structure which are arranged, designed, used or intended for use by **one (1) family** plus not more than **four (4) lodgers** for living or sleeping purposes, and which include complete kitchen facilities permanently installed.

**“DWELLINGS”**:

(A) **“ROOMING HOUSE”**. A building in which sleeping quarters (but not meals or cooking facilities) are provided by pre-arrangement for compensation on a weekly or longer basis for **three (3) or more persons**.

(B) **“ONE-FAMILY DWELLING”**. A dwelling unit designed for the occupancy by one family.

(C) **“TWO-FAMILY DWELLING”**. A building containing **two (2)** separate dwelling units with not more than **five (5) lodgers** or boarders per family.

(D) **“MULTI-FAMILY APARTMENT BUILDING”**. A building or portion thereof, designed or altered for occupancy by **three (3) or more families** living independently of each other.

(E) **“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.

(F) **“DORMITORY”**. Any building containing **eleven (11)** or more rooming or dormitory units. A dormitory also provides a public restroom, a laundry room, foyer, storage space for out-of-season articles of the residents, public lounge and recreational space for the use of residents.

(G) **“DORMITORY ROOM”**. A habitable room used or intended to be used by **four (4) or more** individuals for sleeping or study purposes, excluding bathrooms, toilet rooms, laundries, pantries, foyers, communicating corridors, closets, storage space and stairwells.

(H) **“HOTEL”**. An establishment containing lodging accommodations designed for use by transients, travelers or temporary guests, with no provisions in such accommodations for cooking in any individual room or suite. Facilities provided may include maid service, laundering of linen used on the premises, telephone and secretarial or desk service.

**“ENFORCEMENT OFFICER”**. The official designated herein or otherwise charged with the responsibilities of administering this Code, or the officials authorized representative.

**“EXTERIOR PROPERTY AREAS”**. The open space on the premises and on adjoining property under the control of owners or operators of such premises.

**“EXTERMINATION”**. The control and elimination of insects, rats or other pests by eliminating their harborage places, by removing or making inaccessible materials that may serve as their food; by poison spraying, fumigating, trapping, or by any other approved pest elimination.

**“FAMILY”**. **One (1)** or more persons related by blood, marriage or adoption (excluding servants), or a group of not more than **three (3)** (including servants and roomers) who need not be related by blood, marriage or adoption, living together and maintaining a common household, but not including sororities, fraternities or other similar organizations.

**“GARBAGE”**. The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

**“HABITABLE SPACE”**. Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas are not considered habitable space.

**“HOTEL”**. See **“Dwellings”**.

**“INFESTATION”**. The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

**“LET FOR OCCUPANCY OR LET”**. To permit possession or occupancy of a dwelling, dwelling unit, rooming unit, building, or structure by a person who shall be legal owner or not be the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

**“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.

**“LODGING OR ROOMING HOUSE UNIT”**. A habitable room used or intended to be used by up to **three (3) individuals** for sleeping purposes, excluding bathrooms, toilet rooms, laundries, pantries, foyers, communicating corridors, closets, storage space and stairwells.

**“MAINTENANCE”**. Conformance of a building and its facilities to the Code under which the building was constructed.

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**“MOTEL”**. A group of attached or detached buildings containing individual sleeping or living units, designed for or used temporarily by automobile tourists or transients, with garage attached or parking space conveniently located to each unit, including auto courts, motels, motor lodges or other similar type uses.

**“MULTI-FAMILY (MULTIPLE) DWELLINGS”**. See “Dwellings”.

**“OCCUPANT”**. Any person over **one (1) year** of age (including owner or operator) living and sleeping in a dwelling unit or having actual possession of said dwelling or rooming unit.

**“OPENING AREA”**. That part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors.

**“OPERATOR”**. Any person who has charge, care or control of a structure or premises which are let or offered for occupancy.

**“OWNER”**. Any person, agent, firm or corporation having a legal or equitable interest in the property.

**“PERSON”** includes a corporation or co-partnership as well as an individual.

**“PLUMBING”**. The practice, materials, and fixtures used in the installation, maintenance, extension and alteration of all piping fixtures, appliances, and appurtenances within the scope of the Plumbing Code.

**“PLUMBING FIXTURE”**. A receptacle or device which is either permanently or temporarily connected to the water distribution system of the premises, and demands a supply of water therefrom; or discharges used water, liquid-borne waste materials, or sewage either directly or indirectly to the drainage system of the premises; or which requires both a water supply connection and a discharge to the drainage system of the premises.

**“PREMISES”**. A lot, plot or parcel of land including the buildings or structures therein.\*

**“PUBLIC NUISANCE”**. Includes the following:

- (A) The physical condition, or use of any premises regarded as a public nuisance at common law; or
  - (B) Any physical condition, use or occupancy of any premises or its appurtenances considered an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, basements, excavations and unsafe fences or structures; or
  - (C) Any premises which have unsanitary sewerage or plumbing facilities;
- or
- (D) Any premises designated as unsafe for human habitation or use; or
  - (E) Any premises which are manifestly capable of being a fire hazard, or are manifestly unsafe or insecure as to endanger life, limb or property; or

\*Whenever the words “multi-family dwelling”, “residence building”, “dwelling unit”, “lodging or rooming house”, “lodging or rooming house unit”, or “premises” are used in this Code, they shall be construed as though they were followed by the words, “or any part thereof”.

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(F) Any premises from which the plumbing, heating and/or facilities required by this Code have been removed, or from which utilities have been disconnected, destroyed, removed or rendered ineffective, or the required precautions against trespassers have not been provided; or

(G) Any premises which are unsanitary, or which are littered with rubbish or garbage, or which have an uncontrolled growth of weeds; or

(H) Any structure or building that is in a state of dilapidation, deterioration or decay; faulty construction; overcrowded; open, vacant or abandoned; damaged by fire to the extent as not to provide shelter, in danger of collapse or failure and is dangerous to anyone on or near the premises.

**“RENOVATION”**. A building and its facilities made to conform to present day minimum standards of sanitation, fire prevention and safety.

**“RESIDENCE BUILDING”**. A building in which sleeping accommodations or sleeping accommodations and cooking facilities as a unit are provided; except when classified as an institution under the Building Code.

**“RUBBISH”**. Combustible and noncombustible waste materials, except garbage, and the term shall include the residue from the burning of wood, coal, coke, and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

**“SANITARY”**. Rules and conditions of health; especially, of absence of dirt and agents of infection or tending to promote health and healthful conditions.

**“STRUCTURE”**. Anything constructed or erected which requires location on the ground or is attached to something having location on the ground, including a fence or free-standing wall. A sign, billboard or other advertising medium, detached or projecting, shall be construed to be a structure.

**“SUPPLIED”**. Installed, furnished or provided by the owner or operator.

**“VENTILATION”**. The process of supplying and removing air by natural or mechanical means to or from any space.

(A) Ventilation by power-driven devices.

(B) Ventilation by opening to outer air through windows, skylights, doors, louvers, or stacks without wind-driven devices.

**“WORKING DAYS”**. Those days during which the Village Hall is open for business.



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**“WORKMANLIKE”**. Whenever the words “workmanlike state of maintenance and repair” are used in this Code, they shall mean that such maintenance and repair shall be made in a reasonably skillful manner.

**“YARD”**. An open unoccupied space on the same lot with a building extending along the entire length of street, or rear or interior lot line.

ARTICLE III

ADMINISTRATION AND ENFORCEMENT

**29-3-1**        **DUTIES AND POWERS OF CODE OFFICIAL.** The Code Official shall enforce all provisions of this Code relative to the maintenance of structures and premises, except as may otherwise be specifically provided for by other regulations.

(A)        **Notices and Orders.** The Code Official shall issue all necessary written notices and orders to abate illegal or unsafe conditions to insure compliance with the Code requirements for the safety, health, and general welfare of the public.

(B)        **Coordination of Enforcement.** Inspection of premises, the issuance of written notices and orders, and enforcement thereof shall be the responsibility of the Code Officials so charged by the Village. Whenever, in the opinion of a Code Official initiating an inspection under this Code, it is deemed necessary or desirable to have inspections by any other department, the Official shall make reasonable effort to arrange for the coordination of such inspections so as to minimize the number of visits by inspectors, and to confer with the other departments for the purpose of eliminating conflicting orders before any are issued. A department shall not, however, delay the issuance of any emergency order which it determines must be ordered.

**29-3-2**        **RIGHT OF ENTRY.** If any owner, occupant, or other person in charge of a structure subject to the provisions of this Code refuses, impedes, inhibits, interferes with, restricts, or obstructs entry and free access to any part of the structure where inspection authorized by this Code is sought, the administrative authority may seek, in a court of competent jurisdiction, an order that such owner, occupant, or other person in charge cease and desist with such interference.

(A)        **Access of Owner or Operator.** Every occupant of a nonresidential structure or premises shall give the owner or operator thereof, or agent or employee, access to any part of such structure or its premises at reasonable times for the purpose of making inspections as are necessary to comply with the provisions of this Code.

(B)        **Credentials.** The Code Official or the Code Official's authorized representative shall disclose proper credentials of their respective office for the purpose of inspecting any and all buildings and premises in the performance of duties under this Code.

**29-3-3**        **NOTICE TO OWNER OR TO PERSONS RESPONSIBLE.** Whenever the Code Official determines that there has been a violation of this Code or has reasonable grounds to believe that a violation has occurred, notice shall be given to the owner or the person or persons responsible in the manner described below.

**29-3-4**      **FORM OF NOTICE.** Such notice prescribed in **Section 29-3-3** shall:

- (A)            Be in writing;
- (B)            Include a description of the real estate for identification;
- (C)            Include a statement of the reason or reasons why the notice is being issued; and
- (D)            Include a correction order allowing a reasonable time for the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this Code.

**29-3-5**      **SERVICE OF NOTICE.** Such service shall be deemed to be properly served upon such owner if a copy thereof is delivered to the owner personally; or by leaving the notice at the usual place of abode, in the presence of someone in the family of suitable age and discretion who shall be informed of the contents thereof; or known address with return receipt requested; or if the certified or registered letter is returned with receipt showing that it has not been delivered, by posting a copy thereof in a conspicuous place in or about the structure affected by such notice.

**ARTICLE IV – RIGHT TO APPEAL**

**29-4-1**        **PETITION.** Any person affected by any notice which has been issued in connection with the enforcement of any provision of this Code, or of any rule or regulation adopted pursuant thereto, may request and shall be granted a hearing on the matter before the Board; provided that such person shall file, in the office of the Board, a written petition requesting such hearing and containing a statement of the grounds therefore within **twenty (20) days** after the day the notice was served.

**29-4-2**        **APPEALS BOARD.** In order to protect existing structures in the jurisdiction by vigorous enforcement of the provisions of this Code, there shall be and is hereby created a Code Appeals Board, hereafter referred to as the Board, consisting of **five (5) members** who shall be appointed by the chief executive of the jurisdiction.

The Appeals Board for this Code shall be the Village Board.

**29-4-3**        **VOTE.** The Board shall hear all appeals relative to the enforcement of this Code, and by a concurring vote of the majority of its members may reverse or affirm wholly or partly, or may modify, the decision appealed from, and shall make such order or determination as in its opinion ought to be made. Failure to secure such concurring votes shall be deemed a confirmation of the decision of the Code Official.

**29-4-4**        **FINANCIAL INTEREST.** A member of the Board shall not participate in any hearings or vote on any appeal in which that member has a direct or indirect financial interest, or is engaged as a contractor, or is engaged in the preparation of plans and specifications, or in which that member has any personal interest.

**29-4-5**        **RECORDS.** The secretary of the Board shall keep a record of each meeting so that the record shows clearly the basis for each decision made by the Board.

**29-4-6**        **MEETINGS, QUORUM.** All meetings of the Board shall be held at the call of the Chairman and at such times as the Board may determine, provided that the establishment of the meeting date, time, and location are consistent with the overall intent of this Section and are in accordance with the Illinois Open Meetings Act and other applicable state laws.

**ARTICLE V – PREMISES CONDITIONS**

**29-5-1**        **SCOPE OF REGULATIONS.** The provisions of this Article shall govern the minimum conditions for maintenance of exterior property, premises, and structures. Premises shall comply with the conditions herein prescribed insofar as they are applicable.

**29-5-2**        **RESPONSIBILITY OF OWNER.** The owner of the premises shall maintain such structures and premises in compliance with these requirements. A person shall not occupy as owner-occupant or let to another for occupancy for use permits which do not comply with the requirements of this Article.

**29-5-3**        **VACANT STRUCTURES AND LAND.** All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure, and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

**29-5-4**        **SANITATION.** All exterior property areas and premises shall be maintained in a clean, safe, and sanitary condition free from any accumulation of rubbish or garbage.

**29-5-5**        **GRADING AND DRAINAGE.** All premises shall be graded and maintained so as to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

**29-5-6**        **INSECT AND RAT CONTROL.** An owner of a structure or property shall be responsible for the extermination of insects, rats, vermin, or other pests in all exterior areas of the premises, except that the occupant shall be responsible for such extermination in the exterior areas of the premises of a single-family dwelling. Whenever infestation exists in the shared or public parts of the premises of other than a single-family dwelling, extermination shall be the responsibility of the owner.

**29-5-7**        **ACCESSORY STRUCTURES.** All accessory structures, including detached garages, swimming pools, jacuzzis, fences, and walls, shall be maintained structurally sound and in compliance with the provisions of this Code.

**ARTICLE VI – EXTERIOR OF STRUCTURES**

**29-6-1**        **MAINTENANCE REQUIRED.** The exterior of a structure shall be maintained structurally sound and sanitary so as not to pose a threat to the health and safety of the occupants and so as to protect the occupants from the environment.

**29-6-2**        **STRUCTURAL MEMBERS.** All supporting structural members of all structures shall be kept structurally sound, free of deterioration, and maintained capable of safely bearing the dead and live loads imposed upon them.

**29-6-3**        **EXTERIOR SURFACES.** Every foundation, exterior wall, roof, and all other exterior surfaces shall be maintained in a manner which will comply with the following standards.

(A)            **Foundations, Exterior Walls and Roofs.** Every foundation, exterior wall and roof of every building shall be substantially weather-tight, and rodent proof; shall be kept in sound condition and good repair; shall be kept free of holes or breaks, and loose or rotting boards, timbers, bricks, stones and other structural material; and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon.

(B)            **Exterior Surfaces.** All exterior surfaces of any building shall be reasonably capable of withstanding the effects of the elements and decay. Any exterior surface which is deteriorated, decaying, disintegrating or which has lost its capability to reasonably withstand the effects of the elements shall be repaired.

(C)            **Windows and Exterior Doors.** Every window, storm window, exterior door, exterior storm door, basement or cellar door and hatchway shall be substantially weather-tight, wind-tight, water-tight, and rodent proof; shall be equipped with all appropriate hardware, shall be capable of being easily opened unless designed to be fixed.

(D)            **Decorative Features.** All cornices, entablatures, belt courses, corbels, terra cotta trim, wall facings, and similar decorative features shall be maintained in good repair and proper anchorage and in a safe condition.

(E)            **Protective Railings.** Any handrails, guardrails or other types of protective railings required to be constructed or installed under any provision of the Municipal Code of the Village or which have otherwise been constructed and installed shall be maintained in good repair.

(F)            **Chimneys.** All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe, sound, and in good repair.

(G)            **Stairs and Porches.** Every stair, porch, balcony, ramp, and all appurtenances attached thereto shall be so constructed as to be safe to use and capable of supporting the loads to which it is subjected and shall be kept in sound conditions and in good repair.

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(H) **Roof Drainage.** Roof drainage shall be adequate to prevent rain water from causing dampness or deterioration in the walls or interior portion of the building. Roof water shall not be discharged in a manner that creates a nuisance to owners or occupants of adjacent premises, or that creates a public nuisance.

**29-6-4 WINDOW AND DOOR FRAMES.** Every window, door, and frame shall be constructed and maintained in such relation to the adjacent wall construction so as to exclude rain as completely as possible, and to substantially exclude wind from entering the dwelling or structure.

**ARTICLE VII – INTERIOR OF STRUCTURE**

**29-7-1**      **GENERAL.** The interior of a structure and its equipment shall be maintained in good repair, structurally sound and in a sanitary condition so as not to pose a threat to the health, safety or welfare of the occupants or visitors, and to protect the occupants from the environment.

(A)            **Lead-Based Paint.** Lead-based paint with a lead content of more than **0.5 percent** shall not be applied to any interior or exterior surface of a dwelling, dwelling unit or child care facility, including fences and outbuildings at these locations. Existing interior and exterior painted surfaces of dwelling units and child care facilities that contain an excess of **0.5 percent** lead shall be removed or covered with paneling or other suitable covering approved by the Code Official.

(B)            **Sanitation.** The interior of every structure shall be maintained in a clean and sanitary condition free from any accumulation of rubbish, refuse or garbage. Rubbish, garbage, and other refuse shall be properly kept inside temporary storage facilities until properly disposed.

(C)            **Storage.** Garbage or rubbish shall not be allowed to accumulate or be stored in public halls or stairways.

(D)            **Insect and Rat Harborage.** All structures shall be kept free from insect and rat infestation, and where insects or rats are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.



ARTICLE VIII

LIGHT, VENTILATION AND SPACE REQUIREMENTS

**29-8-1**        **GENERAL.**

(A)            **Scope.** The provisions of this Article shall govern the minimum conditions and standards for the light, ventilation and space for the occupancy of a structure. All light, ventilation and space conditions shall comply with the requirements herein prescribed insofar as they are applicable.

(B)            **Responsibility.** The owner of the structure shall provide and maintain such light and ventilation and space conditions in compliance with these requirements. A person shall not occupy as owner-occupant or let to another for occupancy or use any premises which do not comply with the following requirements of this Article.

(C)            **Alternative Devices.** In place of the means for natural light and ventilation herein prescribed, alternative arrangement of windows, louvers, or other methods and devices that will provide the equivalent minimum performance requirements shall be permitted when complying with the Building Code.

**29-8-2**        **LIGHT.** All spaces or rooms shall be provided sufficient light so as not to endanger health and safety.

(A)            **Habitable Spaces.** Every habitable space shall have at least **one (1) window** of approved size facing directly to the outdoors or to a court. The minimum total window area, measured between stops, for every habitable space shall be **eight percent (8%)** of the floor area of such room except in kitchens when artificial light is provided in accordance with the provisions of the Building Code. In one-family dwelling units, rooms and spaces without openings to the outdoors may be ventilated through an adjoining room. In one-family dwelling units, the unobstructed opening to the adjoining room shall be at least **fourteen (14) square feet.**

(B)            **Common Halls and Stairways.** Every common hall and stairway in every building, other than one and two-family dwellings, shall be adequately lighted at all times with an illumination of at least a **sixty (60) watt** standard incandescent light bulb or equivalent.

**29-8-3**        **VENTILATION.** All spaces or rooms shall be provided sufficient natural or mechanical ventilation so as not to endanger health and safety. Where mechanical ventilation is provided in lieu of the natural ventilation, such mechanical ventilating systems shall be maintained in operation during the occupancy of any structure or portion thereof.

When part of the air provided by a mechanical ventilation system is recirculated, the portion or volume of air recirculated shall not be recirculated to a different residential space or occupancy of dissimilar use from which it is withdrawn.

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(A) **Toilet Rooms.** Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable spaces as required by **Article II** except that a window shall not be required in bathrooms or water closet compartments equipped with an approved mechanical ventilation system. One-family dwelling units built prior to 1978 are not required to comply with the regulation.

(B) **Cooking Facilities.** Unless approved through the Certificate of Occupancy (**See Zoning Code**), cooking shall not be permitted in any sleeping room or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in a sleeping room or dormitory unit.

(C) **Clothes Dryer Exhaust.** Clothes dryer venting systems shall be independent of all other systems and shall be vented in accordance with the manufacturer's recommendations.

### **29-8-4 DWELLING UNIT LIMITATIONS.**

(A) **Separation of Units.** Dwelling units shall be separate and apart from each other. Sleeping rooms shall not be used as the only means of access to other sleeping rooms or habitable spaces.

(B) **Privacy.** Hotel units, lodging units, and dormitory units shall be designed to provide privacy, and be separate from other adjoining spaces.

### **29-8-5 SPACE REQUIREMENTS.**

(A) **Area for Sleeping Purposes.** Every room occupied for sleeping purposes shall have adequate floor space.

(B) **Water Closet Accessibility.** In all dwelling units other than a one-family dwelling every room used as a bedroom shall have access to at least one water closet without passing through another room used as a bedroom.

(C) **Prohibited Use.** Kitchens, nonhabitable spaces and public spaces shall not be used for sleeping purposes.

ARTICLE IX

PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

**29-9-1**        **GENERAL.**

(A)        **Scope.** The provisions of this Article shall govern the minimum plumbing facilities and fixtures to be provided. All plumbing facilities and fixtures shall comply with the requirements herein described insofar as they are applicable.

(B)        **Responsibility.** The owner of the structure shall provide and maintain such plumbing facilities and fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or let to another for occupancy or use any structure or portion thereof or premises which does not comply with the following requirements of this Article.

**29-9-2**        **REQUIRED FACILITIES.**

(A)        **Dwelling Units.** Every dwelling unit shall include its own plumbing facilities which are in proper operating condition, can be used in privacy, and are adequate for personal cleanliness and the disposal of human waste.

(B)        **Water Closet and Lavatory.** Every dwelling unit shall contain within its walls, a room separate from habitable spaces, which affords privacy and a water closet supplied with cold running water. A lavatory shall be placed in the same room as the water closet or located in another room, in close proximity to the door leading directly into the room in which said water closet is located. The lavatory shall be supplied with hot and cold running water.

(C)        **Bathtub or Shower.** Every dwelling unit shall contain a room which affords privacy to a person in said room and which is equipped with a bathtub or shower supplied with hot and cold running water.

(D)        **Kitchen Sink.** Every dwelling unit shall contain a kitchen sink apart from the lavatory required and such sink shall be supplied with hot and cold running water.

(E)        **Rooming Houses.** At least **one (1)** water closet, lavatory basin and bathtub or shower properly connected to an approved water and sewer system and in good working condition shall be supplied for each **four (4) rooms** within a rooming house, wherever said facilities are shared. Every lavatory basin and bathtub or shower shall be supplied with hot and cold water at all times.

(F)        **Hotels.** Where private water closets, lavatories, and baths are not provided, **one (1)** water closet, **one (1)** lavatory and **one (1)** bathtub or shower accessible from a public hallway shall be provided on each floor for each **ten (10) occupants**. Each lavatory, bathtub or shower shall be supplied with hot and cold water at all times.

**29-9-3**      **TOILET ROOMS.**

(A)      **Privacy.** Toilet rooms and bathrooms shall be designed and arranged to provide privacy.

(B)      **Direct Access.** Toilet rooms and bathrooms shall not be used as a passageway to a hall or other space, or to the exterior.

(C)      **Same Story.** Toilet rooms and bathrooms serving hotel units, lodging houses, or dormitory units, unless located within such respective units, or directly connected thereto, shall be provided on the same story with such units, and be accessible only from a common hall or passageway.

**29-9-4**      **WATER SYSTEM.**

(A)      **General.** Every sink lavatory, bathtub or shower, drinking fountain, water closet or other facility shall be properly connected to either a public water system or to an approved private water system. All sinks, lavatories, bathtubs and showers shall be supplied with hot and cold running water.

(B)      **Water Heating Facilities.** Where hot water is provided, water heating facilities shall be installed in an approved manner, properly maintained, and properly connected with hot water lines to the fixtures required to be supplied with the hot water.

**29-9-5**      **SEWAGE SYSTEM.**

(A)      **General.** Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other facility shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

(B)      **Maintenance.** Every plumbing stack, waste and sewer line shall be so installed and maintained as to function properly and shall be kept free from obstructions, leaks and defects to prevent structural deterioration or health hazards. All repairs and installations shall be made in accordance with the provisions of the Building and Plumbing Code.

ARTICLE X

MECHANICAL AND ELECTRICAL REQUIREMENTS

**29-10-1      GENERAL.**

(A)            **Scope.** The provisions of this Article shall govern the minimum mechanical and electrical facilities and equipment to be provided. All mechanical and electrical facilities and equipment shall comply with the requirements herein prescribed insofar as they are applicable.

(B)            **Responsibility.** The owner of the structure shall provide and maintain such mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or let to another for occupancy or use any premises which does not comply with the following requirements of this Article.

**29-10-2      HEATING FACILITIES: RESIDENTIAL BUILDINGS.** Every owner of any structure who rents, leases, or lets **one (1) or more** dwelling units or guest rooms on terms, either express or implied, to furnish heat to the occupants thereof, shall supply sufficient heat during the period from **October 1 to May 15** to maintain a room temperature of not less than **sixty-five (65) degrees F. (eighteen (18) degrees C.)**, in all habitable spaces, bathrooms, and toilet rooms during the hours between **6:30 P.M. and 10:30 P.M.** of each day and maintain a temperature of not less than **sixty (60) degrees F. (sixteen (16) degrees C.)** during other hours. The temperature shall be measured at a point **three (3) feet (nine hundred fourteen (914) millimeters)** above the floor and **three (3) feet (nine hundred fourteen (914) millimeters)** from the exterior walls.

**29-10-3      ELECTRICAL FACILITIES.**

(A)            **Facilities Required.** Every building or part thereof used for human occupancy shall be adequately and safely provided with an electrical system in compliance with the requirements of this Section. The provisions of this Section shall be considered absolute minimum requirements.

(B)            **Lighting Fixtures.** Every public hall, interior stairway, water closet compartment, bathroom and laundry room shall contain at least **one (1)** electrical lighting fixture.

(C)            **Service.** When the electrical system requires modification to correct inadequate service, then service shall be corrected to a minimum of **one hundred ampere, three (3) wire service.**

(D)            **Installation.** All electrical equipment, wiring and appliances shall be installed and maintained in a safe manner in accordance with all applicable laws. All electrical equipment shall be of an approved type.

**ARTICLE XI – FIRE SAFETY REQUIREMENTS**

**29-11-1      GENERAL.**

(A)      **Scope.** The provisions of this Article shall govern the minimum fire safety facilities and equipment to be provided.

All structures shall be constructed and maintained to prevent and avoid fire hazards, and in a manner conducive to fire safety. All fire safety facilities and equipment shall comply with the requirements herein prescribed insofar as they are applicable.

(B)      **Responsibility.** The owner of the structure shall provide and maintain such fire safety facilities and equipment in compliance with these requirements and the Fire Prevention Code. A person shall not occupy as owner-occupant or let to another for occupancy or use any premises which does not comply with the requirements of this Article.

**29-11-2      MEANS OF EGRESS.**

(A)      **General.** A safe, continuous and unobstructed means of egress shall be provided from the interior of a structure to the exterior at a street, or to a yard, court, or passageway leading to a public open area at grade.

(B)      **Direct Exit.** Every dwelling unit shall have access directly to the outside or to an exit access corridor that leads directly to the outside.

(C)      **Locked Doors.** All doors located in the required means of egress shall be readily openable from the inner side without the use of keys. Exits from multiple-family dwelling units, hotel units, lodging houses, and dormitory units shall not lead through other such units, or through toilet room or rooms. “Dead-bolt” locks are allowable provided the key is in place at all times and structure is occupied.

(D)      **FIRE ESCAPES.** All required fire escapes shall be maintained in working condition and structurally sound.

(E)      **Dual Egress.** Every residential building exceeding **one (1) story** in height above grade, not including basements, shall be provided with not less than **two (2)** approved independent exits from each floor above the first floor, fully accessible to each occupant on the floor or provide safety ladders for each bedroom above the first floor.

**29-11-3      ACCUMULATION AND STORAGE.** Waste, refuse, or other materials shall not be allowed to accumulate in stairways, passageways, doors, windows, fire escapes, or other means of egress.

**29-11-4      FIRE DOORS.** All required fire resistance rated doors or smoke barriers shall be maintained in good working order, including all hardware necessary for the proper operation thereof. The use of door stops, wedges and other unapproved hold-open devices is prohibited.

**29-11-5**      **SMOKE DETECTORS REQUIRED.** Smoke detectors shall be provided outside of each sleeping area in the immediate vicinity of the bedrooms and on each additional story of the dwelling, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels, a smoke detector need be installed only on the upper level, provided the lower level is less than **one (1) full story** below the upper level, except that if there is a door between levels then a detector is required on each level. In multiple dwelling units a smoke detector shall be installed in all common hallways or rooms. All detectors shall be connected to a sounding device or other detectors to provide, when actuated, an alarm which will be audible in all sleeping areas. All detectors shall be approved and listed and shall be installed in accordance with the manufacturer's instructions.

**ARTICLE XII – RESPONSIBILITIES OF PERSONS**

**29-12-1**     **GENERAL.**     The provisions of this Article shall govern the responsibilities of persons for the maintenance of structures, and the equipment and premises thereof. The owner has the ultimate legal responsibility to comply with this Section.

**29-12-2**     **SANITARY CONDITION.**

(A)     **Cleanliness.**     Every occupant of a structure or part thereof shall keep that part of the structure or premises thereof which that occupant occupies, controls, or uses in a clean and sanitary condition. Every owner of a dwelling containing **two (2) or more** dwelling units shall maintain, in a clean and sanitary condition, the shared or public areas of the dwelling and premises thereof.

(B)     **Disposal of Rubbish.**     Every occupant of a structure or part thereof shall dispose of all rubbish in a clean and sanitary manner.

(C)     **Disposal of Garbage.**     Every occupant of a structure or part thereof shall dispose of garbage in a clean and sanitary manner by placing it in garbage disposal facilities, or if such facilities are not available, by placing it in approved garbage storage containers.

**29-12-3**     **EXTERMINATION.**

(A)     **Owner.**     The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.

(B)     **Multiple Occupancy.**     Every owner, agent or operator of **two (2) or more** dwelling units or multiple occupancies, or nonresidential structures and rooming houses, shall be responsible for the extermination of any insects, rats or others in the public or shared areas of the structure and premises.



**CHAPTER 30**

**PUBLIC SAFETY**

**ARTICLE I - CIVIL EMERGENCY**

**30-1-1                    DEFINITIONS.**

**"CIVIL EMERGENCY"** is hereby defined to be:

(A)                    A "riot or unlawful assembly" characterized by the use of actual force or violence or any power to execute by **three (3)** or more persons acting together without authority of law; or

(B)                    Any "natural disaster" or "man-made calamity", including flood, conflagration, cyclone, tornado, earthquake, or explosion within the corporate limits of the Village resulting in the death or injury of persons or the destruction of property to such an extent that extraordinary measures must be taken to protect the public health, safety and welfare.

**"CURFEW"** is hereby defined as a prohibition against any person or persons walking, running, loitering, standing or motoring upon any alley, street, highway, public property or vacant premises within the corporate limits of the Village excepting officials of any governmental unit and persons officially designated to duty with reference to the civil emergency.

**30-1-2                    DECLARATION OF EMERGENCY.** Whenever an emergency as defined in **Section 30-1-1** exists, the Mayor shall declare the existence by means of a written declaration, setting forth the facts which constitute the emergency.

**30-1-3                    CURFEW.** After proclamation of a civil emergency by the Mayor, he may order a general curfew applicable to such geographical areas of the Village or to the Village as a whole as he deems advisable and applicable during such hours of the day or night as he deems necessary in the interest of the public safety and welfare.

**30-1-4                    AUTHORITY OF MAYOR TO ISSUE ORDERS.** After the proclamation of a civil emergency, the Mayor may also, in the interest of public safety and welfare, make any or all of the following orders.

(A)                    Order the closing of all retail liquor stores including taverns and private clubs or portions thereof wherein the consumption of intoxicating liquor and beer is permitted.

(B)                    Order the discontinuance of the sale of alcoholic liquor by any wholesaler or retailer.

(C) Order the discontinuance of selling, distributing or giving away of gasoline or other flammable liquid or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle.

(D) Order the discontinuance of selling, distributing, dispensing or giving away of any firearms or ammunition of any character whatsoever.

(E) Issue such other orders as are imminently necessary for the protection of life and property.

**30-1-5** **EFFECTIVENESS.** The proclamation herein authorized shall be effective for a period of **forty-eight (48) hours** unless sooner terminated by a proclamation of the Mayor indicating that the civil emergency no longer exists. The Mayor shall have the power to reproclaim the existence of a civil emergency at the end of each **forty-eight (48) hour** period during the time the civil emergency exists.

**30-1-6** **NOTIFICATION.** Upon issuing the proclamation herein authorized, the Mayor shall notify the news media situated within the Village and shall cause **three (3) copies** of the proclamation declaring the existence of the emergency to be posted at the following places within the Village:

- (A) The Village Hall.
- (B) The Post Office.
- (C) The Police Station.

**(See 65 ILCS Sec. 5/11-1-6)**

**ARTICLE II - POLICE DEPARTMENT**

**DIVISION I - DEPARTMENT ESTABLISHED**

**30-2-1**     **DEPARTMENT ESTABLISHED.** There is hereby established a department of the municipal government of the Village which shall be known as the Police Department. The Police Department shall consist of the Chief of Police and of such number of patrolmen as may be provided from time to time by the Village Board.

**30-2-2**     **OFFICE OF CHIEF CREATED.** There is hereby established the office of the Chief of Police. The Chief of Police shall be appointed by the Mayor with the advice and consent of the Village Board.

**30-2-3**     **DUTIES OF CHIEF.** The Chief of Police shall keep records and make reports concerning the activities of his department as may be required. The Chief shall be responsible for the performance of the Police Department, of all its functions, and all persons who are members of the department shall serve subject to the orders of the Chief of Police.

**30-2-4**     **APPOINTMENT OF PATROLMEN.** A sufficient number of patrolmen shall be appointed by the Mayor, by and with the advice and consent of the Village Board to serve for **one (1) year** or until his successor is appointed and qualified. A police officer may be appointed to office by the Mayor and Village Board if he meets the necessary qualifications notwithstanding the fact that the policeman is not a resident of the Village when appointed or when he is to serve as such an official.

**30-2-5**     **SALARY.** The police department shall receive such compensation as may be provided by 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 policemen, prior to entering upon any of their duties, shall receive a course of training in the use of weapons and other police procedures by the proper authorities as established by the State of Illinois for firearms training. Such courses of training shall not be less than **four hundred (400) hours** in duration. Upon completion of the course of training, the applicant shall file with the Mayor a certificate attesting to the completion of the course.

**30-2-18**    **COMPENSATION.**    Policemen shall receive such hourly compensation for their services as determined by the corporate authorities, provided such services are performed at the direction of the Chief of Police.

**30-2-19**    **STOLEN PROPERTY.**    The Chief of Police shall be the custodian of all lost and abandoned or stolen property in the Village.

**30-2-20**    **PART-TIME OFFICERS.**

(A)    All police officers, other than those officers who shall be employed on a full-time basis, shall be qualified to enter and successfully complete any training mandated by the Illinois Law Enforcement Training Standards Board.

(B)    The aforesaid hiring standards, particularly with respect to part-time police officers employed by the Village shall be submitted to the Illinois Law Enforcement Training Standards Board, as required by statute.    **(Ord. No. 08-512; 09-03-08)**

**30-2-21 - 30-2-24**    **RESERVED.**

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

**DIVISION II - AUXILIARY POLICE**

**30-2-25 APPOINTMENT.** The Mayor is hereby authorized to appoint auxiliary policemen as employees, subject to the advice and consent of the Village Board. Prior to appointment, all proposed auxiliary policemen shall be fingerprinted and their fingerprints shall be checked with the Federal Bureau of Identification, Washington, D.C. for any possible criminal record. No person shall be appointed as an auxiliary policeman if he has been convicted of a felony or other crime involving moral turpitude. All appointees shall be at least **eighteen (18) years** of age. The appointment of any or all auxiliary policemen may be terminated by the Mayor subject to the advice and consent of the Village Board.

**30-2-26 NOT MEMBERS OF POLICE DEPARTMENT.** Auxiliary policemen shall not be members of the Regular Police Department and shall be residents of the Village. Identification symbols worn by such auxiliary policemen shall be different and distinct from those used by the Regular Police Department and shall be selected and chosen by the Chief of Police of this Village. Auxiliary policemen shall, at all times during the performance of their duties, be subject to the direction and control of the Chief of Police.

**30-2-27 POWERS AND DUTIES.** Auxiliary policemen shall have the following powers and duties when properly assigned and on duty:

- (A) To aid or direct traffic in the municipality.
- (B) To aid in control of natural or man-made disasters.
- (C) To aid in case of civil disorder.
- (D) To perform normal and regular police duties when assigned by the Chief of Police on occasions when it is impractical for members of the regular Police Department to perform normal and regular duties.
- (E) 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.
- (F) To commit arrested persons for examination.
- (G) If necessary, to detain arrested persons in custody overnight or Sunday in any safe place or until they can be brought before the proper magistrate.
- (H) To exercise all other powers as conservators of the peace that the corporate authorities may prescribe.
- (I) To serve and execute all warrants for the violation of municipal ordinances, or the State Criminal Law, within the corporate limits of the Village, and also on any property owned and controlled by the Village beyond its corporate limits and for this purpose, to have all the common law and statutory power of sheriffs.

**30-2-28 FIREARMS PROHIBITED.** 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.

**30-2-29 TRAINING.** Auxiliary policemen, before entering upon any of their duties, shall receive a course of training in the use of weapons and other police procedures appropriate for the exercise of the powers conferred upon them under this Code. The training and course of study shall be determined and provided by the Chief of Police.

**30-2-30 COMPENSATION.** Auxiliary policemen may receive compensation as provided by the Village Board.

**(See 65 ILCS Sec. 5/3.1-30-20)**

**ARTICLE III - RESERVED.**



**ARTICLE IV**

**EMERGENCY SERVICES AND DISASTER AGENCY  
(ESDA)**

**30-4-1 POLICY AND PROCEDURES.**

(A) Because of the possibility of the occurrence of disasters of unprecedented size and destructiveness resulting from the explosion in this or in a neighboring municipality of atomic or other means from without, or by means of sabotage or other disloyal actions within, or from fire, flood, earthquake, or other natural or man-made causes, and in order to insure that this municipality will be prepared to and will adequately deal with any such disasters, preserve the lives and property of the people of this municipality and protect the public peace, health and safety in the event of such a disaster, it is found and declared to be necessary:

- (1) To create a municipal emergency services and disaster 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 services and disaster operations.

(B) Whenever the Mayor determines after an investigation that a dangerous situation or a potentially dangerous situation exists which could cause death to individuals or serious injury to property or the health and welfare of public, the Mayor may declare that a state of emergency exists. The extraordinary powers may not be exercised until an ordinance shall have been adopted which shall establish standards for the determination by the Mayor of when the state of emergency exists and shall provide that the Mayor may not exercise such extraordinary power and authority except after signing under oath a statement finding that such standards have been met, setting forth facts to substantiate such findings, describing the nature of the emergency and declaring that a state of emergency exists. This statement shall be filed with the Clerk of the municipality as soon as practical. A state of emergency shall expire not later than the adjournment of the first regular meeting of the corporate authorities after the state of emergency is declared. A subsequent state of emergency may be declared if necessary.

(C) It is further declared to be the purpose of this Code and the policy of the municipality that all emergency management programs of this municipality be coordinated to the maximum extent with the comparable functions of the federal and state governments, including their various departments and agencies, of other municipalities and localities and private agencies of every type, to the end that the

most effective preparation and use may be made of the nation's manpower, resources, and facilities for dealing with any disaster that may occur.

**30-4-2**      **LIMITATIONS.** Nothing in this Code shall be construed to:

- (A) Interfere with the course or conduct of a private labor dispute, except that actions otherwise authorized by this Code or other laws may be taken when necessary to forestall or mitigate imminent or existing danger to public health or safety;
- (B) Interfere with dissemination of news or comment of public affairs; but any communications facility or organization (including but not limited to radio and television stations, wire services, and newspapers) may be requested to transmit or print public service messages furnishing information or instructions in connection with a disaster;
- (C) Affect the jurisdiction or responsibilities of police forces, fire fighting forces, units of the armed forces of the United States, or of any personnel thereof, when on active duty; but state and local emergency operations plans shall place reliance upon the forces available for performance of functions related to disaster emergencies;
- (D) Limit, modify, or abridge the authority of the Mayor and the Village Board to exercise any other powers vested in them under the constitution, statutes, or common law of this State, independent of or in conjunction with any provisions of this Code.

**30-4-3**      **DEFINITIONS.** As used in this Code, unless the context clearly indicates otherwise, the following words and terms shall have the definitions hereinafter ascribed:

- (A)      **Coordinator** means the staff assistant to the Mayor with the duty of carrying out the requirements of this Code.
- (B)      **Disaster** means an occurrence or threat of widespread or severe damage, injury or loss of life or property resulting from any natural or man-made cause, including but not limited to fire, flood, earthquake, wind, storm, hazardous materials spill or other water contamination requiring emergency action to avert danger or damage, epidemic, air contamination, blight, extended periods of severe and inclement weather, drought, infestation, explosion, critical shortages of essential fuels and energy, riot, or hostile military or paramilitary action.
- (C)      **Emergency Management** means the efforts of this municipality to develop, plan, analyze, conduct, implement and maintain programs for disaster mitigation.
- (D)      **Emergency Operations Plan** means the written plan of the municipality describing the organization, mission and functions of the government and supporting services for responding to and recovery from disasters.
- (E)      **Emergency Services** means the preparation for and the carrying out of such functions, other than functions for which military forces are primarily responsible, as may be necessary or proper to prevent, minimize, repair and alleviate injury and damage resulting from disasters caused by fire, flood, earthquake, or other man-made or natural causes. These functions including, without limitation, fire-fighting

services, police services, emergency aviation services, medical and health services, rescue, engineering, warning services, communications, radiological, chemical and other special weapons defense, evacuation of persons from stricken areas, emergency assigned functions of plant protection,

temporary restoration of public utility services and other functions related to civilian protection, together with all other activities necessary or incidental to protecting life or property.

(F) **Political Subdivision** means any county, city, village, or incorporated town.

**30-4-4                      EMERGENCY SERVICES AND DISASTER AGENCY.**

(A) There is hereby created an emergency services and disaster agency and a coordinator of the emergency services and disaster 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 Services and Disaster Agency shall obtain, with Board approval, such technical, clerical, stenographic and other administrative personnel, and may make such expenditures within their appropriation therefor as may be necessary to carry out the purpose of this Code.

(C) The coordinator, subject to the direction and control of the Mayor, shall be the executive head of the Municipal Emergency Service and Disaster Agency, and shall be responsible under the direction of the Mayor for carrying out the program for emergency services and disaster operations of this municipality. He shall coordinate the activities of all organizations for emergency services and disaster operations within this municipality and shall maintain liaison, and cooperate with, the civil defense and emergency management agencies and organization of the county, other counties and municipalities, and of the federal and state government.

In the event of the absence, resignation, death, or inability to serve by the coordinator, the Mayor or any persons designated by him, shall be and act as coordinator until a new appointment is made as provided in this Code.

(D) The Municipal Emergency Services and Disaster 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 services and disaster agency shall interrelate with business, labor, industry, agriculture, civic and volunteer organizations, and community leaders.

(F) The Municipal Emergency Services and Disaster Agency shall:  
(1) Determine the requirements of the municipality for food, clothing and other necessities in the event of an emergency;  
(2) Develop an Emergency Operations Plan that meets the standards promulgated by the Illinois Emergency Management Agency;  
(3) Biannually review and revise the local Emergency Operations Plan;

skills in  
recovery;  
resources

- (4) Establish a register of persons with types of training and emergency prevention, preparedness, response and
- (5) Establish a register of government and private response available for use in a disaster;

- (6) Prepare, for issuance by the Mayor, ordinances, proclamations and regulations as necessary or appropriate in coping with disasters.
- (7) Cooperate with the federal, state and county government and any public or private agency or entity in achieving any purpose of this Code and in implementing programs for disaster prevention, preparation, response and recovery;
- (8) Initiate and coordinate planning for:
  - (a) The establishment of an emergency operating center;
  - (b) The implementation of a 911 system.
- (9) Do all other things necessary, incidental or appropriate for the implementation of this Code.

**30-4-5      EMERGENCY SERVICES AND DISASTER POWERS OF THE MAYOR.**

(A) The Mayor shall have the general direction and control of the emergency services and disaster agency, and shall be responsible for the carrying out of the provisions of this Code.

(B) In performing his duties under this Code, the Mayor is authorized to cooperate with state and federal governments and with other municipalities and political subdivisions in all matters pertaining to emergency services and disaster operations defined in this Code.

(C) In performing his duties under this Code, the Mayor is further authorized:

(1) To make, amend and rescind all lawful necessary orders, rules and regulations of the local disaster plan to carry out the provisions of this Code within the limits of the authority conferred upon him.

(2) To cause to be prepared a comprehensive plan and program for the emergency management of this municipality which plan and program shall be integrated into and coordinated with disaster plans of the state and federal governments and other political subdivisions, and which plan and program may include:

(a) Prevention and minimization of injury and damage caused by disaster;

(b) Prompt and effective response to disaster;

(c) Emergency relief;

(d) Identification of areas particularly vulnerable to disasters;

(e) Recommendations for zoning, building and other land-use controls, safety measures for securing

permanent struc-  
preparedness measures  
disasters or their impact;

tures and other preventive and  
designed to eliminate or reduce



- emergency  
other  
protect  
from flood,  
com-  
activities;
- (f) Assistance to local officials in designing local action plans;
  - (g) Authorization and procedures for the erection or construction of temporary works designed to protect against or mitigate danger, damage or loss from conflagration or other disaster;
  - (h) Organization of municipal manpower and chains of command;
  - (i) Coordination of local emergency management activities;
  - (j) Other necessary matters.
- (3) In accordance with such plan and program for the emergency management of this municipality, and out of funds appropriated for such purposes, to procure and preposition supplies, medicines, materials and equipment to institute training programs and public information programs, and to take all other preparatory steps, including the partial or full mobilization of emergency services and disaster organizations in advance of actual disaster to insure the furnishing of adequately trained and equipped forces for disaster operations.
- (4) Out of funds appropriated for such purposes, to make such studies and surveys of the industries, resources and facilities in this municipality as may be necessary to ascertain the capabilities of the municipality for the emergency management phases of preparedness, response, and recovery, and to plan for the most efficient emergency use thereof.
- (D) The Mayor is authorized to designate space in a municipal building, or elsewhere for the emergency services and disaster agency as its office.

**30-4-6**

**FINANCING.**

(A) It is the intent of the Village Board and declared to be the policy of the municipality that every effort shall be made to provide funds for disaster emergencies.

(B) It is the Village Board's intent that the first recourse shall be to funds regularly appropriated to the agency. If the Mayor finds that the demands placed upon these funds in coping with a particular disaster are unreasonably great, and the Governor has proclaimed the municipality a disaster, he may make application for funds from the state disaster relief fund. If monies available from the fund are insufficient, and if the Mayor finds that other sources of money to cope with the disaster are not available or are insufficient, he shall issue a call for an immediate

session of the Village Board for the purpose of enacting ordinances as the Village Board may deem necessary to transfer and expend monies appropriated for other purposes, or borrow monies from the United States Government or other public or private sources. If less than a quorum of the members of the Village Board is

capable of convening in session to enact such ordinances for the transfer, expenditure or loan of such monies, the Mayor is authorized to carry out those decisions until such time as a quorum of the Village Board can convene.

(C) Nothing contained in this Section shall be construed to limit the Mayor's authority to apply for, administer and expend grants, gifts, or payments in aid of disaster prevention, preparedness, response or recovery.

**30-4-7                    LOCAL DISASTER EMERGENCIES.**

(A) A local disaster emergency may be declared only by the Mayor or Village Board. If declared by the Mayor, it shall not be continued for a period in excess of **seven (7) days** except by or with the consent of the Village Board. Any order or proclamation declaring, continuing or terminating a local disaster emergency shall be given prompt and general publicity, and shall be filed promptly with the municipal clerk.

(B) The effect of a declaration of a local disaster emergency is to activate any and all applicable local emergency operations plans and to authorize the furnishing of aid and assistance thereunder.

(C) During a local disaster emergency, the Mayor may suspend the provisions of any municipal ordinance prescribing procedures for the conduct of municipal business, or the orders, rules and regulations of any municipal agency, if strict compliance with the provisions of any ordinance, rule or regulation would in any way prevent, hinder or delay necessary action in coping with the emergency, as authorized by "**The Illinois Emergency Management Agency Act**", provided that, if the Village Board meets at such time, he shall act subject to the directions and restrictions imposed by that body.

**30-4-8                    TESTING OF DISASTER WARNING DEVICES.** The testing of disaster devices including outdoor warning sirens shall be held only on the first Tuesday of each month at **10 o'clock** in the morning.

**30-4-9                    MUTUAL AID ARRANGEMENTS BETWEEN POLITICAL SUBDIVISIONS.**

The coordinator for emergency services and disaster operations may, in collaboration with other public agencies within his immediate vicinity, develop or cause to be developed mutual aid arrangements with other political subdivisions, municipal corporations or bodies politic within this state for reciprocal disaster response and recovery in case a disaster is too great to be dealt with unassisted. The mutual aid shall not, however, be effective unless and until approved by each of such political subdivisions, municipal corporations or bodies politic as are parties thereto, in the manner provided by law, and unless and until filed with and approved in writing by the state director. Such arrangements shall be consistent with the state and local emergency management operations plan and program, and in the event of such

disaster as described in **Section 30-4-3** of this Code, it shall be the duty of each local and department for emergency services and disaster operations to render assistance in accordance with the provisions of such mutual aid arrangements.

**30-4-10 COMMUNICATIONS.** The local Emergency Services and Disaster Agency shall ascertain what means exist for rapid and efficient communications in times of disaster emergencies. The agency shall consider the desirability of supplementing these communications resources or of integrating them into a comprehensive system or network. In studying the character and feasibility of any system or its several parts, the agency shall evaluate the possibility of multipurpose use thereof for general municipal and local governmental purposes. The agency shall make recommendations to the Mayor as appropriate.

**30-4-11 IMMUNITY.** Neither the municipality, the agency or any member thereof or any person acting at their direction, engaged in any emergency services and disaster operations or disaster activities, while complying with or attempting to comply with this Code or any rule or regulations promulgated pursuant to this Code is liable for the death of or any injury to persons, or damage to property, as a result of such activity. This section does not, however, affect the right of any person to receive benefits to which he would otherwise be entitled under this act under the Worker's Compensation Act or the Worker's Occupational Diseases Act, or under any pension law, and this Section does not affect the right of any such person to receive any benefits or compensation under any Act of Congress.

**30-4-12 PROFESSIONS, TRADES AND OCCUPATIONS.** If such disaster as is described in **Section 30-4-3** occurs in this municipality and the services of persons who are competent to practice any profession, trade or occupation are required in this municipality to cope with the disaster situation and it appears that the number of persons licensed or registered in this municipality to practice such profession, trade or occupation may be insufficient for such purpose, then any persons who are licensed elsewhere to practice any such profession, trade or occupation may, if a member of another political subdivision rendering aid in this municipality pursuant to the order of the head of that political subdivision and upon the request of the municipality, or if otherwise requested so to do by the Mayor or the coordinator of this municipality, during the time the disaster condition continues, practice such profession, trade or occupation in this municipality without being licensed or registered in this municipality.

**30-4-13 APPROPRIATIONS AND LEVY OF TAX.** The Village Board may make appropriations for emergency services and disaster operations in the manner provided by law for making appropriations for the ordinary expenses of such political subdivision. The Village Board may also levy for emergency services and disaster operations a tax not to exceed **.05%** of the full, fair cash value as equalized or assessed by the Department of Revenue on all taxable property in the municipality for the current year. However, the amount collectible under such a levy shall in no event

exceed **Twenty-Five Cents (\$0.25)** per capita. The annual tax shall be in addition to and in excess of the amount authorized to be levied for general corporate purposes.

**30-4-14 AUTHORITY TO ACCEPT SERVICES, GIFTS, GRANTS OR LOANS.** Whenever the federal or state governments, or any agency or officer thereof, or whenever any person, firm or corporation shall offer to the municipality services, equipment, supplies, materials or funds by way of gift or grant for purposes of emergency management, the municipality, acting through the Mayor or through its Village Board, may accept such offer and upon such acceptance the Mayor or the Village Board may authorize any officer of the municipality to receive such services, equipment, supplies, materials or funds on behalf of the municipality.

**30-4-15 ORDERS, RULES AND REGULATIONS.**

(A) The Mayor shall file a copy of every rule, regulation or order and any amendment thereof made by him pursuant to the provisions of this Code in the office of the Municipal Clerk. No such rule, regulation or order, or any amendment thereof, shall be effective until **ten (10) days** after such filing; provided, however, that upon the declaration of such a disaster emergency by the Mayor as is described in **Section 30-4-7**, the provision relating to the effective date of any rule, regulation order or amendment issued pursuant to this Code and during the state of such disaster emergency, is abrogated, and said rule, regulation, order or amendment shall become effective immediately upon being filed with the Municipal Clerk, accompanied by a certificate stating the reason for the emergency.

(B) The Emergency Services and Disaster Agency established pursuant to this Code, and the coordinator thereof, shall execute and enforce such orders, rules and regulations as may be made by the Governor under authority of the Illinois Emergency Management Agency Act. The local Emergency Services and Disaster Agency shall have available for inspection at its office all orders, rules and regulations made by the Governor, or under this authority. The State Emergency Management Agency shall furnish such orders, rules and regulations to the agency.

**30-4-16 UTILIZATION OF EXISTING AGENCY, FACILITIES AND PERSONNEL.** In carrying out the provisions of this Code, the Mayor and the coordinator of the emergency services and disaster agency are directed to utilize the services, equipment, supplies and facilities of existing departments, offices and agencies of the municipality to the maximum extent practicable, and the officers and personnel of all such departments, offices and agencies are directed, upon request, to cooperate with and extend such services and facilities to the coordinator and the emergency services and disaster agency.

**30-4-17 SEVERABILITY.** If any provision of this Code or the application thereof to any person or circumstances be held invalid, such invalidity shall not affect such other provisions or applications of the ordinance which can be given effect without

the invalid provision or application, and to this end the provisions of this Code are hereby declared to be severable.



**30-4-18 NO PRIVATE LIABILITY.**

(A) Any person owning or controlling real estate or other premises who voluntarily and without compensation grants a license or privilege, or otherwise permits the designation or use of the whole or any part or parts of such real estate or premises for the purpose of sheltering persons during an actual or impending disaster, or a mock or practice disaster response activity together with his successors in interest, if any, shall not be civilly liable for negligently causing the death of, or injury to, any person on or about such real estate or premises under such license, privilege or other permission, or for negligently causing loss of, or damage to, the property of such person.

(B) Any private person, firm or corporation and employees and agents of such person, firm or corporation in the performance of a contract with, and under the direction of, the municipality under the provisions of this Code, shall not be civilly liable for causing death of, or injury to, any person or damage to any property except in the event of willful misconduct.

(C) Any private person, firm or corporation, and any employee or agency of such person, firm or corporation, who renders assistance or advice at the request of the municipality, shall not be civilly liable for causing the death of, or injury to, any person or damage to any property except in the event of willful misconduct. The immunities provided in Subsection (C) shall not apply to any private person, firm or corporation, or to any employee or agent of such person, firm or corporation whose act or omission caused in whole or in part such actual or impending disaster and who would otherwise be liable therefore.

**30-4-19 SUCCESSION.** In the event of the death, absence from the municipality or other disability of the Mayor preventing him from acting under this Code or for any other municipal purpose, and until the office is filled in the manner prescribed by law, the coordinator of the emergency services and disaster agency shall succeed to the duties and responsibilities of the Mayor.

**30-4-20 COMPENSATION.** The Village Board, by its annual appropriations ordinance, may provide for the payment of the salary of the coordinator and such other office staff and personnel as may be expressly provided for in the ordinance. Nothing herein contained shall prohibit any member of the agency from receiving compensation from the State of Illinois Emergency Management Agency under any provisions of that agency.

**30-4-21 PERSONNEL OATH.** Each person, whether compensated or noncompensated, who is appointed to serve in any capacity in the municipal Emergency Service and Disaster Agency, shall, before entering upon his duties, take an oath, in writing, before the coordinator of the municipal Emergency Service and

Disaster Agency before a person authorized to administer oaths in this municipality, which oath shall be filed with the coordinator of the Emergency Services and Disaster Agency, and which oath shall be substantially as follows:

"I, \_\_\_\_\_ do solemnly swear (or affirm) that I will support and defend and bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of Illinois, and the territory, institutions and facilities thereof, both public and private, against all enemies, foreign and domestic; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter. And I do further swear (or affirm) that I do not advocate, nor am I, nor have I been a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence; and that during such time I am affiliated with the Village, I will not advocate nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence."

**30-4-22 EMERGENCY TERMINATION OR REDUCTION OF ELECTRICAL SERVICE.**

(A) **Declaration of Emergency Condition.** When in the judgment of the Mayor or Village Board, as provided herein in **Section 30-4-7(A)**, a local disaster emergency requires the termination or reduction of electrical service, the Mayor or Village Board shall forthwith declare in writing the existence of the emergency condition and order the termination or reduction.

**30-4-23 PENALTY.** Any person convicted of violating this Code or any order thereunder shall be punished by a fine of not exceeding **Seven Hundred Fifty Dollars (\$750.00)**.

**(See 20 ILCS Sec. 3305/1 et seq.)**

**VILLAGE OF OBLONG**

**EXCAVATION PERMIT**

NAME \_\_\_\_\_

FIRM NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY/VILLAGE \_\_\_\_\_ STATE \_\_\_\_\_ PHONE \_\_\_\_\_

LOCATION OF PROPOSED EXCAVATION \_\_\_\_\_

\_\_\_\_\_

NATURE OF EXCAVATION \_\_\_\_\_

\_\_\_\_\_

**BONDING COMPANY:**

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY/VILLAGE \_\_\_\_\_ STATE \_\_\_\_\_ PHONE \_\_\_\_\_

AMOUNT OF BOND \$ \_\_\_\_\_

**PREVIOUS EXPERIENCE (LIST CITIES AND/OR VILLAGES)**

	<u>CITY/VILLAGE</u>	<u>CITY/VILLAGE OFFICIAL</u>
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____

I have read the municipal law with regard to excavations and my firm or company intends to fully comply with the Street Regulations Code provisions.

\_\_\_\_\_  
(Applicant's Signature)

**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: \_\_\_\_\_

**STRUCTURE MOVING PERMIT**

NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_ PHONE \_\_\_\_\_

OWNER OF STRUCTURE \_\_\_\_\_  
ADDRESS OF STRUCTURE \_\_\_\_\_ ZONE DISTRICT \_\_\_\_\_  
PROPOSED LOCATION \_\_\_\_\_ ZONE DISTRICT \_\_\_\_\_

KIND OF STRUCTURE \_\_\_\_\_  
SIZE OF STRUCTURE \_\_\_\_\_

REASON FOR MOVING STRUCTURE \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PROPOSED USE/PURPOSE OF STRUCTURE \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(NOTE: Zoning Restrictions May Apply)

ZONING OCCUPANCY APPLICATION ATTACHED: YES \_\_\_\_\_ NO \_\_\_\_\_  
(Including Plot Plan)

PROPOSED ROUTE (STREETS) TO BE TRAVELED \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NAME OF MOVER \_\_\_\_\_  
ADDRESS OF MOVER \_\_\_\_\_  
CITY - PHONE \_\_\_\_\_

Superintendent's Estimated Deposit For Removal of Utilities, Trees, Etc. \$ \_\_\_\_\_  
Has Liability Insurance Policy Been Filed? \_\_\_\_\_ Amount \$ \_\_\_\_\_  
Have Fees Been Paid? \_\_\_\_\_ Amount \$ \_\_\_\_\_

\_\_\_\_\_  
ZONING OFFICIAL

\_\_\_\_\_  
CITY COLLECTOR

\_\_\_\_\_  
CITY SUPERINTENDENT

**CHAPTER 33**

**STREET REGULATIONS**

**ARTICLE I - DEPARTMENT ESTABLISHED**

**33-1-1**     **DEPARTMENT ESTABLISHED.** There is hereby established a Department of the municipal government which shall be known as the **Street Department**. It shall embrace the Street Committee, the Superintendent, and the employees. The Village Engineer shall serve as ex-officio officer.

**33-1-2**     **COMMITTEE ON STREETS.** The Village Board Standing Committee on Streets shall exercise a general supervision over the affairs of the Street Department. It shall ascertain the needs and conditions thereof and shall, from time to time, report the same to the Mayor and Village Board.

**ARTICLE II - GENERAL REGULATIONS**

**33-2-1**     **UNDERMINING.** No person shall undermine in any manner, any street or any other ground or real estate situated in the Village or belonging to any private person.

**33-2-2**     **OPEN DOORS.** No person shall open or allow to remain open, any door, any gate, or the grating of any vault belonging to the premises occupied by him, on any street, alley or sidewalk in the Village for any purpose, except the taking in and removing goods; and any person allowing such grating to remain open shall warn passersby of the danger.

**33-2-3      REPAIRING SIDEWALKS, ETC.** Whenever any sidewalk, pavement, or cellar door on the same becomes worn out or out of repair, or is torn up or broken and uneven, it shall be the duty of the Street Superintendent to immediately report such fact to the Mayor or Street and Alley Committee, and upon verbal or written order from either of them, to give notice to the party owning the adjoining property to repair such sidewalk or cellar door without delay.

**33-2-4      STAIRWAY - RAILING.** Steps or stairways leading into any building shall not extend from the wall of such building onto any pavement or sidewalk, and in such case, the person making or causing to be made such passage shall erect a railing on the side of the stairs toward the street to prevent persons from falling into the street.

**33-2-5      CLOSING STREET.** Whenever public safety or the improvement or repair of any street, alley or public place requires it, the Mayor may order any street, alley, or public place temporarily closed to traffic and the placing of signs indicating that the street, alley or public place is closed by order of the Mayor. Whenever such signs are so placed, no person shall ride or drive upon or cross such street, alley or public place, or in any manner, destroy, deface, or remove any such sign.

**33-2-6      SIGNS ACROSS STREET.** No person shall place any sign, advertisement or banner over any or across any street, alley or sidewalk in the Village, unless he has written approval of the Village Board. **(See 65 ILCS Sec. 5/11-80-17)**

**33-2-7      VEHICLES AND SKATEBOARDS ON SIDEWALKS.** No person shall operate any skateboard or motor vehicle on or over any sidewalk, except in crossing the same to go into a yard or parking lot.

**33-2-8      DEPOSITS ON SIDEWALKS.** It shall be unlawful to deposit on any public sidewalk, any material which may be harmful to the pavement thereof, or any waste material, or any glass or other articles which might cause injury to persons, animals or property.

Merchandise or other articles may be deposited on sidewalks preparatory to delivery, provided that the usable width is not thereby reduced to less than **four (4) feet**; and provided that no such article shall remain on such walk for more than **thirty (30) minutes**.



**33-2-9      OBSTRUCTING STREET.**

(A)            It shall be unlawful to deposit any material on any street which may be harmful to the pavement thereof, or any waste material, or any grass clippings, or to cause a lawn mower to blow grass clippings onto a street or any other articles such as glass which may cause injury to any person, animal or property.

(B)            No person shall place or cause to be placed or erected on any public ground, or in any public street, alley or sidewalk in the Village, any debris, materials, or obstruction, except as may be permitted by this Code.

(C)            It shall be the duty of the Police Department to exercise a vigilant supervision over such places and to notify any person found making such deposit or responsible for same to remove the offending matter at once. **(See 65 ILCS Sec. 5/11-80-3)**

**33-2-10      RAINWATER DRAINS.** It shall be unlawful to construct or permit the construction of any storm water drain or any drainage pipe in either a natural or man-made ditch without having first obtained a permit therefor. Applications for such permits shall be made to the Village Clerk and shall be accompanied by a statement as to the purpose of such drainage pipe, the premises to be served and the specification of such pipe to be installed. Such application shall be referred to the Street Superintendent and no such permit shall be issued unless he shall have found that the Village Code would be complied with by the installation of such storm water drain or drainage pipe and, that the installation of such storm water drain or drainage pipe would not interfere with, overload, obstruct or otherwise adversely affect the existing storm water drainage system within the Village.

It shall be unlawful to construct or permit the construction of any storm water drain which discharges water onto any sidewalk in the Village and it shall be unlawful to construct or permit the maintenance of any such drain which discharges into any public street or alley at a height greater than **eighteen (18) inches** above the ground or pavement.

**33-2-11      BUILDING MATERIALS IN STREET.** The Street Superintendent may move any obstruction on any street or sidewalk of the Village, but before doing so, he shall notify the person responsible therefore to remove such obstruction within a reasonable time after being notified. Any person engaged in erecting a building or fence or improving any lot on such street may deposit materials thereon and contiguous to such length of time as may be necessary for the work. The obstruction shall not extend to more than **one-half (1/2)** of the width of the sidewalk, street, or alley adjacent to such improvement and the gutter shall always be left free and unobstructed. At night, such person shall keep an illuminated warning light on such material. **(See 65 ILCS Sec. 5/11-80-3)**

## Street Regulations 33-11-23

**33-2-12**     **MERCHANDISE ON PUBLIC STREET.** It shall be unlawful for any person, firm or corporation to use any street, sidewalk, or other public place as space for the display of goods or merchandise for sale; or to write or make any signs or advertisements on any such pavements, unless permission is granted by the Village Board. **(See 65 ILCS Sec. 5/11-80-3)**

**33-2-13**     **ENCROACHMENTS.** It shall be unlawful to erect or maintain any building or structure which encroaches upon any public street or property.

**33-2-14**     **POSTING BILLS.** It shall be unlawful for any person to paste, paint, print or nail any handbill, sign, poster, advertisement or notice of any kind on any curbstone, flagstone, or any other portion or part of any sidewalk, or upon any tree, lamppost, utility pole, hydrant, or upon any private wall, door or gate without the consent, in writing, of the owner of such curbstone, flagstone, sidewalk, tree, lamppost, utility pole, hydrant, private wall, door or gate.

**33-2-15**     **SIGNS ON POLES.** No person shall nail, tack, paste, paint or fasten, or cause to be nailed, tacked, painted or fastened, any sign or any other foreign substance or material onto any telephone, telegraph, electric light, police and/or fire alarm pole or post, or any street or traffic sign located on any sidewalk, street, alley or public grounds or injure or deface any such pole or post.

**33-2-16**     **INJURY TO NEW PAVEMENTS.** It shall be unlawful to walk upon or drive any vehicle or animal upon or destroy any newly-laid sidewalk pavement while the same is guarded by a warning sign or barricade, or to knowingly injure any soft, newly-laid pavement.

**33-2-17**     **BARBED-WIRE FENCES.** It shall be unlawful to maintain or construct any fence composed in whole or in part of barbed wire, or with any similar material designed to cause injury to persons, or any wire charged with electrical current, anywhere within **three (3) feet** of any public street, sidewalk, alley, park or other public way or place unless such barbs or charged wire are at least **six (6) feet** above the level of such public place.

**33-2-18**     **BURNING ON PUBLIC STREETS.** It shall be unlawful for any person to burn any leaves, paper, rubbish or other substances upon any of the public streets, sidewalks or alleys in the Village.

**33-2-19**     **DISCHARGE OF SANITARY SEWAGE PROHIBITED.** It shall be unlawful for any person, firm or corporation to connect or cause to be connected any drain carrying or to carry any toilet, sink, basement, septic tank, cesspool, industrial waste or any fixture or device discharging polluting substances into any storm sewer constructed as part of this improvement. **(Ord. No. 08-507; 05-07-08) (See Chapter 38; Art. V)**

**ARTICLE III - TREES AND SHRUBS**

**33-3-1**     **PLANTING.** It shall be unlawful to plant any tree or bush in any public street or parkway or other public place without having first secured a permit therefore. Applications for such permits shall be made to the Street Superintendent and shall be referred by him to the Village Board. All trees and shrubs so planted shall be placed subject to the directions and approval of the Village Board.

**33-3-2**     **PLANTING TREES IN RIGHT-OF-WAY.** It shall be unlawful to plant any bushes, trees, shrubs or other plants on the right-of-way of any public street, including the space on the right-of-way between the sidewalk and the adjacent street pavement.

**33-3-3**     **REMOVAL.** It shall be unlawful to remove or cut down any tree or shrub or portion thereof in any street, parkway or other public place without having first secured a permit therefore. Applications for such permits shall be made to the Street Superintendent and shall be referred by him to the Village Board before permission shall be granted.

**33-3-4**     **INJURY.** It shall be unlawful to injure any tree or shrub planted in such public place.

**33-3-5**     **ADVERTISEMENTS OR NOTICES.** It shall be unlawful to attach any sign, advertisement or notice to any tree or shrub in any street, parkway, or other public place.

**33-3-6**     **DANGEROUS TREES.** Any tree or shrub which overhangs any sidewalk, street or other public place in the municipality at a height less than **eight (8) feet** or in such a way as to impede or interfere with traffic or travel on such public place shall be trimmed by the owner of the abutting premises or of the premises on which such tree or shrub grows so that the obstruction shall cease.

Any tree or limb of a tree which has become likely to fall on or across any public way or place shall be removed by the owner of the premises on which such tree grows or stands.

The Street Superintendent may, at the owner's expense, trim or remove any tree or shrub so that the obstruction or danger to traffic or passage shall be done away with.

**33-3-7**      **WIRES.** It shall be unlawful to attach any wires or rope to any tree or shrub in any public street, parkway or other public place without the permission of the Village Board.

Any person or company given the right to maintain the poles and wires in the streets, alleys, or other public places in the municipality shall, in the absence of provision in the franchise concerning the subject, keep such wires and poles free from and away from any trees or shrubs in such places so far as may be possible and shall keep all such trees and shrubs properly trimmed, subject to the supervision of the Street Superintendent so that no injury shall be done either to the poles or wires or the shrubs and trees by their conduct.

**33-3-8**      **GAS PIPES.** Any person or company maintaining any gas pipe in the municipality shall, in the absence of provision in the franchise concerning the subject, keep such pipes free from leaks so that no injury shall be done to any trees or shrubs.

**ARTICLE IV - EXCAVATIONS**

**33-4-1 PERMIT REQUIRED.** It shall be unlawful for any person, firm or corporation to tunnel under or to make any excavation in any street, alley or other public place in the Village without having obtained a permit as is herein required or without complying with the provisions of this Article or in violation of or variance from the terms of any such permit.

**33-4-2 APPLICATIONS.** Applications for such permits shall be made to the Clerk and shall describe the location of the intended excavation or tunnel, the size thereof, the purpose therefor, and the person, firm or corporation doing the actual excavating work; and the name of the person, firm or corporation for whom or for which the work is being done, and it shall also contain an agreement that the applicant will comply with all ordinances and laws relating to the work to be done.

**33-4-3 FEES.** The fee for such permit(s) shall be as follows; however, the Village Board may waive the fees in this Section:

- |     |   |                       |
|-----|---|-----------------------|
| (A) | Excavation in asphalt or Portland cement concrete pavement or surface | \$.25 per square foot |
| (B) | Excavation in brick pavement or surface                               | \$.25 per square foot |
| (C) | Excavation in oil treated street surface                              | \$.25 per square foot |
| (D) | Excavation in untreated or unimproved street or surface               | \$.25 per square foot |

**33-4-4 BOND.** No such permit shall be issued unless and until the applicant therefor has filed with the Clerk a bond in the sum of **Fifty Thousand Dollars (\$50,000.00)**, conditioned to indemnify the Village for any loss, liability or damage that may result or accrue from or because of the making, existence or manner of guarding or constructing any such tunnel or excavation. Such bond shall have as surety a corporation licensed to do business in the state as a surety company. The Village Board may waive the bond provided for herein.

**33-4-5 DEPOSIT.** No such permit shall be issued unless and until the applicant therefor has deposited with the Clerk a cash deposit in the sum of **Two Hundred Fifty Dollars (\$250.00)** if no pavement is involved, and **One Thousand Dollars (\$1,000.00)** if the excavation is a paved area, to insure the proper restoration of the ground and laying of the pavement, if any. From this deposit shall be deducted the expense of the Village of relaying the surface of the ground or pavement and of making the refill if this is done by the Village or at its expense and the balance shall be returned to the applicant without interest after the tunnel or excavation is completely refilled and the surface or pavement is restored. The Village Board may waive the deposit in this Section.

**33-4-6**      **MANNER OF EXCAVATING.** It shall be unlawful to make any such excavation or tunnel in any way contrary to or at variance with the terms of the permit therefor. Proper bracing shall be maintained to prevent the collapse of adjoining ground; and in excavations, the excavation shall not have anywhere below the surface any portion which extends beyond the opening at the surface.

No injury shall be done to any pipes, cables or conduits in the making of such excavations or tunnels; and notice shall be given to the persons maintaining any such pipes, cables or conduits or to the Village department or officer charged with the care thereof, which are or may be endangered or affected by the making of any such excavation or tunnel before such pipes, cables or conduits shall be disturbed. No unnecessary damage or injury shall be done to any tree, shrub or the roots thereof.

**33-4-7**      **SIDEWALKS.** If any sidewalk is blocked by any such work, a temporary sidewalk shall be constructed or provided which shall be safe for travel and convenient for users. The temporary sidewalk is subject to inspection by the Street Superintendent and shall not be open for use until approved by him.

**33-4-8**      **RESTORING SURFACE.** Any person, firm or corporation making any excavation or tunnel in or under any public street, alley or other public place in the Village shall restore the surface to its original condition if there is no pavement there. Refills shall be properly tamped down, and any bracing in such tunnel or excavation shall be left in the ground. Any opening in a paved or improved portion of a street shall be repaired and the surface re-laid by the applicant in compliance with the regulations of the Village and under the supervision of the Street Superintendent.

**33-4-9**      **SUPERVISION.** The Streets and Alley Committee shall, from time to time, inspect or cause to be inspected, all excavations and tunnels being made in or under any public street, alley or other place in the Village to see to the enforcement of the provisions of this Code. Notice shall be given to him at least **ten (10) hours** before the work of refilling any such tunnel or excavation commences.

**33-4-10**     **TUNNELING.** It shall be unlawful to make any excavation in any portion of a street or sidewalk in the Village which is paved with a concrete or asphalt paving. Where necessary, and where a proper permit has been secured, tunnels may be driven or excavated under any such pavement, provided that upon completion of the work involved, the tunnel shall be backfilled with compacted sand.

**33-4-11 PROTECTIVE MEASURES AND ROUTING OF TRAFFIC.** It shall be the duty of every person cutting or making an excavation in or upon any public place to place and maintain barriers and warning devices necessary for the safety of the general public.

(A) Barriers, warning signs, and lights shall conform to the requirements of all applicable provisions of this Code. Warning lights shall be electrical markers or flashers used to indicate a hazard to traffic from sunset of each day to sunrise of the next day.

(B) Electrical markers or flashers shall emit light at sufficient intensity and frequency to be visible at a reasonable distance for safety. Reflectors or reflecting material may be used to supplement, but not to replace light sources.

(C) The permittee shall take appropriate measures to assure that during the performance of the excavation work, traffic conditions as nearly normal as possible shall be maintained at all times so as to minimize inconvenience to the occupants of the adjoining property and to the general public. When traffic conditions permit, the Street Superintendent may, by written approval, permit the closing of streets and alleys to all traffic for a period of time prescribed by him if, in his opinion, it is necessary. Such written approval may require that the permittee give notification to various public agencies and to the general public. In such cases, such written approval shall not be valid until such notice is given.

(D) Warning signs shall be placed far enough in advance of the construction operation to alert traffic within a public street and cones or other approved devices shall be placed to channel traffic in accordance with the instructions of the Street Superintendent.

**33-4-12 CLEARANCE FOR VITAL STRUCTURES.** The excavation work shall be performed and conducted so as not to interfere with access to fire hydrants, fire stations, fire escapes, water gates, underground vaults, valve housing structures, and all other vital equipment as designated by the Street Superintendent.

**33-4-13 PROTECTION OF TRAFFIC.** The permittee shall maintain safe crossings for **two (2) lanes** of vehicle traffic at all street intersections where possible and safe crossing for pedestrians at intervals of not more than **three hundred (300) feet**. If any excavation is made across any public street, alley or sidewalk adequate crossing shall be maintained for vehicles and for pedestrians. If the street is not wide enough to hold the excavated material without using part of the adjacent sidewalk, a passageway at least **one-half (1/2)** of the sidewalk width shall be maintained along such sidewalk line.

**33-4-14**     **RELOCATION AND PROTECTION OF UTILITIES.** The permittee shall not interfere with any existing facility without the written consent of the Street Superintendent and the owner of the facility. If it becomes necessary to relocate an existing facility, this shall be done by its owner. The facility owned by the Village shall not be moved to accommodate the permittee unless the cost of such work is borne by the permittee. The cost of moving privately-owned facilities shall be similarly borne by the permittee unless other arrangements are made with the person owning the facility. The permittee shall support and protect, by timbers or otherwise, all pipes, conduits, poles, wires or other apparatus which may be in any way affected by the excavation work, and do everything necessary to support, sustain and protect them under, over, along or across said work. The permittee shall secure approval of method of support and protection from the owner of the facility.

In case of any said pipes, conduits, poles, wires or apparatus should be damaged, and for this purpose, pipe coating or other encasement or devices are to be considered as part of a substructure, the permittee shall promptly notify the owner thereof. All damaged facilities shall be repaired by the agency or person owning them and the expense of such repairs shall be charged to the permittee. It is the intent of this Section that the permittee shall assume all liability for damage to facilities and any resulting damage or injury to anyone because of such facility damage and such assumption of liability is a contractual obligation of the permittee. The only exception will be such instances where damage is exclusively due to the negligence of the owning utility. The Village shall not be made a party to any action because of this Section. The permittee shall inform itself as to the existence and location of all underground facilities and protect the same against damage.

**33-4-15**     **ABANDONMENT OF SUBSTRUCTURES.** Whenever the use of a substructure is abandoned, except the abandonment of service lines designed to serve single properties, the person owning, using, controlling, or having an interest therein shall, within **thirty (30) days** after such abandonment, file with the Street Superintendent a statement in writing giving in detail the location of the substructure so abandoned. If such abandoned substructure is in the way or subsequently becomes in the way of an installation of the Village or any other public body, which installation is pursuant to a governmental function, the owner shall remove such abandoned substructure or pay the cost of its removal during the course of excavation for construction of the facility by the Village or any other public body.

**33-4-16**     **PROTECTION OF ADJOINING PROPERTY.** The permittee shall, at all times, and at his or its own expense, preserve and protect from injury, any adjoining property by providing proper foundations and taking other measures suitable for the purpose. Where, in the protection of such property it is necessary to enter upon private property for the purpose of taking appropriate protective measures, the permittee shall obtain consent from the owner of such private property for such purpose and if he cannot obtain such consent, the Street Superintendent may authorize him to enter the private premises solely for the purpose of making the property safe.



At the permittee's own expense, all buildings, walls, fences, or other property likely to be damaged during the progress of the excavation work shall be shored up and protected, and the permittee shall be responsible for all damage to public or private property or highways resulting from failure to properly protect and carry out the work. Whenever it may be necessary for the permittee to trench through any lawn area, said area shall be reseeded or the sod shall be carefully cut and rolled and replaced after ditches have been backfilled as required in this Article. All construction and maintenance work shall be done in a manner calculated to leave the lawn area clean of earth and debris and in a condition as nearly as possible to that which existed before such work began. The permittee shall not remove, even temporarily any trees or shrubs which exist in parking street areas without first obtaining the consent of the appropriate Village department or official having supervision of such property.

**33-4-17**     **PLACEMENT OF EXCAVATED MATERIAL.** All material excavated from trenches and piled adjacent to the trench or in any street shall be piled and maintained in such a manner as to eliminate danger to those working in the trench, pedestrians or users of the streets, and so that as little inconvenience as possible is caused to those using streets and adjoining property. Where the confines of the area being excavated are too narrow to permit the piling of excavated material beside the trench, such as might be the case in a narrow alley, the Street Superintendent shall have the authority to require that the permittee haul the excavated material to a storage site and then rehaul it to the trench site at the time of backfilling. It shall be the permittee's responsibility to secure the necessary permission and make all necessary arrangements for all required storage and disposal sites.

All material excavated shall be laid compactly along the side of the trench and kept trimmed so as to cause as little inconvenience as reasonably possible to vehicular and pedestrian traffic, or as specified by the Street Superintendent, whenever necessary, in order to expedite the flow of traffic or to abate the dirt or dust nuisance, toe boards or bins may be required by the Street Superintendent to prevent the spreading of dirt into traffic lanes.

**33-4-18**     **CLEAN-UP.** As the excavation work progresses, all streets shall be thoroughly cleaned of all rubbish, excess earth, rock and other debris resulting from such work. All clean-up operations at the location of such excavation shall be accomplished at the expense of the permittee and shall be completed to the satisfaction of the Street Superintendent. From time to time as may be ordered by the Street Superintendent and in any event, immediately after completion of the work, the permittee shall, at his or its own expense, clean up and remove all refuse and unused materials of any kind resulting from the work and upon failure to do so within **twenty-four (24) hours** after having been notified to do so by the Street Superintendent, said work may be done by the Superintendent and the cost thereof charged to the permittee and the permittee shall also be liable for the cost thereof under the surety bond provided hereunder.

**33-4-19**     **PROTECTION OF WATERCOURSES.**     The permittee shall maintain all gutters free and unobstructed for the full depth of the adjacent curb and for at least **one (1) foot** in width from the face of such curb at the gutter line. Whenever a gutter crosses an intersecting street, an adequate waterway shall be provided and at all times maintained. The permittee shall make provisions to take care of all surplus water, muck, silt, slickings, or other run-off pumped from excavations or resulting from sluicing or other operations and shall be responsible for any damage resulting from its failure to so provide.

**33-4-20**     **BREAKING THROUGH PAVEMENT.**

(A)           Heavy duty pavement breakers may be prohibited by the Street Superintendent when the use endangers existing substructures or other property.

(B)           Saw cutting of Portland cement concrete may be required when the nature of the work or the condition of the street warrants. When required, the depth of the cut shall not be less than **one (1) inch** in depth; however, depths greater than **one (1) inch** may be required by the Street Superintendent when circumstances warrant. Saw cutting may be required by the Superintendent outside the limits of the excavation over cave-outs, overbreaks and small floating sections.

(C)           Approved cutting of bituminous pavement surface ahead of excavations may be required by the Street Superintendent to confine pavement damage to the limits of the trench.

(D)           Sections of sidewalks shall be removed to the nearest score line or joint.

(E)           Unstable pavement shall be removed over cave-outs and overbreaks and the subgrade shall be treated as the main trench.

(F)           Pavement edges shall be trimmed to a vertical face and neatly aligned with the center line of the trench.

(G)           Cutouts outside of the trench lines must be normal or parallel to the trench line.

(H)           Boring or other methods to prevent cutting of new pavement may be required by the Street Superintendent.

(I)           The permittee shall not be required to repair pavement damage existing prior to excavation unless his cut results in small floating sections that may be unstable, in which case, the permittee shall remove and pave the area.

**33-4-21**     **DEPTH OF STRUCTURES.**     No person shall, without written permission of the Street Superintendent, install any substructure except manholes, vaults, valve casings, culverts, and catch basins at a vertical distance less than:

(A)           **Streets. Twenty-four (24) inches** below the established flow line of the nearest gutter. If said flow line is not established, then the depth shall be at a minimum of **twenty-four (24) inches** below the surface of the nearest outermost edge of the traveled portion of the street.

(B) **Parkway.**

- (1) The minimum depth of any substructure shall be **sixteen (16) inches** below established gutter grade when said substructure parallels the parkway.
- (2) The minimum depth of any substructure shall be **twelve (12) inches** below the top of the established sidewalk or curb when such substructure is at right angles to the parkway.

(C) **Other Public Places.** The minimum depth of any substructure in any other public place shall be **twelve (12) inches** below the surface.

Nothing in this Section shall impose a duty upon the permittee to maintain said specifications as required herein upon subsequent changes of grade in the surface unless the grade in said substructure interferes with the maintenance of or travel on a public street.

**33-4-22 BACKFILLING.** Fine material, free from lumps and stone, selected from the soil shall be thoroughly compacted around and under the substructure to the upper level of such substructure. Above the upper level of the substructure, backfill material shall be placed to the subgrade of the pavement in lifts consistent with the type of soil involved and the degree of consolidation specified by the Village Board. Broken pavement, large stones, roots and other debris shall not be used in the backfill.

The number and size of each lift shall be dependent upon the type of soil involved. Such backfill shall be done in a manner that will permit the restoration of the surface to a density condition not less than that existing prior to excavation unless otherwise specified. The Street Superintendent may require soil tests to be furnished by a recognized soil testing laboratory or registered professional engineer specializing in soil mechanics when, in his opinion, backfill for any excavation is not being adequately compacted. In order for the resurfacing to be permitted, such tests must show that the backfill material meets the minimum requirements as prescribed by the Village Board. All expense of such tests shall be borne by the permittee.

**33-4-23 TRENCHES IN PIPE LAYING.** The maximum length of open trench permissible at any time shall be in accordance with existing codes and regulations; however at night no more than **fifty (50) feet** may be open with proper barriers.

**33-4-24 PROMPT COMPLETION OF WORK.** After an excavation is commenced, the permittee shall prosecute with diligence and expedition all excavation work covered by the excavation permit and shall promptly complete such work and restore the street to its original condition, or as near as may be so as not to obstruct the public place or travel thereon more than is reasonably necessary.

**33-4-25 URGENT WORK.** When traffic conditions, the safety or convenience of the traveling public or the public interest require that the excavation work be performed as emergency work, the Street Superintendent shall have full power to order, at the time the permit is granted, that a crew of men and adequate facilities be employed by the permittee **twenty-four (24) hours** a day to the end that such excavation work may be completed as soon as possible.

**33-4-26 EMERGENCY ACTION.** Nothing in this Article shall be construed to prevent the making of such excavations as may be necessary for the preservation of life or property or for the location of trouble in conduit or pipe, or for making repairs, provided that the person making such excavation shall apply to the Street Superintendent for such a permit on the first working day after such work is commenced.

**33-4-27 NOISE, DUST AND DEBRIS.** Each permittee shall conduct and carry out excavation work in such a manner as to avoid unnecessary inconvenience and annoyance to the general public and occupants of neighboring property. The permittee shall take appropriate measures to reduce to the fullest extent practicable in the performance of the excavation work, noise, dust and unsightly debris and between the hours of **10:00 P.M.** and **7:00 A.M.**, shall not use except in case of emergency as otherwise provided herein, any tool, appliance or equipment producing noise of sufficient volume to disturb the sleep or repose of occupants of the neighboring property.

**33-4-28 PRESERVATION OF MONUMENTS.** Any monument set for the purpose of locating or preserving the lines of any street or property subdivision or a precise survey reference point or a permanent survey bench mark within the Village shall not be removed or disturbed or caused to be removed or disturbed without first obtaining permission in writing from the Village Board to do so. Permission to remove or disturb such monuments, reference points or bench marks shall only be granted upon condition that the person applying for such permission shall pay all expenses incident to the proper replacement of the monument by the Village.

**33-4-29 INSPECTIONS.** The Street Superintendent shall make such inspections as are reasonably necessary in the enforcement of this Article. The Superintendent shall have the authority to promulgate and cause to be enforced such rules and regulations as may be reasonably necessary to enforce and carry out the intent of this Article.

**33-4-30**     **LOCATION RECORDS.** Every public utility, after the enactment of this Article, shall maintain records showing the location of all of its underground facilities except relatively minor facilities which connect a particular premise or building to a facility serving more than one premise or building and except oil or gas-gathering or field lines. Every public utility shall maintain equipment which can locate such facilities in the field.

**33-4-31**     **LIABILITY OF PERSONS TO VILLAGE FOR DAMAGE.** If any person violates any provision of this Code and any person or property in consequence thereof is injured or damaged, the person so guilty of such violation shall be liable to the Village in relation thereto, and no prosecution or other proceeding by the Village of such person for any penalty imposed for a violation shall constitute a bar to such action by the Village for such damages.

**(See 65 ILCS Secs. 5/11-80-1 through 5/11-80-23)**

**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 consist 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)      **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 sidewalk shall be maintained by the Village.

(D)      **Subdivisions.** This Section is not applicable to new subdivisions.  
**(See 65 ILCS Sec. 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. All installations shall conform to the requirements of **Sec. 5/11-80-11 of Chapter 65 of the Illinois Compiled Statutes** and the **Environmental Barriers Act.**

(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 Sec. 5/11-80-11)**

**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 Sec. 5/11-80-7)**

**ARTICLE VI - CULVERTS**

**33-6-1**     **OBSTRUCTION OF DRAIN OR STORM SEWER.** It shall be unlawful to obstruct any drain or storm sewer in any public street or property.

**33-6-2**     **PERMIT FOR CULVERT.** It shall be unlawful to install any culvert or replace any culvert without first obtaining a permit from the Village Clerk.

**33-6-3**     **APPLICATION FOR PERMIT.** Any person desiring a permit to install or replace any culvert shall file an application therefor with the Village Clerk upon a form to be provided for that purpose. The application and the permit issued pursuant thereto shall be on the same form which shall be substantially as outlined in **Appendix 'B'** attached hereto.

**33-6-4**     **TERMINATION OF PERMIT.** All such permits shall terminate upon the expiration of **one (1) year** following the date of issue.

**33-6-5**     **TYPE OF CULVERT.** Culverts shall be installed where driveways or walkways cross open ditches. The material used for the construction of the culverts shall be reinforced concrete, corrugated steel culvert pipe with a minimum wall thickness of **sixteen (16) gauge**, corrugated aluminum alloy culvert pipe with a minimum wall thickness of **sixteen (16) gauge**, asbestos cement storm drain pipe (**Class IV**), or of such other material as determined by the Street Department, depending upon the conditions existing. The culverts shall be of such size, installed at the grade and constructed with couplings as determined by the Street Superintendent. The person desiring the culvert shall purchase a culvert as provided herein and shall have it delivered on the site. The Village shall install the culvert.

**33-6-6**     **COST OF INSTALLATION.** Any person installing or replacing a culvert shall, at his own expense, construct and install drainage inlet boxes in such form and manner as the Street Superintendent determines necessary depending on the conditions existing.

**33-6-7**     **BACKFILL COST.** Any person installing or replacing a culvert shall, at his own expense, provide and place such backfill material as the Street Superintendent determines necessary to complete the project.

**33-6-8**     **REPLACEMENT COST.** The expense of replacing any culvert shall be borne by the person making application for the permit to install the same.

**(See 65 ILCS Sec. 5/11-80-7)**



**ARTICLE VII - DRIVEWAYS**

**33-7-1**     **PERMITS REQUIRED.** No person shall construct a driveway for vehicles or animals across any sidewalk in the Village without having first obtained a permit therefor.

Applications for such permits shall be made to the Village Clerk and shall be accompanied by the fee required.

No permit for construction of a driveway for commercial use, or for the habitual use of other than the owner or occupant of the premises served shall be issued except upon the order of the Village Clerk.

**33-7-2**     **FEE.** The fee for all such construction shall be **One Dollar (\$1.00).**

**33-7-3**     **GRADE SURFACE.** No driveway shall be so constructed or graded as to leave a step, sharp depression or other obstruction in the sidewalk. The grade shall be as nearly as possible the same as that of the adjoining sidewalk. It shall be unlawful to have the surface finish of any driveway where the same crosses the sidewalk constructed of such materials as to render it slippery and hazardous to pedestrians, or to have the grade of such portion vary from the grade of the sidewalk or be other than level.

**33-7-4**     **SPECIFICATIONS.** Driveways across sidewalks shall be constructed in compliance with the specifications required by the Street Superintendent.

**33-7-5**     **BREAKING CURB - BOND REQUIRED.** Before a permit can be issued to break a curb in the Village for the installation of a driveway or any other purpose, a bond or cash in the amount of **One Hundred Dollars (\$100.00)** is required to be posted with the Village Clerk.

**33-7-6**     **REPAIR.** It shall be the duty of the person maintaining the driveway to keep the same in good repair where it crosses the sidewalk and free from obstruction and openings.

**(See 65 ILCS Sec. 5/11-80-2)**

**ARTICLE VIII - SNOW REMOVAL**

**33-8-1**     **DEFINITIONS.**     The following definitions shall apply in the interpretation and enforcement of this Article.

**"BUSINESS DAY"** is any day not a Sunday or a National Holiday.

**"BUSINESS DISTRICT"** shall include all those areas zoned for business, commercial and industrial purposes in the Zoning Code and accompanying map as amended or other applicable regulations.

**"BUSINESS HOURS"** are the hours between **8:00 A.M.** and **5:00 P.M.** on any business day.

**"ROADWAY"** means that portion of a street or highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder.

**"SIDEWALK"** means that portion of a street between the curb lines or the lateral lines of a roadway and the adjacent property lines intended for the use of pedestrians.

**"STREET" OR "HIGHWAY"** means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

**33-8-2**     **SNOW AND ICE TO BE REMOVED FROM SIDEWALKS BY PRIVATE PERSONS.**

(A)           Every person in charge or control of any building or lot of land within the Village fronting or abutting on a paved sidewalk, whether as owner, tenant, occupant, lessee or otherwise, shall remove and clear away, or cause to be removed and cleared away, snow and ice from a path from so much of a sidewalk as is in front or abuts on said building or lot of land. Snow and ice shall be so removed from sidewalks in all business districts within the Village by **twenty-four (24) hours** after cessation of any fall of snow, sleet or freezing rain. The path required to be cleared in the business district shall be **six (6) feet** in width, or the whole width of the sidewalk, whichever is smaller.

(B)           However, in the event snow and ice on a sidewalk has become so hard that it cannot be removed without likelihood of damage to the sidewalk, the person charged with its removal shall, within the time mentioned in subsection (A) above, cause enough sand, cinders or other abrasive to be put on the sidewalk to make travel thereon reasonably safe; and shall then, as soon thereafter as weather permits, cause a path on said sidewalk of at least **six (6) feet** in width to be thoroughly cleaned.

**33-8-3**      **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)**

**33-8-4**      **MAYOR'S AUTHORITY.** The Mayor is hereby authorized on behalf of the Village to cause sidewalks to be cleared upon the request of the person or entity charged with snow and ice removal. Any person or entity whose sidewalk is cleared pursuant to this Section shall reimburse the Village for the costs of such clearing.

**ARTICLE IX - MOVING BUILDINGS**

**33-9-1**      **PERMIT REQUIRED.** It shall be unlawful for any person to move or cause to be moved, any building in, into, through, or from the Village without first obtaining a permit therefor from the Village Clerk. Such permit shall be known as a **“House Moving Permit”**.

**33-9-2**      **APPLICATION FOR PERMIT.** Any person desiring such a permit shall file with the Village Clerk an application therefor in writing on a form to be furnished by the Street Superintendent for that purpose. Such application shall specify the following:

- (A)            The character and size of the building to be moved;
- (B)            The reason for such moving;
- (C)            The use, purpose and occupancy for which said building or structure is to be used;
- (D)            The location from which and to which said building is to be moved;
- (E)            A plot plan showing the proposed location of the building upon the property to which said building is to be moved, provided said location is in the Village;
- (F)            The streets on, over or through which it is desired to move said building;
- (G)            Whether the building conforms to the Zoning Code or other applicable regulations in the location to which it is to be moved.

**33-9-3**      **INVESTIGATION.** Upon the filing of the application, the Street Superintendent shall cause the Zoning Administrator, or other authorized representative of the Village, to investigate the building and report to him the results of such investigation, together with recommended action thereon.

**33-9-4**      **DENIAL OF PERMIT.** No person shall be issued to move any building or structure which, in the opinion of the Street Superintendent:

- (A)            Is so constructed or in such condition as to be dangerous;
- (B)            Is infested with pests or unsanitary;
- (C)            If it is a dwelling or habitation, is unfit for human habitation;
- (D)            Is so dilapidated, defective, unsightly, or in such a condition of deterioration or disrepair that its relocation at the proposed site would cause appreciable harm to or be materially detrimental to the property or improvements in the district within a radius of **one thousand (1,000) feet** from the proposed site;
- (E)            If the proposed use is prohibited by the Zoning laws of the Village;
- (F)            If the structure is of a type prohibited at the proposed location by any ordinance of the Village; or

(G) If the moving of the building or structure causes unreasonable damage to the trees, plants and/or shrubs on and along the public streets.

Provided, however, that if the condition of the building or structure, in the judgment of the Street Superintendent, admits of practicable and effective repair, the permit may be issued upon the terms and conditions as set forth herein.

**33-9-5 TERMS AND CONDITIONS OF PERMIT.** When a house moving permit is granted such terms and conditions as may be deemed reasonable and proper may be imposed, including, but not limited to the public streets or other public property in the Village on, over, or through which the building or structure shall be moved, and the requirements of changes, alterations, additions or repairs to be made to or upon the building or structure, to the end that the relocation thereof will not be materially detrimental or injurious to public safety or to public welfare or to the property and improvements, or either, in the district to which it is to be moved. Such terms and conditions shall be written upon the permit or appended in writing thereto.

**33-9-6 ESTIMATE OF COST AND DEPOSIT.** The applicant shall also deposit with the Village Clerk a cash deposit sufficient to cover the cost to the Village as estimated by the Street Superintendent of trimming, moving, removing or replanting of trees or shrubs, and of moving, removing and displacing any pole or other structure, supporting any wires, cables or other equipment belonging to the Village or the cutting, displacing or changing the location of any wire, cable or other equipment upon said poles or structures belonging to the Village.

**33-9-7 LIABILITY INSURANCE.** Every person moving a building in the Village shall file with the Village Clerk a liability insurance policy issued by the solvent corporation holding a certificate of authority to do insurance business in the State, which policy shall conform in all respects to the requirements of this Section.

In lieu of filing the insurance policy herein referred to, a certificate of insurance issued by an insurance corporation may be filed. The certificate must show that a policy meeting the requirements of this Section has been issued, and shall set forth the expiration date of said policy.

The liability policy required under this Section shall insure the person moving a building against loss from the liability imposed by law for injury to, or death of any person, or damage to any property growing out of the moving of such building to the amount or limit of **Fifty Thousand Dollars (\$50,000.00)** exclusive of interest and costs, on account of injury to or death of any **one (1) person**, of **One Hundred Thousand Dollars (\$100,000.00)** exclusive of interest and costs, on account of moving any **one (1) building** resulting in injury to or death of more than **one (1) person**, and of **Twenty-Five Thousand Dollars (\$25,000.00)** for damage to property of others, resulting from moving any **one (1) building**.

**33-9-8 OWNER'S COMPLETION BOND OR SAVINGS AND LOAN CERTIFICATE AND SHARE.** Prior to the issuance of a permit to move a building, the owner or lessee of the property upon which the building is to be located shall file with the Zoning Administrator or other authorized representative of the Village, a corporate surety bond, conditioned as follows:

That all of the work required to be done to complete the relocation, alteration and reconstruction of the building pursuant to the conditions of the permit shall be fully performed and completed within a reasonable time to be specified in the permit by the Zoning Administrator, or other authorized representative of the Village. Such bond shall be in principal amount equal to the estimated cost of the work proposed to be done, plus **ten percent (10%)** thereof, and shall name the Village as obligee, and shall be in a form approved by the Village Attorney.

In lieu of furnishing such a corporate surety bond, the owner or lessee may post a cash deposit in the amount of said bond.

An extension of time for the completion may be granted in writing by the Zoning Administrator or other authorized representative of the Village when, in his discretion, circumstances shall so justify, but no such extension shall release any surety or other security.

**33-9-9 CLEARANCE OF SITE AND SAFETY MEASURES REQUIRED.** Prior to the issuance of a permit to move a building, the owner or lessee of the property from which the building is to be moved shall file with the Village Clerk a bond or other form of security in favor of the Village, conditioned as follows:

(A) Before any work is started on a building or structure, the permittee or his authorized agent shall notify the appropriate utilities in order that all gas, water and oil pipelines that are to be disconnected from the building may be securely capped and sealed.

(B) Immediately, after the moving of any building or structure, the permittee or his authorized agent shall securely barricade all basement excavations and other holes or openings.

(C) Within **ten (10) days** after the moving of any building or structure, the permittee or his authorized agent shall complete the following work:

- (1) Securely close and seal any sanitary piping located on the property.
- (2) Fill with dirt or sand any septic tanks or cesspools located on the property.
- (3) Fill any openings, excavations or basements remaining on the land with dirt or sand to street level or the natural level of adjoining property, unless otherwise directed by the Street Superintendent.
- (4) Remove any buried underground tanks formerly used for storage of flammable liquids.
- (5) Removal all refuse, debris and waste materials from the property.

The bond required by this Section shall be an amount equal to the cost of the work proposed to be done, as estimated by the Street Superintendent.

The bond may be in the form of a corporate surety bond, cash deposit, savings and loan certificate, or an instrument of credit.

An extension of time for completion of the work required by this Section may be granted by the Street Superintendent when, in his discretion, circumstances justify such an extension; but no such extension shall release any bond or other security furnished pursuant to this Section.

**33-9-10**     **INSPECTION FEE AND PERMIT FEE.** An inspection fee in the sum of **Fifteen Dollars (\$15.00)** shall be paid to the Village Clerk upon filing of each application for a house moving permit.

A permit fee in the sum of **Ten Dollars (\$10.00)** shall be paid to the Village Clerk upon the issuance of each house moving permit.

**33-9-11**     **ISSUANCE OF PERMIT.** The Street Superintendent shall approve the issuance of a house moving permit when all the necessary requirements and conditions of this Article have been complied with. It shall then be the duty of the Village Clerk to issue the permit.

**33-9-12**     **SUSPENSION OR REVOCATION OF PERMIT.** The Street Superintendent, at any time, and for sufficient cause, may revoke or suspend any permit granted under this Article.

**33-9-13**     **CONTROL AND SUPERVISION.** Every building which is moved on, over, or through any public street, way or park in the Village shall be under the control of the Street Superintendent and every such building shall be moved in a careful manner and the work shall be prosecuted with diligence and to the satisfaction and approval of the Street Superintendent. This Section in no way relieves the person having charge of the moving of any building of his obligation to furnish proper supervision.

**33-9-14**     **NOTICE REQUIRED.** Notice must be given to both the Street Department and the Police Department of the Village by the person or his representative to whom the permit is issued not less than **forty-eight (48) hours** nor more than **seventy-two (72) hours** before the actual work of moving a building or structure is to commence.

**33-9-15**     **DEFAULT IN PERFORMANCE OF CONDITIONS.** Whenever a default has occurred in the performance of any term or condition of any permit, written notice thereof shall be given to the permittee by the Street Superintendent; said notice to state the work to be done, the estimated cost thereof, and the period of time deemed to be reasonably necessary to complete such work. After receipt of such notice, the permittee must, within the time therein specified, either cause the work to be done, or pay over to the Village Clerk the estimated cost of doing the work, as set forth in the notice, plus **ten percent (10%)** of said estimated cost. Upon receipt of notice from the Village Clerk that the permittee has deposited such money, the Street Superintendent shall cause the required work to be performed and completed.

If the permittee defaults, the Village shall have the option in lieu of completing the work required to demolish the building or structure and to clear, clean and restore the site or sites.

**33-9-16**     **APPROVAL OF ROUTE.** The streets over which any building or structure is to be moved must be recommended by the Street Superintendent and the Chief of Police to the Village Board for approval.

**33-9-17**     **OBSTRUCTING STREETS.** No person owning or having charge of the moving of any building into, on, over, through, or from any public streets, ways or parks in the Village shall permit said building to remain in any one location on any such street, way or park for a period longer than **twenty-four (24) hours**, except by written permission obtained from the Chief of Police, or to obstruct traffic on any railroad.

**33-9-18**     **LIGHTS AND BARRICADES.** The person having charge of the moving of any structure shall maintain proper lights and barricades whenever such structure is on any public street, way or park during the hours of darkness.

**33-9-19**     **WIRES AND STRUCTURAL SUPPORTS.** In the event that the moving of any building for which a permit shall have been granted hereunder makes it necessary to move, remove or displace any pole or other structure supporting the wires, cables or other equipment of any public utility or of the Village, or to cut, displace or change the location of any wire, cable or other equipment upon said pole or structure, the person to whom such permit has been granted, or his authorized representative, shall obtain permission in writing from the owner or owners of such pole, structure or wires, cables or other equipment thereon, and shall notify such owner or owners at least **seventy-two (72) hours** prior to the time that the moving of such building will necessitate the removal of such obstructions.



The person to whom the permit is granted shall not, at the expiration of said time of notice or at any time, cut, move or in any way disturb such public utility or Village property; and such work shall be done only by the authorized workmen of the utility or the Village, whichever is the owner.

The person to whom the permit is granted shall pay to the public utility, or to the Village, as the case may be, any and all costs or expense for the removal, rearrangement or replacement of any pole or structural support of wires, cables or equipment thereon or of any damage to such property.

**33-9-20 TREES, PLANTS AND SHRUBS.** In the event that the moving of any building for which a permit shall have been granted hereunder makes it necessary to trim, move, remove or replant any tree, plant or shrub belonging to or under the control of the Village, the person to whom such permit has been granted or his authorized representative shall notify the Street Superintendent at least **seventy-two (72) hours** prior to the time that the moving of such building will necessitate the removal of such obstructions.

The person to whom the permit is granted shall not, at the expiration of the time of notice, or at any time, trim, move, remove, replant, or otherwise disturb such trees, plants or shrubs; and such work shall be done only by the authorized workmen of the Village unless otherwise approved and so ordered by the Street Superintendent.

The person to whom the permit is granted shall pay to the Village, any and all costs or expenses for the trimming, moving, removing or replanting of any trees, plants or shrubs or of any damage thereto.

**33-9-21 REPAIRS TO PUBLIC PROPERTY.** In the event that the moving of any building for which a permit shall have been granted hereunder causes damage to the public streets or other public property, in addition to any other remedies the Village may have, the Street Superintendent may cause such damage to be repaired and the cost thereof shall be deducted from the deposit required herein, or he may require the person to whom such a permit has been granted, or his authorized representative, upon written notification from the Street Superintendent to make all necessary repairs to such streets or property; provided, however, that should the person to whom the permit has been granted and to whom the notice has been given, or his authorized representative, fails to make the necessary repairs within the period of time designated in the written notice, the Street Superintendent may cause such necessary repairs to be made and the cost thereof deducted from the deposit required herein.

**33-9-22 REFUNDING OF DEPOSITS.** When the moving of any building for which a permit has been granted is completed, and all damage to public streets or other public property has been repaired to the satisfaction of the Street Superintendent, and all costs of repairing damages or performing other work as provided herein have been paid and the deposit as required by **Section 33-9-6**, or such portion thereof then remaining unused under

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the provisions of this Article, shall be refunded upon surrender of the deposit receipt representing the money so deposited. However, should the cost of repairing damages and/or performing other work, as in this Article provided, exceed the total amount of money deposited, the person to whom the permit was granted shall be held liable for the amount of damage and/or other costs which are in excess of the amount deposited. It shall be the duty of the Village Clerk, upon receipt of the request from the Street Superintendent, to collect such part of the claim which is in excess of the deposit from the person to whom the permit was granted.

**ARTICLE X**

**HOUSE NUMBERING**

**33-10-1** **NUMBERS REQUIRED.** All residential dwellings, businesses, and other occupied structures shall, at the expense of the owner thereof, provide and display its address as designated by the United States Postal Authority as hereinafter provided:

(A) Said number shall be displayed no further than **one (1) foot** from the main entrance of each structure, or said number shall be otherwise conspicuously placed so that it is plainly visible from the street or nearest public way.

(B) Said number shall be no less than **four (4) inches** in height.

(C) Said number shall be in a contrasting color to the background material upon which it is affixed.

**33-10-2** **PENALTY.** Any person who shall violate this Article after due notification by the Village, shall be subjected to a fine of not less than **One Hundred Dollars (\$100.00)** nor more than **Five Hundred Dollars (\$500.00)** plus court costs. Each day that said violation continues shall be deemed a separate offense.

ARTICLE XI

CONSTRUCTION OF UTILITY FACILITIES IN THE RIGHTS-OF-WAY

**33-11-1**     **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,

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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.

**33-11-2 DEFINITIONS.** As used in this Article and unless the context clearly requires otherwise, the words and terms listed shall have the meanings ascribed to them in this Section. Any term not defined in this Section shall have the meaning ascribed to it in 92 Ill. Adm. Code. § 520.30, unless the context clearly requires otherwise.

**"AASHTO":** American Association of State Highway and Transportation Officials.

**"ANSI":** American National Standards Institute.

**"Applicant":** A person applying for a permit under this Article.

**"ASTM":** American Society for Testing Materials.

**"Backfill"**: The methods or materials for replacing excavated material in a trench or pit.

**"Bore" or "Boring"**: To excavate an underground cylindrical cavity for the insertion of a pipe or electrical conductor.

**"Cable Operator"**: That term as defined in 47 U.S.C. 522(5).

**"Cable Service"**: That term as defined in 47 U.S.C. 522(6).

**"Cable System"**: That term as defined in 47 U.S.C. 522(7).

**"Carrier Pipe"**: The pipe enclosing the liquid, gas or slurry to be transported.

**"Casing"**: A structural protective enclosure for transmittal devices such as: carrier pipes, electrical conductors, and fiber optic devices.

**"Clear Zone"**: The total roadside border area, starting at the edge of the pavement, available for safe use by errant vehicles. This area may consist of a shoulder, a recoverable slope, a non-recoverable slope, and a clear run-out area. The desired width is dependent upon the traffic volumes and speeds, and on the roadside geometry. Distances are specified in the AASHTO Roadside Design Guide.

**"Coating"**: Protective wrapping or mastic cover applied to buried pipe for protection against external corrosion.

**"Conductor"**: Wire carrying electric current.

**"Conduit"**: A casing or encasement for wires or cables.

**"Construction" or "Construct"**: The installation, repair, maintenance, placement, alteration, enlargement, demolition, modification or abandonment in place of facilities.

**"Cover"**: The depth of earth or backfill over buried utility pipe or conductor.

**"Crossing Facility"**: A facility that crosses one or more right-of-way lines of a right-of-way.

**"Disrupt the Right-of-Way"**: For the purposes of this Article, any work that obstructs the right-of-way or causes a material adverse affect on the use of the right-of-way for its intended use. Such work may include, without limitation, the following: excavating or other cutting; placement (whether temporary or permanent) of materials, equipment, devices, or structures; damage to vegetation; and compaction or loosening of the soil, and shall not include the parking of vehicles or equipment in a manner that does not materially obstruct the flow of traffic on a highway.

**"Emergency"**: Any immediate maintenance to the facility required of the safety of the public using or in the vicinity of the right-of-way or immediate maintenance required for the health and safety of the general public served by the utility.

**"Encasement"**: Provision of a protective casing.

**"Engineer"**: The Village Engineer or his or her designee.

**"Equipment"**: Materials, tools, implements, supplies, and/or other items used to facilitate construction of facilities.

**"Excavation"**: The making of a hole or cavity by removing material, or laying bare by digging.

**"Extra Heavy Pipe"**: Pipe meeting ASTM standards for this pipe designation.

**"Facility"**: All structures, devices, objects, and materials (including, but not limited to, track and rails, wires, ducts, fiber optic cable, antennas, vaults, boxes, equipment enclosures, cabinets, pedestals, poles, conduits, grates, covers, pipes, cables, and appurtenances thereto) located on, over, above, along, upon, under, across, or within rights-of-way under this Article. For purposes of this Article, the term "facility" shall not include any facility owned or operated by the Village.

**"Freestanding Facility"**: A facility that is not a crossing facility or a parallel facility, such as an antenna, transformer, pump, or meter station.

**"Frontage Road"**: Roadway, usually parallel, providing access to land adjacent to the highway where it is precluded by control of access on highway.

**"Hazardous Materials"**: Any substance or material which, due to its quantity, form, concentration, location, or other characteristics, is determined by the Village Engineer or Superintendent of Public Works to pose an unreasonable and imminent risk to the life, health or safety of persons or property or to the ecological balance of the environment, including, but not limited to explosives, radioactive materials, petroleum or petroleum products or gases, poisons, etiology (biological) agents, flammables, corrosives or any substance determined to be hazardous or toxic under any federal or state law, statute or regulation.

**"Highway Code"**: The Illinois Highway Code, 605 ILCS 5/1-101 et seq., as amended from time to time.

**"Highway"**: A specific type of right-of-way used for vehicular traffic including rural or urban roads, alleys or streets. "Highway" includes all highway land and improvements, including roadways, ditches and embankments, bridges, drainage structures, sign, guardrails, protective structures and appurtenances necessary or convenient for vehicle traffic.

**"Holder"**: A person or entity that has received authorization to offer or provide cable or video service from the ICC pursuant to the Illinois Cable and Video Competition Law, 220 ILCS 5/21-401.

**"IDOT"**: Illinois Department of Transportation.

**"ICC"**: Illinois Commerce Commission.

**"Jacking"**: Pushing a pipe horizontally under a roadway by mechanical means with or without boring.

**"Jetting"**: Pushing a pipe through the earth using water under pressure to create a cavity ahead of the pipe.

**"Joint Use"**: The use of pole lines, trenches or other facilities by two or more utilities.

**"J.U.L.I.E."**: The Joint Utility Locating Information for Excavators utility notification program.

**"Major Intersection"**: The intersection of two or more major arterial highways.

**"Occupancy"**: The presence of facilities on, over or under right-of-way.

**"Parallel Facility"**: A facility that is generally parallel or longitudinal to the centerline of a right-of-way.



**"Parkway"**: Any portion of the right-of-way not improved by street or sidewalk.

**"Pavement Cut"**: The removal of an area of pavement for access to facility or for the construction of a facility.

**"Permittee"**: That entity to which a permit has been issued pursuant to **Sections 33-11-4** and **33-11-5** of this Article.

**"Practicable"**: That which is performable, feasible or possible, rather than that which is simply convenient.

**"Pressure"**: The internal force acting radially against the walls of a carrier pipe expressed in pounds per square inch gauge (psig).

**"Petroleum Products Pipelines"**: Pipelines carrying crude or refined liquid petroleum products including, but not limited to, gasoline, distillates, propane, butane, or coal-slurry.

**"Prompt"**: That which is done within a period of time specified by the Village. If no time period is specified, the period shall be **thirty (30) days**.

**"Public Entity"**: A legal entity that constitutes or is part of the government, whether at local, state or federal level.

**"Restoration"**: The repair of a right-of-way, highway, roadway, or other area disrupted by the construction of a facility.

**"Right-of-Way" or "Rights-of-Way"**: Any street, alley, other land or waterway, dedicated or commonly used for pedestrian or vehicular traffic or other similar purposes, including utility easements, in which the Village has the right and authority to authorize, regulate or permit the location of facilities other than those of the Village. "Right-of-way" or "rights-of-way" shall not include any real or personal Village property that is not specifically described in the previous two sentences and shall not include Village buildings, fixtures and other structures or improvements, regardless of whether they are situated in the right-of-way.

**"Roadway"**: That part of the highway that includes the pavement and shoulders.

**"Sale of Telecommunications at Retail"**: The transmitting, supplying, or furnishing of telecommunications and all services rendered in connection therewith for a consideration, other than between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries, when the gross charge made by one such corporation to another such corporation is not greater than the gross charge paid to the retailer for their use or consumption and not for sale.

**"Security Fund"**: That amount of security required pursuant to **Section 33-11-10**.

**"Shoulder"**: A width of roadway, adjacent to the pavement, providing lateral support to the pavement edge and providing an area for emergency vehicular stops and storage of snow removed from the pavement.

**"Sound Engineering Judgment"**: A decision(s) consistent with generally accepted engineering principles, practices and experience.

**"Superintendent of Public Works":** The Superintendent of Public Works or his or her designee.

**"Telecommunications"**: This term includes, but is not limited to, messages or information transmitted through use of local, toll, and wide area telephone service, channel services, telegraph services, teletypewriter service, computer exchange service, private line services, mobile radio services, cellular mobile telecommunications services, stationary two-way radio, paging service and any other form of mobile or portable one-way or two-way communications, and any other transmission of messages or information by electronic or similar means, between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite, or similar facilities. "Private line" means a dedicated non-traffic sensitive service for a single customer that entitles the customer to exclusive or priority use of a communications channel, or a group of such channels, from one or more specified locations to one or more other specified locations. "Telecommunications" shall not include value added services in which computer processing applications are used to act on the form, content, code and protocol of the information for purposes other than transmission. "Telecommunications" shall not include purchase of telecommunications by a telecommunications service provider for use as a component part of the service provided by such provider to the ultimate retail consumer who originates or terminates the end-to-end communications. "Telecommunications" shall not include the provision of cable services through a cable system as defined in the Cable Communications Act of 1984 (47 U.S.C. Sections 521 and following), as now or hereafter amended, or cable or other programming services subject to an open video system fee payable to the Village through an open video system as defined in the Rules of the Federal Communications Commission (47 C.F.R. §76.1500 and following), as now or hereafter amended.

**"Telecommunications Provider"**: Means any person that installs, owns, operates or controls facilities in the right-of-way used or designed to be used to transmit telecommunications in any form.

**"Telecommunications Retailer"**: Means and includes every person engaged in making sales of telecommunication at retail as defined herein.

**"Trench"**: A relatively narrow open excavation for the installation of an underground facility.

**"Utility"**: The individual or entity owning or operating any facility as defined in this Article.

**"Vent"**: A pipe to allow the dissipation into the atmosphere of gases or vapors from an underground casing.

**"Video Service"**: That term as defined in Section 21-201(v) of the Illinois Cable and Video Competition Law of 2007, 220 ILCS 21-201(v).

**"Village"**: The Village of Hecker.

**"Water Lines"**: Pipelines carrying raw or potable water.

**"Wet Boring"**: Boring using water under pressure at the cutting auger to soften the earth and to provide a sluice for the excavated material.

**33-11-3 ANNUAL REGISTRATION REQUIRED.** Every utility that occupies right-of-way within the Village shall register on **January 1** of each year with the Superintendent of Public Works, providing the utility's name, address and regular business telephone and telecopy numbers, the name of one or more contact persons who can act on behalf of the utility in connection with emergencies involving the utility's facilities in the right-of-way and a **twenty-four (24) hour** telephone number for each such person, and evidence of insurance as required in **Section 33-8-8** of this Article, in the form of a certificate of insurance.

**33-11-4 PERMIT REQUIRED; APPLICATIONS AND FEES.**

(A) **Permit Required.** No person shall construct (as defined in this Article) any facility on, over, above, along, upon, under, across, or within any Village right-of-way which:

- (1) changes the location of the facility;
- (2) adds a new facility;
- (3) disrupts the right-of-way (as defined in this Article), or
- (4) materially increases the amount of area or space occupied by the facility on, over, above, along, under, across or within the right-of-way, without first filing an application with the Superintendent of Public Works and obtaining a permit from the Village therefor, except as otherwise provided in this Article.

No permit shall be required for installation and maintenance of service connections to customers' premises where there will be no disruption of the right-of-way.

(B) **Permit Application.** All applications for permits pursuant to this Article shall be filed on a form provided by the Village and shall be filed in such number of duplicate copies as the Village may designate. The applicant may designate those portions of its application materials that it reasonably believes contain proprietary or confidential information as "proprietary" or "confidential" by clearly marking each page of such materials accordingly.

(C) **Minimum General Application Requirements.** The application shall be made by the utility or its duly authorized representative and shall contain, at a minimum, the following:

- (1) The utility's name and address and telephone and telecopy numbers;
- (2) The applicant's name and address, if different than the utility, its telephone, telecopy number, e-mail address, and its interest in the work;
- (3) The names, addresses and telephone and telecopy numbers and e-mail addresses of all professional consultants, if any, advising the applicant with respect to the application.

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- (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 33-11-8** of this Article;
- (8) Evidence of posting of the security fund as required in **Section 33-11-10** of this Article;
- (9) Any request for a variance from one or more provisions of this Article (**See Section 33-11-21**); 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.

**33-11-5 ACTION ON PERMIT APPLICATIONS.**

(A) **Village Review of Permit Applications.** Completed permit applications, containing all required documentation, shall be examined by the Superintendent of Public Works within a reasonable time after filing. If the application does not conform to the requirements of all applicable ordinances, codes, laws, rules, and regulations, the Superintendent of Public Works shall reject such application in writing, stating the reasons therefor. If the Superintendent of Public Works is satisfied that the proposed work conforms to the requirements of this Article and all applicable ordinances, codes, laws, rules, and regulations, the Superintendent of Public Works shall issue a permit therefor as soon as practicable. In all instances, it shall be the duty

of the applicant to demonstrate, to the satisfaction of the Superintendent of Public Works, that the construction proposed under the application shall be in full compliance with the requirements of this Article.

(B) **Additional Village Review of Applications of Telecommunications Retailers.**

- (1) Pursuant to Section 4 of the Telephone Company Act, 220 ILCS 65/4, a telecommunications retailer shall notify the Village that it intends to commence work governed by this Article for facilities for the provision of telecommunications services. Such notice shall consist of plans, specifications, and other documentation sufficient to demonstrate the purpose and intent of the facilities, and shall be provided by the telecommunications retailer to the Village not less than **ten (10) days** prior to the commencement of work requiring no excavation and not less than **thirty (30) days** prior to the commencement of work requiring excavation. The Superintendent of Public Works shall specify the portion of the right-of-way upon which the facility may be placed, used or constructed.
- (2) In the event that the Superintendent of Public Works fails to provide such specification of location to the telecommunications retailer within either (a) **ten (10) days** after service of notice to the Village by the telecommunications retailer in the case of work not involving excavation for new construction or (b) **twenty-five (25) days** after service of notice by the telecommunications retailer in the case of work involving excavation for new construction, the telecommunications retailer may commence work without obtaining a permit under this Article.
- (3) Upon the provision of such specification by the Village, where a permit is required for work pursuant to **Section 33-11-4** 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.

**33-11-6**     **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.

**33-11-7**     **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 33-11-21** 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.

**33-11-8**     **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.

**33-11-9 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.

**33-11-10 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 of Public Works, and may also include reasonable, directly related costs that the Village estimates are likely to be incurred if the permittee fails to perform such restoration. Where the construction of facilities proposed under the permit will be performed in phases in multiple locations in the Village, with each phase consisting of construction of facilities in one location or related group of locations, and where construction in another phase will not be undertaken prior to substantial completion of restoration in the previous phase or phases, the Superintendent of Public Works may, in the exercise of sound discretion, allow the

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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.

**33-11-11 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 33-11-11.**

(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.

**33-11-12 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.

**33-11-13 GENERAL CONSTRUCTION STANDARDS.**

(A) **Standards and Principles.** All construction in the right-of-way shall be consistent with applicable ordinances, codes, laws, rules and regulations, and commonly recognized and accepted traffic control and construction principles, sound engineering judgment and, where applicable, the principles and standards set forth in the following IDOT publications, as amended from time to time:

- (1) Standard Specifications for Road and Bridge Construction;
- (2) Supplemental Specifications and Recurring Special Provisions;
- (3) Highway Design Manual;
- (4) Highway Standards Manual;
- (5) Standard Specifications for Traffic Control Items;

- (6) Illinois Manual on Uniform Traffic Control Devices (92 Ill. Adm. Code § 545);
- (7) Flagger's Handbook; and
- (8) Work Site Protection Manual for Daylight Maintenance Operations.

(B) **Interpretation of Municipal Standards and Principles.** If a discrepancy exists between or among differing principles and standards required by this Article, the Superintendent of Public Works shall determine, in the exercise of sound engineering judgment, which principles apply and such decision shall be final. If requested, the Superintendent of Public Works shall state which standard or principle will apply to the construction, maintenance, or operation of a facility in the future.

**33-11-14 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 33-11-20** 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.

**33-11-15 LOCATION OF FACILITIES.**

(A) **General Requirements.** In addition to location requirements applicable to specific types of utility facilities, all utility facilities, regardless of type, shall be subject to the general location requirements of this paragraph.

- (1) **No Interference with Village Facilities.** No utility facilities shall be placed in any location if the Superintendent of Public Works determines that the proposed location will



require the relocation or displacement of any of the Village's utility facilities or will otherwise interfere with the operation or maintenance of any of the Village's utility facilities.

- (2) **Minimum Interference and Impact.** The proposed location shall cause only the minimum possible interference with the use of the right-of-way and shall cause only the minimum possible impact upon, and interference with the rights and reasonable convenience of property owners who adjoin said right-of-way.
- (3) **No Interference with Travel.** No utility facility shall be placed in any location that interferes with the usual travel on such right-of-way.
- (4) **No Limitations on Visibility.** No utility facility shall be placed in any location so as to limit visibility of or by users of the right-of-way.
- (5) **Size of Utility Facilities.** The proposed installation shall use the smallest suitable vaults, boxes, equipment enclosures, power pedestals, and/or cabinets then in use by the facility owner, regardless of location, for the particular application.

(B)

**Parallel Facilities Located Within Highways.**

- (1) **Overhead Parallel Facilities.** An overhead parallel facility may be located within the right-of-way lines of a highway only if:
  - (a) Lines are located as near as practicable to the right-of-way line and as nearly parallel to the right-of-way line as reasonable pole alignment will permit;
  - (b) Where pavement is curbed, poles are as remote as practicable from the curb with a minimum distance of **two (2) feet (0.6m)** behind the face of the curb, where available;
  - (c) Where pavement is uncurbed, poles are as remote from pavement edge as practicable with minimum distance of **four (4) feet (1.2m)** outside the outer shoulder line of the roadway and are not within the clear zone;
  - (d) No pole is located in the ditch line of a highway; and
  - (e) Any ground-mounted appurtenance is located within **one (1) foot (0.3m)** of the right-of-way line or as near as possible to the right-of-way line.
- (2) **Underground Parallel Facilities.** An underground parallel facility may be located within the right-of-way lines of a highway only if:

- (a) The facility is located as near the right-of-way line as practicable and not more than **eight (8) feet (2.4m)** from and parallel to the right-of-way line;
- (b) A new facility may be located under the paved portion of a highway only if other locations are impracticable or inconsistent with sound engineering judgment (e.g., a new cable may be installed in existing conduit without disrupting the pavement); and
- (c) In the case of an underground power or communications line, the facility shall be located as near the right-of-way line as practicable and not more than **five (5) feet (1.5m)** from the right-of-way line and any above-grounded appurtenance shall be located within **one (1) foot (0.3m)** of the right-of-way line or as near as practicable.

(C)

**Facilities Crossing Highways.**

- (1) **No Future Disruption.** The construction and design of crossing facilities installed between the ditch lines or curb lines of Village highways may require the incorporation of materials and protections (such as encasement or additional cover) to avoid settlement or future repairs to the roadbed resulting from the installation of such crossing facilities.
- (2) **Cattle Passes, Culverts, or Drainage Facilities.** Crossing facilities shall not be located in cattle passes, culverts, or drainage facilities.
- (3) **90 Degree Crossing Required.** Crossing facilities shall cross at or as near to a **ninety (90) degree** angle to the centerline as practicable.
- (4) **Overhead Power or Communication Facility.** An overhead power or communication facility may cross a highway only if:
  - (a) It has a minimum vertical line clearance as required by ICC's rules entitled, "Construction of Electric Power and Communication Lines" (83 Ill. Adm. Code 305);
  - (b) Poles are located within **one (1) foot (0.3m)** of the right-of-way line of the highway and outside of the clear zone; and
  - (c) Overhead crossings at major intersections are avoided.
- (5) **Underground Power or Communication Facility.** An underground power or communication facility may cross a highway only if:

- (a) The design materials and construction methods will provide maximum maintenance-free service life; and
  - (b) Capacity for the utility's foreseeable future expansion needs is provided in the initial installation.
- (6) **Markers.** The Village may require the utility to provide a marker at each right-of-way line where an underground facility other than a power or communication facility crosses a highway. Each marker shall identify the type of facility, the utility, and an emergency phone number. Markers may also be eliminated as provided in current Federal regulations. (49 C.F.R. §192.707 (1989)).

(D) **Facilities to be Located Within Particular Rights-of-Way.**  
The Village may require that facilities be located within particular rights-of-way that are not highways, rather than within particular highways.

- (E) **Freestanding Facilities.**
- (1) The Village may restrict the location and size of any freestanding facility located within a right-of-way.
  - (2) The Village may require any freestanding facility located within a right-of-way to be screened from view.

(F) **Facilities Installed Above Ground.** Above ground facilities may be installed only if:

- (1) No other existing facilities in the area are located underground;
- (2) New underground installation is not technically feasible; and
- (3) The proposed installation will be made at a location, and will employ suitable design and materials, to provide the greatest protection of aesthetic qualities of the area being traversed without adversely affecting safety. Suitable designs include, but are not limited to, self-supporting armless, single-pole construction with vertical configuration of conductors and cable. Existing utility poles and light standards shall be used wherever practicable; the installation of additional utility poles is strongly discouraged.

- (G) **Facility Attachments to Bridges or Roadway Structures.**
- (1) Facilities may be installed as attachments to bridges or roadway structures only where the utility has demonstrated that all other means of accommodating the facility are not practicable. Other means shall include, but are not limited to, underground, underwater, independent poles, cable supports and tower supports, all of which are completely separated from the bridge or roadway structure. Facilities transmitting commodities that are volatile, flammable, corrosive, or energized, especially those under significant

pressure or potential, present high degrees of risk and such installations are not permitted.

- (2) A utility shall include in its request to accommodate a facility installation on a bridge or roadway structure supporting data demonstrating the impracticability of alternate routing. Approval or disapproval of an application for facility attachment to a bridge or roadway structure will be based upon the following considerations:
  - (a) The type, volume, pressure or voltage of the commodity to be transmitted and an evaluation of the resulting risk to persons and property in the event of damage to or failure of the facility;
  - (b) The type, length, value, and relative importance of the highway structure in the transportation system;
  - (c) The alternative routings available to the utility and their comparative practicability;
  - (d) The proposed method of attachment;
  - (e) The ability of the structure to bear the increased load of the proposed facility;
  - (f) The degree of interference with bridge maintenance and painting;
  - (g) The effect on the visual quality of the structure; and
  - (h) The public benefit expected from the utility service as compared to the risk involved.

(H)

**Appearance Standards.**

- (1) The Village may prohibit the installation of facilities in particular locations in order to preserve visual quality.
- (2) A facility may be constructed only if its construction does not require extensive removal or alteration of trees or terrain features visible to the right-of-way user or to adjacent residents and property owners, and if it does not impair the aesthetic quality of the lands being traversed.

**33-11-16**

**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 of Public Works from the edge of the pavement. Pits for boring or jacking shall be excavated no more than

- forty-eight (48) hours** in advance of boring or jacking operations and backfilled within **forty-eight (48) hours** after boring or jacking operations are completed. While pits are open, they shall be clearly marked and protected by barricades. Shoring shall be designed, erected, supported, braced, and maintained so that it will safely support all vertical and lateral loads that may be imposed upon it during the boring or jacking operation.
- (b) **Wet Boring or Jetting.** Wet boring or jetting shall not be permitted under the roadway.
  - (c) **Borings With Diameters Greater than Six (6) Inches.** Borings over **six (6) inches (0.15m)** in diameter shall be accomplished with an auger and following pipe, and the diameter of the auger shall not exceed the outside diameter of the following pipe by more than **one (1) inch (25mm)**.
  - (d) **Borings with Diameters Six (6) Inches or Less.** Borings of **six (6) inches** or less in diameter may be accomplished by either jacking, guided with auger, or auger and following pipe method.
  - (e) **Tree Preservation.** Any facility located within the drip line of any tree designed by the Village to be preserved shall be bored under or around the root system.
- (2) **Trenching.** Trenching for facility installation, repair, or maintenance on rights-of-way shall be done in accord with the applicable portions of Section 603 IDOT's "Standard Specifications for Road and Bridge Construction".
- (a) **Length.** The length of open trench shall be kept to the practicable minimum consistent with requirements for pipe-line testing. Only one-half of any intersection may have an open trench at any time unless special permission is obtained from the Superintendent of Public Works.
  - (b) **Open Trench and Excavated Material.** Open trench and wind rowed excavated material shall be protected as required by Chapter 6 of the Illinois Manual on Uniform Traffic Control Devices. Where practicable, the excavated material shall be deposited between the roadway and the trench as added protection. Excavated material shall not be allowed to remain on the paved portion of the roadway.

Where right-of-way width does not allow for wind rowing excavated material off the paved portion of the roadway, excavated material shall be hauled to an off-road location.

- (c) **Drip Line of Trees.** The utility shall not trench within the drip line of any tree designated by the Village to be preserved.
- (3) **Backfilling.**
- (a) Any pit, trench, or excavation created during the installation of facilities shall be backfilled for its full width, depth, and length using methods and materials in accordance with IDOT's "Standard Specifications for Road and Bridge Construction". When excavated material is hauled away or is unsuitable for backfill, suitable granular backfill shall be used.
  - (b) For a period of **three (3) years** from the date construction of a facility is completed, the utility shall be responsible to remove and restore any backfilled area that has settled due to construction of the facility. If so ordered by the Superintendent of Public Works, the utility, at its expense, shall remove any pavement and backfill material to the top of the installed facility, place and properly compact new backfill material, and restore new pavement, sidewalk, curbs, and driveways to the proper grades, as determined by the Superintendent of Public Works.
- (4) **Pavement Cuts.** Pavement cuts for facility installation or repair shall be discouraged but may be permitted only upon location specific approval by the Superintendent of Public Works and only if that portion of the roadway is closed to traffic.
- (a) Any excavation under pavements shall be backfilled and compacted as soon as practicable with granular material of CA-6 or CA-10 gradation, as designated by the Superintendent of Public Works.
  - (b) Restoration of pavement, in kind, shall be accomplished as soon as practicable, and temporary repair with bituminous mixture shall be provided immediately. Any subsequent failure of either the temporary repair or the restoration shall be rebuilt upon notification by the Village.
  - (c) All saw cuts shall be full depth.

- (d) For all rights-of-way which have been reconstructed with a concrete surface/base in the last **seven (7) years**, or resurfaced in the last **three (3) years**, permits shall not be issued unless such work is determined to be an emergency repair or other work considered necessary and unforeseen before the time of the reconstruction or unless a pavement cut is necessary for a J.U.L.I.E. locate.

(5) **Encasement.**

- (a) Casing pipe shall be designed to withstand the load of the highway and any other superimposed loads. The casing shall be continuous either by one-piece fabrication or by welding or jointed installation approved by the Village.
- (b) The venting, if any, of any encasement shall extend within **one (1) foot (0.3m)** of the right-of-way line. No above-ground vent pipes shall be located in the area established as clear zone for that particular section of the highway.
- (c) In the case of water main or service crossing, encasement shall be furnished between bore pits unless continuous pipe or Village approved jointed pipe is used under the roadway. Casing may be omitted only if pipe is installed prior to highway construction and carrier pipe is continuous or mechanical joints are of a type approved by the Village. Bell and spigot type pipe shall be encased regardless of installation method.
- (d) In the case of gas pipelines of **60 psig** or less, encasement may be eliminated.
- (e) In the case of gas pipelines or petroleum products pipelines with installations of more than **60 psig**, encasement may be eliminated only if:
  - (i) extra heavy pipe is used that precludes future maintenance or repair and
  - (ii) cathodic protection of the pipe is provided;
- (f) If encasement is eliminated for a gas or petroleum products pipeline, the facility shall be located so as to provide that construction does not disrupt the right-of-way.

- (6) **Minimum Cover of Underground Facilities.** Cover shall be provided and maintained at least in the amount specified in the following table for minimum cover for the type of facility:

Type of Facility	Minimum Cover
Electric Lines	30 inches (0.8m)
Communication, Cable or Video Service Lines	18 to 24 inches (0.6m, as Determined by Village)
Gas or Petroleum Products	30 inches (0.8m)
Water Line	Sufficient Cover to Provide Freeze Protection
Sanitary Sewer, Storm Sewer, Or Drainage Line	Sufficient Cover to Provide Freeze Protection

(B) **Facilities.**

**Standards and Requirements for Particular Types of**

- (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



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when crossing improved entrances and side roads.

- (ii) If a crossing is installed by boring or jacking, encasement shall be provided between jacking or bore pits. Encasement may be eliminated only if:
    - a. the crossing is installed by the use of "moles", "whip augers", or other approved method which compress the earth to make the opening for cable installation or
    - b. the installation is by the open trench method which is only permitted prior to roadway construction.
  - (iii) Cable shall be grounded in accordance with the National Electrical Safety Code.
  - (iv) **Burial of Drops.** All temporary service drops placed between **November 1** of the prior year and **March 15** of the current year, also known as snowdrops, shall be buried by **May 31** of the current year, weather permitting, unless otherwise permitted by the Village. Weather permitting, utilities shall bury all temporary drops, excluding snowdrops, within **ten (10) business days** after placement.
- (2) **Underground Facilities Other Than Electric Power or Communication Lines.** Underground facilities other than electric power or communication lines may be installed by:
  - (a) The use of "moles", "whip augers", or other approved methods which compress the earth to move the opening for the pipe;
  - (b) jacking or boring with vented encasement provided between the ditch lines or toes of slopes of the highway;
  - (c) open trench with vented encasement between ultimate ditch lines or toes of slopes, but only if prior to roadway construction; or
  - (d) tunneling with vented encasement, but only if installation is not possible by other means.
- (3) **Gas Transmission, Distribution and Service.** Gas pipelines within rights-of-way shall be constructed, maintained, and operated in a Village approved manner and in conformance with the Federal Code of the Office of Pipeline Safety Operations, Department of Transportation, Part 192 – Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards (49 CFR §192), IDOT's "Standard Specifications for Road and Bridge

Construction”, and all other applicable laws, rules, and regulations.

- (4) **Petroleum Products Pipelines.** Petroleum products pipelines within rights-of-way shall conform to the applicable sections of ANSI Standard Code for Pressure Piping. (Liquid Petroleum Transportation Piping Systems ANSI-B 31.4).
- (5) **Waterlines, Sanitary Sewer Lines, Storm Water Sewer Lines or Drainage Lines.** Water lines, sanitary sewer lines, storm sewer lines, and drainage lines within rights-of-way shall meet or exceed the recommendations of the current “Standard Specifications for Water and Sewer Main Construction in Illinois”.
- (6) **Ground Mounted Appurtenances.** Ground mounted appurtenances to overhead or underground facilities, when permitted within a right-of-way, shall be provided with a vegetation-free area extending **one (1) foot (305mm)** in width beyond the appurtenance in all directions. The vegetation-free area may be provided by an extension of the mounting pad, or by heavy duty plastic or similar material approved by the Superintendent of Public Works, shrubbery surrounding the appurtenance may be used in place of vegetation-free area. The housing for ground-mounted appurtenances shall be painted a neutral color to blend with the surroundings.

(C)

**Materials.**

- (1) **General Standards.** The materials used in constructing facilities within rights-of-way shall be those meeting the accepted standards of the appropriate industry, the applicable portions of IDOT’s “Standard Specifications for Road and Bridge Construction”, the requirements of the Illinois Commerce Commission, or the standards established by other official regulatory agencies for the appropriate industry.
- (2) **Material Storage on Right-of-Way.** No material shall be stored on the right-of-way without the prior written approval of the Superintendent of Public Works. When such storage is permitted, all pipe, conduit, wire, poles, cross arms, or other materials shall be distributed along the right-of-way prior to and during installation in a manner to minimize hazards to the public or an obstacle to right-of-way maintenance or damage to the right-of-way and other property. If material is to be stored on right-of-way, prior approval must be obtained from the Village.

- (3) **Hazardous Materials.** The plans submitted by the utility to the Village shall identify any hazardous materials that may be involved in the construction of the new facilities or removal of any existing facilities.

(D) **Operational Restrictions.**

- (1) Construction operations on rights-of-way may, at the discretion of the Village, be required to be discontinued when such operations would create hazards to traffic or the public health, safety, and welfare. Such operations may also be required to be discontinued or restricted when conditions are such that construction would result in extensive damage to the right-of-way or other property.
- (2) These restrictions may be waived by the Superintendent of Public Works when emergency work is required to restore vital utility services.
- (3) Unless otherwise permitted by the Village, the hours of construction are from **6:00 A.M. to 6:00 P.M.**

(E) **Location of Existing Facilities.** Any utility proposing to construct facilities in the Village shall contact J.U.L.I.E. and ascertain the presence and location of existing above-ground and underground facilities within the rights-of-way to be occupied by its proposed facilities. The Village will make its permit record available to a utility for the purpose of identifying possible facilities. When notified of an excavation or when requested by the Village or by J.U.L.I.E., a utility shall locate and physically mark its underground facilities within **forty-eight (48) hours**, excluding weekends and holidays, in accordance with the Illinois Underground Facilities Damage Prevention Act (220 ILCS 50/1 *et seq.*)

**33-11-17 VEGETATION CONTROL.**

(A) **Electric Utilities - Compliance with State Laws and Regulations.** An electric utility shall conduct all tree-trimming and vegetation control activities in the right-of-way in accordance with applicable Illinois laws and regulations, and additionally, with such local franchise or other agreement with the Village as permitted by law.

(B) **Other Utilities - Tree Trimming Permit Required.** Tree trimming that is done by any other utility with facilities in the right-of-way and that is not performed pursuant to applicable Illinois laws and regulations specifically governing the same, shall not be considered a normal maintenance operation, but shall require the application for, and the issuance of, a permit, in addition to any other permit required under this Article.

- (1) **Application for Tree Trimming Permit.** Applications for tree trimming permits shall include assurance that the work will be accomplished by competent workers with supervision who are experienced in accepted tree pruning practices. Tree trimming permits shall designate an expiration date in the interest of assuring that the work will be expeditiously accomplished.
- (2) **Damage to Trees.** Poor pruning practices resulting in damaged or misshapen trees will not be tolerated and shall be grounds for cancellation of the tree trimming permit and for assessment of damages. The Village will require compensation for trees extensively damaged and for trees removed without authorization. The formula developed by the International Society of Arboriculture will be used as a basis for determining the compensation for damaged trees or unauthorized removal of trees. The Village may require the removal and replacement of trees if trimming or radical pruning would leave them in an unacceptable condition.

(B) **Specimen Trees or Trees of Special Significance.** The Village may require that special measures be taken to preserve specimen trees or trees of special significance. The required measures may consist of higher poles, side arm extensions, covered wire or other means.

(C) **Chemical Use.**

- (1) Except as provided in the following paragraph, no utility shall spray, inject or pour any chemicals on or near any trees, shrubs or vegetation in the Village for any purpose, including the control of growth, insects or disease.
- (2) Spraying of any type of brush-killing chemicals will not be permitted on rights-of-way unless the utility demonstrates to the satisfaction of the Superintendent of Public Works that such spraying is the only practicable method of vegetation control.

**33-11-18 REMOVAL, RELOCATION, OR MODIFICATION OF UTILITY FACILITIES.**

(A) **Notice.** Within **ninety (90) days** following written notice from the Village, a utility shall, at its own expense, protect, support, temporarily or permanently disconnect, remove, relocate, change or alter the position of any utility facilities within the rights-of-way whenever the corporate authorities have determined that such removal, relocation, change or alteration, is reasonably necessary for the construction, repair, maintenance, or installation of any Village improvement in or upon, or the operations of the Village in or upon, the rights-of-way.

(B) **Removal of Unauthorized Facilities.** Within **thirty (30) days** following written notice from the Village, any utility that owns, controls, or maintains any unauthorized facility or related appurtenances within the rights-of-way shall, at its own expense, remove all or any part of such facilities or appurtenances from the rights-of-way. A facility is unauthorized and subject to removal in the following circumstances:

- (1) Upon expiration or termination of the permittee's license or franchise, unless otherwise permitted by applicable law;
- (2) If the facility was constructed or installed without the prior grant of a license or franchise, if required;
- (3) If the facility was constructed or installed without prior issuance of a required permit in violation of this Article; or
- (4) If the facility was constructed or installed at a location not permitted by the permittee's license or franchise.

(C) **Emergency Removal or Relocation of Facilities.** The Village retains the right and privilege to cut or move any facilities located within the rights-of-way of the Village, as the Village may determine to be necessary, appropriate or useful in response to any public health or safety emergency. If circumstances permit, the Municipality shall attempt to notify the utility, if known, prior to cutting or removing a facility and shall notify the utility, if known, after cutting or removing a facility.

(D) **Abandonment of Facilities.** Upon abandonment of a facility within the rights-of-way of the Village, the utility shall notify the Village within **ninety (90) days**. Following receipt of such notice the Village may direct the utility to remove all or any portion of the facility if the Superintendent of Public Works determines that such removal will be in the best interest of the public health, safety and welfare. In the event that the Village does not direct the utility that abandoned the facility to remove it, by giving notice of abandonment to the Village, the abandoning utility shall be deemed to consent to the alteration or removal of all or any portion of the facility by another utility or person.

**33-11-19 CLEANUP AND RESTORATION.** The utility shall remove all excess material and restore all turf and terrain and other property within **ten (10) days** after any portion of the rights-of-way are disturbed, damaged or destroyed due to construction or maintenance by the utility, all to the satisfaction of the Village. This includes restoration of entrances and side roads. Restoration of roadway surfaces shall be made using materials and methods approved by the Superintendent of Public Works. Such cleanup and repair may be required to consist of backfilling, regrading, reseeding, resodding, or any other requirement to restore the right-of-way to a condition substantially equivalent to that which existed prior to the commencement of the project. The time period provided in this Section may be extended by the Superintendent of Public Works for good cause shown.

**33-11-20 MAINTENANCE AND EMERGENCY MAINTENANCE.**

(A) **General.** Facilities on, over, above, along, upon, under, across, or within rights-of-way are to be maintained by or for the utility in a manner satisfactory to the Village and at the utility's expense.

(B) **Emergency Maintenance Procedures.** Emergencies may justify noncompliance with normal procedures for securing a permit:

- (1) If an emergency creates a hazard on the traveled portion of the right-of-way, the utility shall take immediate steps to provide all necessary protection for traffic on the highway or the public on the right-of-way including the use of signs, lights, barricades or flags. If a hazard does not exist on the traveled way, but the nature of the emergency is such as to require the parking on the shoulder of equipment required in repair operations, adequate signs and lights shall be provided. Parking on the shoulder in such an emergency will only be permitted when no other means of access to the facility is available.
- (2) In an emergency, the utility shall, as soon as possible, notify the Superintendent of Public Works or his or her duly authorized agent of the emergency, informing him or her as to what steps have been taken for protection of the traveling public and what will be required to make the necessary repairs. If the nature of the emergency is such as to interfere with the free movement of traffic, the Village police shall be notified immediately.
- (3) In an emergency, the utility shall use all means at hand to complete repairs as rapidly as practicable and with the least inconvenience to the traveling public.

(C) **Emergency Repairs.** The utility must file in writing with the Village a description of the repairs undertaken in the right-of-way within **forty-eight (48) hours** after an emergency repair.

**33-11-21 VARIANCES.**

(A) **Request for Variance.** A utility requesting a variance from one or more of the provisions of this Article must do so in writing to the Superintendent of Public Works as a part of the permit application. The request shall identify each provision of this Article from which a variance is requested and the reasons why a variance should be granted.

(B) **Authority to Grant Variances.** The Superintendent of Public Works shall decide whether a variance is authorized for each provision of this Article identified in the variance request on an individual basis.

(C) **Conditions for Granting of Variance.** The Superintendent of Public Works may authorize a variance only if the utility requesting the variance has demonstrated that:

- (1) One or more conditions not under the control of the utility (such as terrain features or an irregular right-of-way line) create a special hardship that would make enforcement of the provision unreasonable, given the public purposes to be achieved by the provision; and
- (2) All other designs, methods, materials, locations or facilities that would conform with the provision from which a variance is requested are impracticable in relation to the requested approach.

(D) **Additional Conditions for Granting of a Variance.** As a condition for authorizing a variance, the Superintendent of Public Works may require the utility requesting the variance to meet reasonable standards and conditions that may or may not be expressly contained within this Article but which carry out the purposes of this Article.

(E) **Right to Appeal.** Any utility aggrieved by any order, requirement, decision or determination, including denial of a variance, made by the Superintendent of Public Works under the provisions of this Article shall have the right to appeal to the Village Board, or such other board or commission as it may designate. The application for appeal shall be submitted in writing to the Village Clerk within **thirty (30) days** after the date of such order, requirement, decision or determination. The Village Board shall commence its consideration of the appeal at the Board's next regularly scheduled meeting occurring at least **seven (7) days** after the filing of the appeal. The Village Board shall timely decide the appeal.

**33-11-22 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.



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**33-11-23 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.

**33-11-24 SEVERABILITY.** If any section, subsection, sentence, clause, phrase or portion of this Article is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

CHAPTER 34

Comment [JJK1]:

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.

**34-1-2** **PURPOSE.** In accordance with State law (**Ill. Comp. Stats., Chap. 65, Secs. 5/11-12-5, 5/11-12-8 – 5/11-12-12; Chap. 765, Sec. 205/1 et seq.**) this Code regulates the subdivision and development of land in order to implement the Comprehensive Planning for 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**.

**34-1-5**        **INTERPRETATION.** Every provision of this Code shall be construed liberally in favor of the Village, and every regulation set forth herein shall be considered the minimum requirement for the promotion of the public health, safety, and welfare.

(A)            **More Restrictive Requirements Apply.** Whenever the requirements of this Code differ from those of any statute, lawfully adopted ordinance or regulation, easement, covenant, or deed restriction, the more stringent requirement shall prevail. Thus, in accordance with State law whenever this Code imposes higher standards than the County Subdivision Code, said higher standards shall supersede the County regulations in the unincorporated territory located within the Village's subdivision jurisdiction. **(See 65 ILCS Sec. 5/11-12-11)**

**34-1-6**        **DISCLAIMER OF LIABILITY.**

(A)            Except as may be provided otherwise by statute or ordinance, no officer, board member, agent, or employee of the Village shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this Code. **(See "Local Governmental and Governmental Employees Tort Immunity Act," Ill. Comp. Stats., Chap. 745, Secs. 10/1-101.)**

(B)            Any suit brought against any officer, commissioner, 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.

**34-1-7**        **REVIEW AND EXPIRATION.** This Code shall be reviewed by the Plan Commission and the Board every **ten (10) years** for necessary amendments.

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 Code; if any term is not defined either in Section 34-2-2 or in the Village 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.

**34-2-2**        **SELECTED DEFINITIONS.**

**Administrator:** The official appointed by the Mayor and the 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.

**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.

**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 or any portion thereof adopted by the Board to guide and coordinate the physical and economic development of the Village. The Village's 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.

**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 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 must 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 progressive subdividing and use of undeveloped land.

**Local Street:** A street serving limited amounts of residential traffic, and for access to abutting property, and on which the speed limit is low and the traffic volume minimal.

**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 one-year period following their dedication.

**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.

**Person:** Any agent, individual, firm, association, partnership, corporation, syndicate or trust.

**Plan Commission:** The Plan Commission of the Village.

**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.

**Retention Area:** An area of land designed to capture water runoff from a developed parcel and release it at a specified rate of flow as determined by engineering studies (**See Section 5-16.4**).

**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.

**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.

**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 not permitted in any proposed subdivision.

**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 shall be **twenty-five (25) feet** in a residential area.

**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.

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 Board 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 Board, who then either approve, disapprove, or approve with modifications the preliminary plat.

**34-3-2 FILING PROCEDURE.** Except as specifically provided otherwise below, every person who proposes to subdivide any land located within the subdivision jurisdiction of this municipality shall file **six (6) copies** of the preliminary plat of said subdivision with the Village Clerk.

He shall also file **one (1) copy** of the preliminary plat and supporting data with the appropriate Soil and Water Conservation District. Said district shall have not more than **thirty (30) days** to submit any comments it might wish to make to the Board. (See 70 ILCS Sec. 405/22.02A)

Whenever a large tract is to be developed in stages and only a portion of that tract is to be submitted for final plat approval, nonetheless, a Master Development Plan of the entire tract shall be submitted.

All preliminary plats shall be reviewed and acted upon in accordance with **Illinois Compiled Statutes, Chapter 65, Section 5/11-12-8** and the provisions of the subsections below.

**EXCEPTION:** The provision of this section shall not apply to:

- (A) minor subdivisions as defined at Section 34-2-2; or
- (B) land that is specifically exempted from the Illinois Plats Act as now or hereafter amended. (See 765 ILCS Sec. 205/1(B)).

**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**. 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, if any;

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- (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).

**34-3-4 PLAN COMMISSION ACTION.** The Plan Commission shall either approve or disapprove the application for preliminary plat approval within **sixty (60) days** from the date of said application or the filing of the last item of required supporting data, whichever date is later, unless the Plan Commission and the subdivider mutually agree to extend this time limit. If the Plan Commission disapproves the preliminary plat, they shall furnish to the applicant within the **sixty (60) day period** a written statement specifying the aspects in which the proposed plat fails to conform to this Code and/or the Official Map. If the Plan Commission approved the preliminary plat, they shall inform the Board that action can be taken at the next regularly scheduled 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.

**34-3-5**      **REVIEW BY 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.

If the 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 Plan Commission, 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 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 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 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 Board has approved the preliminary plat, but prior to submission of the final plat, the developer shall furnish **six (6) 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 Engineer shall not issue any building permit to allow construction of said improvements; and
- (B) the Board shall not act upon the application for final plat approval.

**34-3-9 INFORMATION REQUIRED.** Improvement plans shall consist of black or blue line prints not larger than **thirty-six (36) inches square**. 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.

**34-3-10 INSPECTIONS REQUIRED.** The subdivider/developer shall notify the Mayor and the Village Engineer of both the start and completion of construction.

- (A) The Village Engineer shall inspect said improvements while they are under construction. If he or his designated deputy determines that they are being built in violation of this Code, he shall request that the 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 Engineer a set of reproducible cloth- or polyester-base film positive showing the as-built details and any deviations from the approved plans upon the completion of improvements, or when **fifty percent (50%)** of the building permits have been issued in a given plat.

(B)            The subdivider/developer shall pay the costs to add water, sewer, street, and stormwater improvements to the overall Village map(s);

(C)            If the 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 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 Engineer, and dedicated to this municipality or other appropriate entity; or

(B)            in accordance with the subsections 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 Board, the required legal assurance may be either a performance bond or an escrow deposit. Every performance bond shall be reviewed by the Village Attorney, and posted with the Village Clerk. Any funds to be held in escrow shall be deposited 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. Any escrow deposit may be in the form of:

(A)            cash;

(B)            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; or

(C)            certificates of deposit, treasury bills, or other readily negotiable instruments approved by the Village Clerk, and made payable to this municipality.



**34-3-16**      **ELIGIBLE SURETIES.** No person shall be eligible to act as surety unless he has been approved by the Village Clerk. The Clerk 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 municipality's jurisdiction.

**34-3-17**      **TERM OF ASSURANCE, EXTENSION.** The initial term of any performance bond or escrow agreement shall not exceed **two (2) years**. If all the required improvements have not been completed by the end of the two-year period, the Plan Commission, with the advice and consent of the Board, may either extend said bond/escrow agreement 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 Clerk may release up to **ninety percent (90%)** of the amount of the performance bond/escrow deposit upon receipt of written authorization from the Village Engineer. The amount which the Village Engineer 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 Clerk until:

- (1)          the Engineer has certified to the Board 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 Mayor, 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 Clerk 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/escrow deposit in an amount sufficient to cover any increase in the cost of constructing the required improvements.

**34-3-20 - 34-3-21**      **RESERVED.**

**DIVISION IV - FINAL PLATS**

**34-3-22 VILLAGE BOARD APPROVAL.** The 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 (**Ill. Comp. Stats., Chap. 765, Sec. 205/1(b)**) -- who desires final plat approval shall file **six (6) copies** of the final plat and supporting data with the Village Clerk and pay all associated filing fees not later than **one (1) year** after preliminary plat approval has been granted. However, with the consent of the 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 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 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 of Deeds 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 new linen tracing cloth- or 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 **thirty-six (36) inches square**. The final plat and supporting data shall portray/provide all of the following information:

- (A) north arrow, graphic scale, and date;
- (B) name of subdivider, subdivision, identification of the portion of the Public Lands Survey in which the subdivision is located;
- (C) accurate metes and bounds or other adequate legal description of the tract, and the included area of the subdivision to the nearest **one-hundredth (1/100) of an acre**;
- (D) accurate boundary lines, with dimensions and bearings or angles which provide a survey of the tract, closing with an error of closure of not more than **one (1) foot in ten thousand (10,000) feet**;
- (E) all dimensions shall be shown in feet and decimals of a foot;
- (F) reference to recorded plats of adjoining platted land within **three hundred (300) feet**, by record name, plat book, and page number;
- (G) accurate locations of all existing streets intersecting the boundaries of the subdivision;
- (H) right-of-way lines of all streets, other rights-of-way, easements, and lot lines with accurate dimensions, angles, or bearings and curve data, including radii, arcs or chords, points of tangency, and central angles;
- (I) name and right-of-way width of every proposed street;
- (J) purpose of any existing or proposed easement(s);

- (K) number of each lot, lot dimensions, and (in a separate list) lot areas;
- (L) purpose(s) for which sites, other than private lots, are reserved;
- (M) building or setback lines with accurate dimensions;
- (N) restrictions of all types which will run with the land, and become covenants in the deeds of lots;
- (O) certification of dedication of all public areas;
- (P) accurate distances and directions to the nearest established official monument; reference corners shall be accurately described on the final plat;
- (Q) reference to known and permanent monuments and bench marks from which future surveys may be made together with elevations of any bench marks; and the Surveyor must, at the time of making his survey, establish permanent monuments (set in such a manner that they will not be moved by frost) which mark the external boundaries of the tract to be divided or subdivided and must designate upon the plat the locations where they may be found;
- (R) location, type, material and size of all monuments and lot markers.

**34-3-25 CERTIFICATES REQUIRED.** As required by State law (Ill. Comp. Stats., Chap. 765, Sec. 205/2; Chap. 65, Sec. 5/11-12-8), the following certificates shall be executed on the final plat:

(A)

**OWNER'S CERTIFICATE**

We, \_\_\_\_\_, the Owners of \_\_\_\_\_ (description) \_\_\_\_\_, have caused the said tract to be surveyed and subdivided in the manner shown, and said subdivision is to be hereinafter known as \_\_\_\_\_. All rights-of-way and easements shown hereon are hereby dedicated to the use of the public forever including the release and waiver of the right of homestead under the Homestead Exemption laws of the State of Illinois.

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

\_\_\_\_\_ (Seal)

\_\_\_\_\_ (Seal)

(B)

**NOTARY PUBLIC'S CERTIFICATE**

State of Illinois )  
Village of ) SS  
County of )

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.

**Subdivision Code 34-7-1**

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 CLERK'S CERTIFICATE**

I, \_\_\_\_\_, County Clerk of \_\_\_\_\_ 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

(E)

**CERTIFICATE OF VILLAGE BOARD**

I, \_\_\_\_\_, Mayor of the Village, do hereby certify that the plat shown herein was duly presented to the Board and approved at a meeting of same held on \_\_\_(date)\_\_\_.

Mayor

Village Clerk

(F)

**FLOOD HAZARD CERTIFICATE**

We, the undersigned, do hereby certify that no part of this plat to be recorded, is situated within **five hundred (500) feet** of any surface drain or watercourse serving a tributary area of **six hundred forty (640) acres** or more, or, if this plat is within **five hundred (500) feet** of any surface drain or watercourse, we hereby certify that this plat has been reviewed by the Illinois Department of Transportation Division of Water Resources and their report is on file with the County Recorder of Deeds.

By:  
Owner(s)

By:  
Illinois Land Surveyor

Registration Number

Date

**34-3-26 ADMINISTRATIVE REVIEW, ADVISORY REPORT.** Within **thirty (30) days** from the date of application for Final Plat approval, the Engineer and the Mayor shall review said Final Plat (and supporting data), and shall each advise the 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 Board.

**34-3-27 ACTION BY VILLAGE BOARD.** The 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 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 or deposited funds in escrow 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 Mayor or Engineer, and one copy shall be given to the subdivider.

**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 Mayor. Major changes require the filing of a new Final Plat and complete re-review.

**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 Municipal Attorney. The bond shall be in the amount 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. If at any time during the two-year period the improvements are found to be defective, they shall be repaired/replaced 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 Village Engineer, the Village shall use the maintenance bond to make the necessary repairs/replacement. If the cost of repairs/replacement exceeds the bond amount, the subdivider/developer shall be liable for the excess. At the end of the two-year period, the maintenance bond shall be released.

#### **DIVISION VI - VACATION OF PLATS**

**34-3-37**      **VACATION OF PLATS.** In accordance with State law (**Ill. Comp. Stats., Chap. 765, Secs. 205/6, 205/7, and 205/8**), any plat or part thereof may be vacated by the owner of the tract, at any time before the sale of any lot therein, by a written vacation instrument to which a copy of the plat is attached. If there are public service facilities in any street, other public way, or easement shown on said plat, the instrument shall reserve to the Village or other public entity or public utility owning such facilities the property, rights-of-way, and easements necessary for continuing public service by means of those facilities and for maintaining or reconstructing the same. The vacation instrument shall be approved by the Board in the same manner as plats of subdivision and shall also be approved by the County Superintendent of Highways, the Highway Commissioner of the appropriate township, the District Engineer of the Illinois 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 Mayor or an appointed officer, 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 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; and
- (I) to provide information to subdividers/developers and to the general public on matters related to this Code.

**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 Mayor 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 Mayor'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 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 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 municipal comprehensive plan including the Official Map.

**34-4-5 AMENDMENTS.** Amendments to this Code may be proposed by the Village Engineer, any member of the Board, any Plan Commission member, or any party in interest. Every amendment proposal shall be filed on a prescribed form in the Mayor's office. The Mayor 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.**

(A) The review for the preliminary plat shall be **Fifty Dollars (\$50.00)**, plus **Five Dollars (\$5.00)** per lot.

(B) The final plat fee shall be **Fifty Dollars (\$50.00)** if no variation from the preliminary plat, otherwise **Fifty Dollars (\$50.00)**, plus **Five Dollars (\$5.00)** per lot whenever Plan Commission review is required.

(C) Improvement Plan review and inspection fee shall be **one percent (1%)** of the total opinion of probable cost for all improvements as determined by the Village Engineer or by the total of all certified contracts for all work related to improvements.

**34-4-7 FEES: TIME OF PAYMENT.** All fees listed in **Section 34-4-6** shall be paid by the subdivider/developer or the applicant to the Village Clerk's office at the time of submission of documents.



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. **(See Ill. Comp. Stats., Chap. 65, Sec. 5/11-12-8; Chap. 765, Secs. 205/1 et seq.)** No lot in any subdivision shall be conveyed until:

(A)            the final plat of said subdivision has been approved by the Village Board and recorded in the office of the County Recorder of Deeds; and

(B)            the portion of said subdivision in which the lot is located has been improved in accordance with the requirements of this Article or until a performance bond or other security has been posted to assure the completion of such improvements.

The Mayor or Village Board shall not issue a building permit for any lot conveyed in violation of this section.

**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**        **RESERVED.**

DIVISION II - LOT REQUIREMENTS

**34-5-4**        **LOT SIZE.** All lots in a subdivision shall be at least **ten thousand (10,000) square feet** in size with a minimum front lot line width of **seventy-five (75) feet**; 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. (Ill. Comp. Stats., Chap. 765, Sec. 205/1.) All block corners shall be **thirty-six (36) inch** 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 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 any. 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.

(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 (20) feet**, and the minimum radius at the back of the curb shall be **thirty-two (32) feet**.

(E) **Flat Grade.** Intersections shall be designed with a flat grade wherever practical. In hilly terrain, an area having not greater than a **three percent (3%)** slope for a distance of **fifty (50) feet** from the nearest right-of-way line of the intersecting street shall be provided at the approach to an intersection.

(F) **Maximum Cross-Slope.** The cross-slopes on all streets, including intersections, shall not exceed **three percent (3%)**.

(G) **Adequate Sight-Lines.** Where any street intersection will involve earth banks or existing vegetation on the triangular area shown in **Figure 1**, the developer shall cut such ground and/or vegetation (including trees) in connection with the grading of the public right-of-way to the extent necessary to provide an adequate sight distance.

**34-5-14** **REVERSE CURVES.** A tangent at least **one hundred (100) feet** long shall be introduced between reverse curves on local collector and collector streets (**see Figure 2**).

**34-5-15** **IMPROVEMENTS TO EXISTING STREETS.** Whenever any development abuts an existing street that is narrower than the standards indicated in the Table of Street Design Specifications, the subdivider shall dedicate sufficient right-of-way on the side abutting the development to permit compliance with those standards. The developer shall improve said street to the standards imposed at **Section 34-5-21** et seq., and pay one-half the cost of said improvements.

**34-5-16** **WHEN EXCESS RIGHT-OF-WAY REQUIRED.** Right-of-way width in excess of the standards set forth in the Table of Street Design Specifications shall be required where:

- (A) due to topography, additional width is necessary to provide adequate earth slopes; or
- (B) due to the location of railroad tracks, additional width is needed to construct overpasses, underpasses, and approaches thereto.

**34-5-17 - 34-5-19** **RESERVED.**

#### **DIVISION IV - STREET IMPROVEMENT STANDARDS**

**34-5-20** **DEVELOPER'S EXPENSE.** All streets and alleys shall be improved solely at the expense of the developer in accordance with the requirements set forth herein. All streets shall be graded as hereinafter provided:

(A) All new streets, which are created and dedicated for use within a subdivision shall be graded, drained and surfaced in accordance with the minimum requirements hereinbelow set forth and in a manner which will provide complete and adequate drainage of all the streets, alleys, and public grounds which may be necessary in order to provide adequate and satisfactory drainage along the side of any existing public street which lies adjacent to the subdivision.

In general, all such new streets within the subdivision and all work to be undertaken thereon shall be designed and constructed according to **IDOT Roads and Bridges Standard Specifications** as the same are in effect at the time the Preliminary Plat and plans for such improvement work are submitted for approval.

(B) **Grading Roadway and Side Slopes.** The roadway shall be considered to be that part of the improvement which lies between the right-of-way lines.

(C) **Street Construction Standards.** All streets within the jurisdictional authority of the Municipality other than state highways shall be improved with pavements bounded by integral concrete curbs and gutter, in accordance with the following criteria.

- (1) Collector street pavements shall be provided with a bituminous surface of **one and one-half (1 1/2) inches** of bituminous concrete binder and **one and one-half (1 1/2) inches** of bituminous concrete surface Class 1 placed upon a crush stone base course of CA #6 having a minimum thickness of **six (6) inches** compacted. The center **forty (40) feet** of the base course shall have a crown of **three (3) inches**.
- (2) Local street pavements shall be provided with a CA #6 crushed stone base course, having a minimum thickness of **seven (7) inches** compacted. An A-2 surface treatment shall be applied in accordance with the "**Standard Specifications for Road and Bridge Construction of the State of Illinois, Department of Transportation**".
- (3) The crushed stone base course shall be permitted to remain throughout one winter season before the bituminous surface is placed thereon. Following inspection of the base and subbase as to compaction and thickness of the base by the administrative officer, he may, by authority in writing to the subdivider, waive the winter season waiting period. Compaction based on percent of optimum density.
- (4) The subdivider shall be required to improve arterial streets only to the width required by the current and immediate needs of his subdivision consistent to the standards and specifications herein contained.

(D) **Alleys.** Alleys where permitted or required, shall be constructed as specified for local streets.

(E) **Utility Lines.** Underground utilities in streets or rights-of-way or in easements shall be installed prior to the construction of such streets and/or alleys. Wherever possible, utilities will be placed in rear lot easements with street placement permitted in only the most unusual circumstances.

**34-5-21 CURB AND GUTTER.** All streets, except alleys and collector commercial, local commercial, arterial or industrial, shall be constructed with Portland cement concrete vertical curb and gutter and/or V-type gutter in accordance with the dimensions and specifications shown, therefor, 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 MAINTENANCE RESPONSIBILITY.** Subsequent to completion of street construction by the subdivider, the Village Engineer shall make a final inspection of all streets to ascertain the acceptability of structural condition, earth slopes, drainage structures, etc. If said inspection indicates no deficient items, the Village shall take formal action to accept the completed streets for maintenance based upon the Engineer's recommendation.

Should any item need correction or repair, the subdivider will be notified in writing of each deficiency. No street(s) will 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 will be required to provide a guarantee in the form of a Surety Bond in the amount of **Ten Thousand Dollars (\$10,000)** for a period of **three (3) years**.

**34-5-23 - 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 of **one hundred ten (110) feet**; 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 four hundred (1,400) 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** **REQUIRED.** Sidewalks shall be required:  
(A) on the recommendation of the Village Engineer that, sidewalks are needed to ensure public safety;  
(B) along collector streets, near schools, and in shopping areas and similar public places.

These requirements shall not be waived unless the Village Engineer advises the 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 Roads and Bridges Standard Specifications.

**34-5-30** **SIDEWALK CONSTRUCTION STANDARDS.**  
(A) **Relationship to Curb.** The street-side edge of every sidewalk shall either abut the curb or be located at least **six (6) feet** from the curb to allow sufficient space for tree planting.  
(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 **six percent (6%)**.  
(E) **Ramps at Intersections.** When sidewalks are required curbs shall be cut and sidewalks shall be ramped at all intersections so as to enhance the mobility of handicapped individuals.

**34-5-31** **RESERVED.**

**DIVISION VII - STREETLIGHTS**

**34-5-32**      **INTERSECTION LIGHTING.** Streetlights shall be provided at each intersection of streets (or alleys) within a subdivision and at each cul-de-sac, but in no event shall there be less than one streetlight per **four hundred (400) feet** (or portion thereof) of street frontage between intersections, or between a street intersection and the terminus of a dead-end street. Additionally, in multi-family dwelling subdivisions, lighting shall be provided within parking areas at a minimum rate of one light per **twenty-five (25) parking spaces** or any fraction thereof.

**34-5-33**      **STREETLIGHT SYSTEM STANDARDS.** The design and installation of the streetlight system in every subdivision shall be reviewed by the Village Engineer 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 - STREET NAME SIGNS**

**34-5-35**      **SPECIFICATIONS.** Street name signs of the size, height, and type approved by Village Board 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**      **RESERVED.**

**DIVISION IX - UTILITIES**

**34-5-37**      **UTILITY LOCATION AND EASEMENTS REQUIRED.** At locations within the subdivision where utilities and drainage facilities are not to be constructed within public rights-of-way, the subdivider shall make provision for easements for such installations. Preliminary plats shall be submitted to the electric, gas, and telephone companies for their input regarding utility easements.

**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**      **DRAINAGE EASEMENTS.** Adequate easements for storm water drainage shall be established along any natural drainage channel and in such other locations as may be necessary to provide satisfactory disposal of storm water from streets, alleys, and all other portions of the subdivision. The location and minimum widths of such easements shall be approved by the Village Engineer.

**34-5-40**      **MAINTENANCE EASEMENTS.** Maintenance easements of not less than **five (5) feet** in width shall be provided along all rear and side lot lines.

**34-5-41**      **RESERVED.**

#### DIVISION X - WATER FACILITIES

**34-5-42**      **WATER SUPPLY.** 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 Village administrative regulations.

The developer shall provide at his expense a minimum of **one (1)** water main tap per lot and shall be responsible for having a curb box installed in accordance with Village administrative regulations.

**34-5-43**      **FIRE HYDRANTS.** Fire hydrants of the type approved by the Village Board shall be installed in every subdivision as part of the water distribution system. The distance from any lot to a hydrant, measured along the centerline of the public right-of-way, shall not be greater than **four hundred (400) feet.**

**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, or as amended.

**34-5-46**     **WHEN PUBLIC SYSTEM PLANNED.** In areas where the public sanitary sewerage system is not reasonably accessible but where plans for the installation of said system have been approved by the Illinois Environmental Protection Agency, sanitary sewers shall be provided in accordance with such plans and temporarily capped. To serve the subdivision until the time when connection to the public system becomes practicable, an approved private central sewage disposal system shall be installed, or individual sewage disposal systems may be used. **(See Chapter 38; Article V of the Village Code)**

**34-5-47**     **ALTERNATE METHODS OF DISPOSAL.** In the event it is not possible, or feasible, for the subdivider to extend the public sewer system into the proposed subdivision, for whatever reason, the subdivider has the right to petition the Village to install an alternative method of sewage disposal. Any such petition shall be considered on an individual basis with each case standing on its own merit. No subdivision shall be approved without the Village's approval of the method of sewage disposal:

(A)     **Private Central Sewage Systems.** Upon specific approval of the Village Board, the subdivider may install a private central sewage system. The Village shall reserve the right to review and approve/reject the detailed plans for such a system. Approval of the plans by the Village shall in no way be construed as acceptance of the design or operation or maintenance responsibility for said installation. Such installation shall be designed and constructed in accordance with the rules and regulations of the Illinois Environmental Protection Agency, and the Illinois Department of Public Health. The subdivider shall assume perpetual operational and maintenance responsibilities for such installation unless arrangements to the contrary are provided for in a formal written agreement between home owners and the subdivider. Failure of the subdivider to discharge his operational/maintenance responsibilities may result in a fine of **Seven Hundred Fifty Dollars (\$750.00)** per day for each day a deficiency exists and shall apply to the subdivider, his heirs, successors, or assigns.

(B)     **Individual Disposal Systems.** Upon written approval of the Village Board, the subdivider may install individual sewage disposal systems providing the lot size is in excess of **twenty thousand (20,000) 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.

**34-5-48**     **RESERVED.**

ARTICLE VI - DRAINAGE AND STORM SEWERS

DIVISION I - PURPOSE AND DEFINITIONS

**34-6-1 PURPOSE AND INTENT.** It is the policy of the Village Board to protect and promote the public health, safety and general welfare. The criteria for storm water detention will reduce the possibility of damage to public and private property, will reduce the erosion on land and creek channels, will assist in the attainment and maintenance of water quality standards, and will preserve and enhance the environmental quality of the watercourses in the Village. This criteria provides uniform procedures for designing and checking the design of storm drainage detention systems.

The Plan Commission shall not recommend the approval of any plat unless, after consultation with the Village Engineer, they determine that the proposed provisions for storm water drainage are adequate. Drainage improvements in the subdivision shall be coordinated with existing and planned drainage improvements elsewhere so as to form an integrated municipal system. The storm water drainage system shall be separate and independent of the sanitary sewer system.

**34-6-2 SPECIAL DEFINITIONS.**

(A) **Development.** Any activity, including subdivisions, that alters the surface of the land to create additional impervious surfaces including, but not limited to, pavement, buildings, and structures except:

- (1) Additions to, improvements and repair of existing single-family and duplex dwellings.
- (2) Construction of any buildings, structures, and/or appurtenant service roads, drives, and walks on a site having previously provided storm water control as part of a larger unit of development consistent with the original development plan.
- (3) Remodeling, repair, replacement, and improvements to any existing structure or facility and appurtenances that does not increase the impervious area on the site in excess of **ten percent (10%)** or add one acre of impervious area.
- (4) Construction of any one new single-family or duplex dwelling unit, irrespective of the site area on which the same may be situated.

(B) **Emergency Spillway.** A device or devices used to discharge water under conditions of inflow that exceed the design inflow. The emergency spillway functions primarily to prevent damage to the detention facility that would permit the sudden release of impounded water. It shall be designed to handle the runoff from a 100-year storm.

(C) **Freeboard.** The difference in elevation between the top of a structure such as a dam or open channel and the maximum design water surface elevation or high water mark and is an allowance against overtopping by waves or other transient disturbances.

(D) **Principal Spillway.** A device such as an inlet, pipe, weir, etc., to discharge water during operation of the facility under the conditions of a **fifteen (15) year** or less return frequency of the existing conditions, before the proposed development.

(E) **Private Detention Facility.** Any detention facility located on and controlling discharge from a site wholly owned and controlled by one owner and not platted for future subdivision of ownership. Also, all facilities incorporating detention storage of storm water in or on any of the following:

- (1) Roofs of buildings or structures also used for other purposes.
- (2) Paved or surfaced areas also used for other purposes.
- (3) Enclosed underground pipes or structures on private property when the surface is used for other purposes.

(F) **Public Detention Facility.** Any detention facility controlling discharge from a tributary area owned by more than one owner and/or platted for future subdivision of ownership, except as defined as a private detention facility herein.

(G) **Rational Method.** An empirical formula for calculating peak rates of runoff resulting from rainfall.

(H) Illinois Procedures and Standards for Urban Soil Erosion and Sedimentation Control Manual, as amended. (IPSUSESCM).

(I) **Tributary Area.** All land draining to the point of consideration, regardless of ownership.

**34-6-3        RESERVED.**

**DIVISION II - GENERAL GUIDELINES**

**34-6-4        APPLICABILITY.** This Code shall apply to all development within the limits of the Village. Residential developments having a total area of less than **five (5) acres**, and commercial or industrial developments having a total area of less than **two (2) acres**, may be given a waiver by the Village Board in accordance with **Section 34-4-4** of this Code, subject to the following conditions.

(A) The Village retains the right to require detention storage in all cases in which the proposed development will generate excess runoff that adversely affects the carrying capacity of the receiving watercourse.

(B) Developments less than **two (2) acres** with less than **thirty percent (30%)** of the area paved and developments generating less than one cubic foot per second (CFS)/acre increased runoff shall not be required to provide detention storage, unless conditions (A) is applicable.

(C) This Code shall apply for all newly platted areas and new developments proposed after the date of passage of this Code. All development that have an approved preliminary plan by the Plan Commission at the time of the approval of this Code will not have to conform to this Code.

**34-6-5        AFFIDAVIT OF DISCLOSURE OF PROPERTY INTEREST.** The effective acreage for a site is not limited to a fractional part of the total. If a project is developed in phases or small plats, the total acreage of the project site must be considered. At the time the owner of any development submits a preliminary plat or preliminary plan, he shall also identify to the Village all contiguous property or property in the watershed that he has interest in.

**34-6-6**        **METHOD OF EVALUATION.** The storage capacity and discharge rate shall be based upon the calculated volume and peak flow of the storm water runoff, respectively. The calculations for sites having an area of **one hundred (100) acres** or less shall be made using either the Illinois Manual for Soil Erosion and Sedimentation Control Method or the Rational Method. If the site is larger than **one hundred (100) acres** then the Engineer shall use the Illinois Manual for Soil Erosion and Sedimentation Control Method or if another method is desired to be used, the Engineer shall submit a proposed method of evaluation for the calculations for review and approval. The permitted discharge rate of storm water runoff shall be determined by calculating the rate of runoff for the site's pre- and post-development conditions. The Engineer shall determine the most critical storm looking at three different time periods: 1) the time of concentration, 2) a one hour storm and 3) a 24-hour storm.

**34-6-7**        **DETENTION OF DIFFERENTIAL RUNOFF.** All new developments shall provide a storm water system that insures that the rate of flow of storm water runoff discharged from the site after development does not exceed the rate of flow of storm water runoff discharged from the site before development of a 25-year storm, unless given a waiver by the Board in accordance with **Section 34-4-4** of this Code. Data shall be submitted for the 15-, 25-, and 100-year frequency storm.

**34-6-8**        **FLOWS FROM UPSTREAM AREAS.** Flows from upstream areas outside the site should be based upon the assumption that those areas are fully developed under forecast land use patterns. The required storage volume will be based upon the site only, with flows from upstream areas being by-passed or discharged via overflow spillways or other devices for the 100-year storm.

**34-6-9**        **FACILITIES IN FLOODPLAINS.** If detention storage is provided within a floodplain, only the net increase in storage volume above that which naturally existed on the floodplain shall be credited to the development. No credit will be granted for volumes below the elevation of the base flood at that location unless compensatory storage is also provided. Where encroachments in the existing floodplain fill the valley storage areas, an equal amount of detention volume shall be provided.

**34-6-10**       **LAND CREDIT FOR DETENTION FACILITIES.** The number of units/lots shall be based on the total area of the tract to be developed. All areas to be used as detention facilities shall be included in this total area.

**34-6-11**       **RESERVED.**

DIVISION III - DESIGN CRITERIA

**34-6-12**      **GENERAL REQUIREMENTS.** The design shall be accomplished under the direction of a Registered Professional Engineer. The design shall also be based on land use in the tributary area as zoned, actually developed, or indicated by an adopted future land use plan, whichever basis produces the greatest runoff.

**34-6-13**      **OTHER REFERENCES.** Other agencies have criteria and regulations pertaining to drainage systems which may complement this criteria. When conflicts are encountered the most rigorous criteria shall govern.

(A)      **Federal Insurance Agency.** Floodplain Regulations and Implementing Ordinances Adopted by Municipalities: Drainage systems designed within the limits of the designated 100-year floodplain on the principal stream shall be designed to convey the flood as defined by applicable published floodplain information studies. For areas located in FIA Zone "A" outside the detailed study area, the developer shall prepare studies and calculations establishing the floodplain, elevation and width. These calculations shall be submitted to the reviewing agency for approval.

(B)      **Illinois Department of Water Resources.** Rules and Regulations of Dams and Reservoirs shall apply to those structures classified as dams thereunder.

**34-6-14**      **STORM WATER RUNOFF.** The design criteria used in determining the amount of runoff shall be the same as set out in **Section 34-6-1** of this Code.

**34-6-15**      **HYDRAULIC CONSIDERATIONS FOR DETENTION STORAGE.**

(A)      **Principal Spillways.** Shall be designed to meet the following requirements:

- (1)      The principal spillway shall be designed to function without requiring attendance or operation of any kind or requiring use of equipment or tools.
- (2)      All discharge from the detention facility when inflow is equal to or less than the 100-year inflow shall be via the principal spillway(s).
- (3)      The design shall allow for discharge of at least **eighty percent (80%)** of the detention storage volume within **twenty-four (24) hours** after the peak or center of mass of the inflow has entered the detention basin. On basins less than **one hundred (100) acres**, this shall not apply.
- (4)      The design discharge rate via the spillway shall continuously increase with increasing head and shall have hydraulic characteristics similar to weirs, orifices or pipes.

(B)      **Emergency Spillways.** The emergency spillway shall be provided to pass a 100-year storm without damaging any property and, where applicable, designed to Illinois Department of Water Resources Dam Safety Requirements.

(C)      **Outlet Works.** Shall have an outlet works consisting of valves, gates, pipes, and other devices as necessary to completely drain the facility in **seventy-two (72) hours** or less when required for maintenance or inspection on normally wet basins.

(D) **Sediment Storage.** Shall be designed to provide for **five (5) years** of sediment accumulation calculated by using Figure 1. All other detention facilities shall provide storage for **two (2) years** of sediment accumulation by using Figure 1, except for those using roofs of buildings, paved parking

areas or other facilities designed to preclude the deposition or accumulation of sediment. Sediment storage volume shall be in addition to the volume required for temporary storage of storm water to properly size the detention facility on normally wet basins.

(E) **Erosion Control.** Principal spillways and outlet works shall be designed to prevent erosion and if necessary equipped with energy dissipating devices to slow the water to normal velocity as called out in the IPSUSESC Manual. Special measures shall be taken by the developer to not permit sediment from filling the proposed detention basin during all construction of the proposed development.

(F) **Public Detention Facilities.** The owner shall dedicate the detention facility and easements as set forth upon completion of the one-year warranty period and approval by the Village Engineer, except:

- (1) When multipurpose wet facilities are planned or are suitable for use for private aquatic recreation or for aesthetic enhancement of the owner's property.
- (2) When multipurpose dry facilities incorporate surface recreational improvements.

(G) **Private Detention Facilities.** Shall be designed requiring the same criteria as the public detention facilities.

The amount of easement shall be equal to the land occupied by the facility plus a **twenty (20) foot** wide strip around the perimeter of the highest elevation attained by the design storage volume, plus an excess easement **twenty (20) feet** in width between the facility and public street. This easement shall be shown as common ground or be dedicated to the trustees of the subdivision or owner of the property for the purpose of maintenance of the storm water detention facility.

A plan for perpetual maintenance and designating responsibility for the maintenance shall be provided for its continuing performance to the standards established by this criteria.

**34-6-16**      **RESERVED.**

#### **DIVISION IV - PLAN REQUIREMENTS**

**34-6-17**      **PLAN REQUIREMENTS.** The plan requirements shall be:

(A) Elevation-area-capacity curves for the storage facility including notation of the storage volumes allocated to runoff, and permanent residual water storage for other uses (wet basins only).

(B) Inflow hydrographs (detention volumes for rational method) for the 15-, 25-, and 100-year recurrence interval design storms.

(C) Stage-discharge rating curves for each spillway and for combined spillway discharges.

(D) Routing curves for the 15-year and all greater criteria recurrence interval design storms with time plotted as the abscissa and the following plotted as ordinates (this item is not required for the rational method):

- (1) Cumulative inflow volume.
- (2) Cumulative discharge.
- (3) Stage elevation.

**34-6-18**      **CONSTRUCTION ALTERNATIVES.**

(A)            A developer shall build, as part of his development, a detention basin as required by this Code, unless the following sections apply.

(B)            Developers of adjacent tracts may combine to build one detention site large enough to meet the requirements of all the tracts of land with approval of the Village. The basin shall be located in the same drainage basin.

(C)            On-site detention will be required whenever increased runoff from the proposed development creates a hazard down stream as determined by the Village Engineer.

**34-6-19**      **RESERVED.**

**DIVISION V - INSPECTION, MAINTENANCE AND  
ACCEPTANCE BY VILLAGE**

**34-6-20**      **INSPECTION.** The developer shall inspect or cause to be inspected, all storm water detention systems constructed within the Village. Through such inspection reports the Village Engineer shall ensure that the facilities under construction are being constructed in accordance with the approved plans for such development.

**34-6-21**      **MAINTENANCE.** Each owner of the property being developed has the responsibility and duty to properly operate and maintain any storm water management system which has not been accepted for maintenance by the Village. The responsibility of maintenance of the system and subdivision projects shall remain with the developer until such time as the storm water management system escrow for such development has been released at the end of the one-year warranty period. Upon release of escrow, the maintenance responsibility shall be vested in the trustees of the subdivision by virtue of a trust indenture. Indenture of trusts shall clearly indicate resident responsibility for maintenance. All such privately owned maintained systems shall be subject to periodic inspections by the Engineer or its representative. After an inspection by the Engineer, he determines whether or not the conditions of the privately owned storm water detention system are safe and correct. Any cost incurred by the Village, as a result of the Engineer's actions, shall be attest against the owner(s) of the system.

**34-6-22**      **ACCEPTANCE.** Upon acceptance by the Board, the storm water detention system may be dedicated to the Village for perpetual maintenance. Any such system shall include adequate perpetual access and sufficient area for maintenance by the Village personnel and vehicles.

**34-6-23**      **RESERVED.**



**ARTICLE VII - PENALTIES FOR VIOLATION**

**34-7-1**        **GENERAL.** Violation of the provisions of this Code or failure to comply with any of its requirements, including conditions and safeguards established shall constitute a misdemeanor. Each day such violation continues shall be considered a separate offense.

**34-7-2**        **CORRECTIVE ACTIONS.** Nothing herein contained shall prevent the Village from taking such other lawful actions as is necessary to forbid or remedy any violations. All such costs connected therewith shall accrue to the person or persons responsible.

**34-7-3**        **PENALTY.** Any person who violates this Code shall be subject to the penalty in **Section 1-1-20** in the Revised Code.

## TABLE 5-A

### STREET DESIGN SPECIFICATIONS

<u>Residential Street Classification</u>	<u>Max. No. of Dwelling Units/ Net Acre</u>	<u>Permitted On-Street Parking</u>	<u>Required R.O.W. (ft.)</u>	<u>Min. Pavement Width (ft.)</u>	<u>Max. Gradient (%)</u>	<u>Min. Gradient (%)</u>
Marginal Access	To 1.99	None	40	20	6	1.3
Local	2.0-4.50	Both Sides	45	30	6	1.0
Collector	4.50/Greater	Both Sides	50	34	6	1.0
Arterial	Over 250 dwelling units served	None	70	28	6	1.0

<u>Commercial and Industrial Street Classification</u>	<u>Permitted On-Street Parking</u>	<u>Required R.O.W. (ft.)</u>	<u>Min. Pavement Width (ft.)</u>	<u>Max. Gradient (%)</u>	<u>Min. Gradient (%)</u>
Local	None	60	26	10	1.0
Local	One Side	60	34	10	1.0
Local	Both Sides	60	42	10	1.0
Collector	None	80	44	8	1.0

## OBLONG, ILLINOIS

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**CHAPTER 36**

**TAXATION**

**ARTICLE I - REAL ESTATE**

**36-1-1**     **CORPORATE RATE.**   The maximum rate for general corporate purposes of the Village shall be and the same is hereby established at a rate of **.33%**. (See 65 ILCS Sec. 5/8-3-1)

**36-1-2**     **MAXIMUM RATES ESTABLISHED.**   The maximum tax rates for the various purposes of the Village of the full, fair, cash value as equalized or assessed by the Department of Revenue on all the taxable property within the Village shall be as follows:

<b><u>FUND/PURPOSE</u></b>	<b><u>MAXIMUM RATE</u></b>
Village Park	\$     per \$100.00
Emergency Service and Disaster Agency	\$.05   per \$100.00
Garbage	\$     per \$100.00
Police Protection	\$.075 per \$100.00
Social Security	\$     NO LIMIT
Audit Tax	\$     NO LIMIT

**ARTICLE II**

**TELECOMMUNICATIONS INFRASTRUCTURE MAINTENANCE FEE**

**36-2-1**     **DEFINITIONS.** As used in this Article, the following terms shall have the following meanings:

(A)           **"Gross Charges"** means the amount paid to a telecommunications retailer for the act or privilege of originating or receiving telecommunications within the Village, and for all services rendered in connection therewith, valued in money whether paid in money or otherwise, including cash, credits, services, and property of every kind or nature, and shall be determined without any deduction on account of the cost of such telecommunications, the cost of the materials used, labor or service costs, or any other expense whatsoever. In case credit is extended, the amount thereof shall be included only as and when paid. "Gross charges" for private line service shall include charges imposed at each channel point within the Village, charges for the channel mileage between each channel point within the Village, and charges for that portion of the interstate inter-office channel provided within the Village. However, "gross charges" shall not include:

- (1) any amounts added to a purchaser's bill because of a charge made under:
  - (a) the fee imposed by this Section,
  - (b) additional charges added to a purchaser's bill under Section 9-221 or 9-222 of the Public Utilities Act,
  - (c) amounts collected under Section 8-11-17 of the Illinois Municipal Code,
  - (d) the tax imposed by the Telecommunications Excise Tax Act,
  - (e) 911 surcharges, or
  - (f) the tax imposed by Section 4251 of the Internal Revenue Code;
- (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 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 Village;
- (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, 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 other than a regulatory required profit for the corporation rendering such services;
- (7) bad debts ("bad debt" means any portion of a debt that is related to a sale at retail for which gross charges are not otherwise deductible or excludable that has become worthless or uncollectible, as determined under applicable federal income tax standards; if the portion of the debt deemed to be bad is subsequently paid, the retailer shall report and pay the tax on that portion during the reporting period in which the payment is made);
- (8) charges paid by inserting coins in coin-operated telecommunications devices; or
- (9) charges for telecommunications and all services and equipment provided to the Village.

(B) **"Public Right-of-Way"** means any municipal street, alley, water or public right-of-way dedicated or commonly used for utility purposes, including utility easements wherein the Village has acquired the right and authority to locate or permit the location of utilities consistent with telecommunications facilities. "Public Right-of-Way" shall not include any real or personal Village property that is not specifically described in the previous sentence and shall not include Village buildings and other structures or improvements, regardless of whether they are situated in the public right-of-way.

(C) **"Retailer maintaining a place of business in this State"**, or any like term, means and includes any retailer having or maintaining within the State of Illinois, 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.

(D) **"Sale of telecommunications at retail"** means 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.

(E) **"Service address"** means the location of telecommunications equipment from which telecommunications services are originated or at which telecommunications services are received. If this is not a defined location, as in the case of wireless telecommunications, paging systems, maritime systems, air-to-ground systems, and the like, "service address" shall mean the location of the customer's primary use of the telecommunications equipment as defined by the location in Illinois where bills are sent.

(F) **"Telecommunications"** 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 services, private line services, specialized mobile radio services, 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. Unless the context clearly requires otherwise, "telecommunications" shall also include wireless telecommunications as hereinafter defined. "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 him or her to the ultimate retail consumer who originates or terminates the end-to-end communications. Retailer access charges, right of access charges, charges for use of intercompany facilities, and all telecommunications service shall not be included in gross charges as sales for resale. "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.D.F. 76.1550 and following) as now or hereafter amended.

(G) **"Telecommunications provider"** means (1) any telecommunications retailer; and (2) any person that is not a telecommunications retailer that installs, owns, operates or controls equipment in the public right-of-way that is used or designed to be used to transmit telecommunications in any form.

(H) **"Telecommunications retailer" or "retailer" or "carrier"** means and includes every person engaged in the business of making sales of telecommunications at retail as defined in this Section. The Village may, in its discretion, upon application, authorize the collection of the fee hereby imposed by any retailer not maintaining a place of business within this State, who, to the satisfaction of the Village, furnishes adequate security to ensure collection and payment of the fee. When so authorized, it shall be the duty of such retailer to pay the fee upon all of the gross charges for telecommunications in the same manner and subject to the same requirements as a retailer maintaining a place of business in the Village.

(I) **"Wireless telecommunications"** includes cellular mobile telephone services, personal wireless services as defined in Section 704(C) of the Telecommunications Act of 1996 (Public Law No. 104-104), 42 U.S.C. §332(c)(7), as now or hereafter amended, including all commercial mobile radio services, and paging services.

**36-2-2 REGISTRATION OF TELECOMMUNICATIONS PROVIDERS.**

(A) Every telecommunications provider as defined by this Article shall register with the Village within **thirty (30) days** after the effective date of this Article or becoming a telecommunications provider, whichever is later, on a form to be provided by the Village, provided, however, that any telecommunications retailer that has filed a return pursuant to **36-2-4(C)** of this Article shall be deemed to have registered in accordance with this Section.

(B) Every telecommunications provider who has registered with the Village pursuant to **36-2-2(A)** has an affirmative duty to submit an amended registration form or current return as required by **36-2-4(C)**, as the case may be, to the Village within thirty (30) days from the date of the occurrence of any changes in the information provided by the telecommunications provider in the registration form or most recent return on file with the Village.

**36-2-3 MUNICIPAL TELECOMMUNICATIONS INFRASTRUCTURE MAINTENANCE FEE.**

(A) A Village telecommunications infrastructure maintenance fee is hereby imposed upon all telecommunications retailers in the amount of **one percent (1%)** of all gross charges charged by the telecommunications retailers to service addresses within the Village for telecommunications originating or received in the Village.

(B) Upon the effective date of the infrastructure maintenance fee authorized in this Article, the Village infrastructure maintenance fee authorized hereunder shall be the only fee or compensation for the use of all public rights-of-way within the Village by telecommunications retailers. Imposition of the infrastructure maintenance fee provided under this Article does not, however, serve as a limitation on the levying of any taxes or imposition of any fees otherwise authorized by law.

(C) The Village telecommunications infrastructure maintenance fee authorized by this Section shall be collected, enforced, and administered as set forth in **Section 36-2-4** of this Article. **(Ord. No. 02-443; 09-04-02)**

**36-2-4 COLLECTION, ENFORCEMENT, AND ADMINISTRATION OF TELECOMMUNICATIONS INFRASTRUCTURE MAINTENANCE FEES.**

(A) A telecommunications retailer shall charge to and collect from each customer an additional charge in an amount equal to the Village infrastructure maintenance fee attributable to that customer's service address.

(B) Unless otherwise approved by the Village Mayor the infrastructure maintenance fee shall be remitted by the telecommunications retailer to the Village not later than the last day of the month subsequent to the month in which a bill is issued to the customer; provided, however, that the telecommunications retailer may retain an amount not to exceed **two percent (2%)** of the Village infrastructure maintenance fee collected by it to reimburse itself for expenses incurred in accounting for and remitting the fee.

(C) Remittance of the municipal infrastructure to the Village shall be accompanied by a return, in a form to be prescribed by the Village Mayor, which shall contain such information as the Mayor may reasonably require.

(D) Any infrastructure maintenance fee required to be collected pursuant to this Article and any such infrastructure maintenance fee collected by such telecommunications retailer shall constitute a debt owed by the telecommunications retailer to the Village. The charge imposed under **36-2-4(A)** by the telecommunications retailer pursuant to this Article shall constitute a debt of the purchaser to the telecommunications retailer who provides such services until paid and, if unpaid, is recoverable at law in the same manner as the original charge for such services.

(E) If it shall appear that an amount of infrastructure maintenance fee has been paid that was not due under the provisions of this Article, whether as a result of a mistake of fact or an error of law, then such amount shall be credited against any infrastructure maintenance fee due, or to become due, under this Article, from the telecommunications retailer who made the erroneous payment; provided, however, the Mayor may request, and telecommunications retailer shall provide, written substantiation for such credit. However, no claim for such credit may be made more than **three (3) years** after the date of the erroneous payment unless, (1) the credit is used only to offset a claim of underpayment made by the Village within the applicable statutory period of limitations, and (2) the credit derives from an overpayment made by the same telecommunications retailer during the applicable statutory period of limitations.

(F) Amounts paid under this Article by telecommunications retailers shall not be included in the tax base under any of the following acts as described immediately below:

- (1) "gross charges" for purposes of the Telecommunications Excise Tax Act;
- (2) "gross receipts" for purposes of the municipal utility tax as prescribed in Section 8-11-2 of the Illinois Municipal Code;
- (3) "gross charges" for purposes of the municipal telecommunications tax as prescribed in Section 8-11-17 of the Illinois Municipal Code;
- (4) "gross revenue" for purposes of the tax on annual gross revenue of public utilities in Section 2-202 of the Public Utilities Act.

(G) The Village shall have the right, in its discretion, to audit the books and records of all telecommunications retailers subject to this Article to determine whether the telecommunications retailer has properly accounted to the Village for the Village infrastructure maintenance fee. Any underpayment of the amount of the Village infrastructure maintenance fee due to the Village by the telecommunications retailer shall be paid to the Village plus **five percent (5%)** of the total amount of the underpayment determined in an audit, plus any costs incurred by the Village in conducting the audit, in an amount not to exceed **five percent (5%)** of the total amount of the underpayment determined in an audit. Said sum shall be paid to the Village within **twenty-one (21) days** after the date of issuance of an invoice for same.

(H) The Mayor or a designee, may promulgate such further or additional regulations concerning the administration and enforcement of this Article consistent with its provisions, as may be required from time to time and shall notify all telecommunications retailers that are registered pursuant to **36-2-2** of this Article of such regulations.

**36-2-5** **COMPLIANCE WITH OTHER LAWS.** Nothing in this Article shall excuse any person or entity from obligations imposed under any law, including but not limited to:

- (A) generally applicable taxes; and
- (B) standards for construction on, over, under, or within, use of or repair of the public rights-of-way, including standards relating to free standing towers and other structures upon the public rights-of-way, as provided; and
- (C) Any liability imposed for the failure to comply with such generally applicable taxes or standards governing construction on, over, under, or within, use of or repair of the public rights-of-way; and
- (D) Compliance with any ordinance or provision of this Code concerning uses or structures not located on, over, or within the right-of-way.

**36-2-6** **EXISTING FRANCHISES AND LICENSES.** Any franchise, license, or similar agreements between telecommunications retailers and the Village entered into before the effective date of this Article regarding the use of public rights-of-way shall remain valid according to and for their stated terms except for any fees, charges or other compensation to the extent waived.

**36-2-7** **PENALTIES.** Any telecommunications provider 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 general penalty provisions of the Village Municipal Code.

**36-2-8** **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.

**36-2-9** **SEVERABILITY.** If any section, subsection, sentence, clause, phrase or portion of this Article is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**36-2-10** **CONFLICT.** This Article supersedes all Articles or parts of Articles adopted prior hereto, which are in conflict herewith, to the extent of such conflict.

**ARTICLE III**

**TAXPAYERS' RIGHTS CODE**

**36-3-1**     **TITLE.** This Article shall be known as, and may be cited as, the "Locally Imposed and Administered Tax Rights and Responsibility Code".

**36-3-2**     **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.

**36-3-3**     **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 Village's President 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.

(H)         **Village.** "Village" means the Village of Oblong, Illinois.

**36-3-4**      **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.

**36-3-5**      **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.

**36-3-6**      **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.

**36-3-7**      **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) 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.

**36-3-8**     **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.

**36-3-9 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.

**36-3-10 HEARING.**

(A) Whenever a taxpayer or a tax collector has filed a timely written protest and petition for hearing under **Section 36-3-9**, 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.

**36-3-11 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 **nine percent (9%)** 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.

**36-3-12**     **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.

**36-3-13**     **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 **twenty (20) 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.

**36-3-14**     **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** 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.

**36-3-15**     **VOLUNTARY DISCLOSURE.** For any locally imposed and administered tax for which a taxpayer has not received a written notice of an audit, investigation, or assessment from the local tax administrator, a taxpayer is entitled to file an application with the local tax administrator for a voluntary disclosure of the tax due. A taxpayer filing a voluntary disclosure application must agree to pay the amount of tax due, along with interest of **one percent (1%)** per month, for all periods prior to the filing of the application but not more than **four (4) years** before the date of filing the application. A taxpayer filing a valid voluntary disclosure application may not be liable for any additional tax, interest, or penalty for any period before the date the application was filed. However, if the taxpayer incorrectly determined and underpaid the amount of tax due, the taxpayer is liable

for the underpaid tax along with applicable interest on the underpaid tax, unless the underpayment was the result of fraud on the part of the taxpayer, in which case the application shall be deemed invalid and void. The payment of tax and interest must be made by no later than **ninety (90) days** after the filing of the voluntary disclosure application or the date agreed to by the local tax administrator. However, any additional amounts owed as a result of an underpayment of tax and interest previously paid under this Section must be paid within **ninety (90) days** after a final determination and the exhaustion of all appeals of the additional amount owed or the date agreed to by the local tax administrator, whichever is longer.

**36-3-16**     **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.

**36-3-17**     **REVIEW OF LIENS.** 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.

**36-3-18**     **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. 00-423; 12-06-00)**

**ARTICLE IV – HOTEL OR MOTEL TAX**

**36-4-1 TAX IMPOSED.** A tax in the amount of **five percent (5%)** on gross rental receipts is hereby imposed upon all persons engaged in the business of renting, leasing or letting rooms in a hotel or motel located within the limits of the Village.

**36-4-2 DEFINITIONS.**

(A) **Hotel or Motel** means any building or buildings in which the public may, for a consideration, obtain living quarters, sleeping or housekeeping accommodations. The term includes inns, motels, tourist homes or courts, lodging houses, rooming houses and apartment houses.

(B) **Gross Receipts or Revenue.** The total of all income or revenue including cash, credits, and checks, received by any person subject to the tax provided for in this Article from the business of operating a hotel or motel.

(C) **Person.** Any natural person, partnership, corporation or other entity.

**36-4-3 TAX.**

(A) There is hereby levied and imposed upon the use and privilege or renting a hotel or motel room within the Village a tax of **five percent (5%)** of the rental or leasing charge for each such hotel and motel room. However, no tax shall be due or collected for any rental to the same individual who has rented or leased a room for a period of **thirty (30) consecutive days** or longer. Furthermore, no tax shall be due or collected for any rentals by charitable organizations and nonprofit corporations providing temporary housing for charitable or humanitarian purposes.

(B) The tax herein levied shall be paid in addition to any and all other taxes and charges. It shall be the duty of the owner, manager or operator of every hotel or motel to pay over to the Village Treasurer said tax upon procedures prescribed by the Village Treasurer or as otherwise provided in this Article.

(C) Every person required to pay the tax levied by this Article shall indicate the amount of tax separately upon any invoice, receipt, statement or memorandum provided to the customers of such person.

**36-4-4 RULES AND REGULATIONS.** The Village Treasurer may promulgate rules and regulations not inconsistent with the provisions of this Article concerning enforcement and application of this Article. The term "rules and regulations" includes, but is not limited to case by case determination of whether or not the tax imposed by this Article applies.

**36-4-5**      **BOOKS AND RECORDS.** The Village Treasurer or any person certified as his or her deputy or representative, may enter the premises of any hotel or motel for inspection and examination of books and records in order to effectuate the proper administration of this Article and to assure the enforcement of the collection of the tax imposed. It shall be unlawful for any person to prevent, hinder or interfere with the Village Treasurer or his/her duly authorized deputy or representative in the discharge of his/her duties and the performance of this Article. It shall be the duty of every owner to keep accurate and complete books and records to which the Village Treasurer or his/her deputy or authorized representative, shall at all times have access, which records shall include a daily sheet showing:

(A)            The number of hotel or motel rooms rented during the **twenty-four (24) hour** period, including multiple rentals of the same hotel rooms where such shall occur; and

(B)            The actual hotel or motel tax receipts collected for the date in question.

**36-4-6**      **PAYMENT OF TAX.**

(A)            On a monthly basis, the owner or owners of each hotel or motel within the Village shall file tax returns with the Village Treasurer showing tax receipts with respect to each hotel and motel. Notwithstanding the date of this Article this obligation shall commence on **September 1, 2006**. The returns shall be filed on or before the **thirtieth (30<sup>th</sup>) day** of the calendar month following the end of the month for which the return is filed. Forms prescribed by the Village Treasurer shall be used.

(B)            The first taxing period for the purpose of this Article shall commence **November 1, 2006** and the tax return and payment for such period shall be due on or before **December 30, 2006**. Thereafter, reporting periods and tax payments shall be in accordance with the provisions of this Article. The owner shall pay to the Village Treasurer all taxes due at the time of the filing of the return.

(C)            If for any reason any tax is not paid when due, a penalty at the rate of **one percent (1%)** per **thirty (30) day** period, or portion thereof, from the date of delinquency shall be added and collected.

**36-4-7**      **COLLECTION.** Whenever any person shall fail to pay any tax as herein provided, the Village's legal counsel shall, upon the request of the Village Treasurer, bring or cause to be brought an action to enforce the payment of said tax on behalf of the Village in any court of competent jurisdiction.

**36-4-8**      **PROCEEDS OF TAX AND FINES.** All proceeds resulting from the imposition of the tax under this Article, including penalties, shall be paid to the treasury of the Village and shall be credited to and deposited in the corporate fund of the Village.



**36-4-9 PENALTIES.** Any person found guilty of violating, disobeying, omitting, neglecting or refusing to comply with, or resisting or opposing the enforcement of any of the provisions of this Article, except when otherwise specifically provided, upon conviction thereof, shall be punished with a fine of not less than **Seventy-Five Dollars (\$75.00)** nor more than **Seven Hundred Fifty Dollars (\$750.00)** for the first offense and not less than **Three Hundred Dollars (\$300.00)** nor more than **Seven Hundred Fifty Dollars (\$750.00)** for each subsequent offense.

**36-4-10 PURPOSE OF PENALTIES.** The purpose of imposing the above penalties is to ensure the integrity of the collection process established pursuant to this Article.

**36-4-11 USE OF RECEIPTS.** The amounts collected by the Village pursuant to this Article shall be expended by the Village solely to promote tourism and conventions within the Village or otherwise to attract nonresident overnight visitors to the Village.

**36-4-12 SEVERABILITY.** If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this Article, or any part thereof, or application thereof to any person, firm, corporation, public agency or circumstance, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Article or any part thereof. It is hereby declared to be the legislative intent of the Village that this Article would have been adopted had such unconstitutional or invalid provision, clause, sentence, paragraph, section or part thereof not then been included.

**(Ord. No. 2006-498; 11-01-06)**

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

**[Supplemented: January 8, 2009]**

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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 Water Department, the Superintendent of Public Works and the Water and Sewer Committee, appointed by the Mayor and its employees. The designated office shall be the Village Hall.

**38-1-2**     **COMMITTEE.**     The Water and Sewer Committee shall exercise a general supervision over the affairs of the Water and Sewer 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**     **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 Personnel Code, if any.

(B)           He shall be responsible for the operation and maintenance of the Village's water system and sewerage system as provided in this Code.

(C)           He shall be the custodian of all vehicles, equipment, structures, and property provided by the Village for the use of his department.

(D)           He shall enforce the provisions of this Chapter and make such inspections, measurements, and tests as necessary for that purpose.

(E)           He shall perform such other duties as may be assigned to him by the provisions of this Code or by the Village Board.

**38-1-4**     **INTERGOVERNMENTAL AID AGREEMENT.**     The Village may enter into agreements with other governmental units and agencies to provide aid and assistance during emergency situations in cooperation with the Crawford County Emergency Services and Disaster Agency. Exhibit "A" shall contain the applicable policy relative to any agreement. **(Ord. No. 2003-450; 03-05-03)**

**ARTICLE II – GENERALLY**

**DIVISION I – UTILITY SERVICE REGULATIONS**

**38-2-1 CUSTOMER ACCEPTS SERVICE.** The rates, rules and regulations contained in this Chapter shall constitute and be considered a part of the contract with every person, company or corporation who is supplied with utility services from the Water and Sewer Systems and every person, company or corporation, hereinafter called a “**customer**” who accepts and uses utility services shall be held to have consented to be bound thereby.

**38-2-2 NOT LIABLE FOR INTERRUPTED SERVICE.** The Village shall endeavor at all times to provide a regular and uninterrupted supply of service, but 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.

**38-2-3 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 bypass 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 Village Code.

**38-2-4 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 utility systems, or erecting signs on the property of the utility systems without permission shall, upon conviction of such act, be fined as provided in **Section 1-1-20** of the Village Code.

**38-2-5 SERVICE OBTAINED BY FRAUD.** All contracts for utility 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.

**38-2-6**     **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 next billing shall include the charges for services used during the unbilled month. A month shall be considered as that period of approximately **thirty (30) days**.

**38-2-7**     **REQUEST TO DISCONTINUE SERVICE.** Services shall have been deemed to have been supplied to any property connected to the utility systems during a month, unless the customer notifies the Village prior to the **first (1<sup>st</sup>) day** of the new billing month in which the utility services are to be discontinued.

**38-2-8**     **BILLING; UTILITY SHUT-OFF; HEARING.**

(A) All bills for utility services shall be due and payable upon presentation. If a bill is not paid by the **twentieth (20<sup>th</sup>) day** of the month or within **twenty (20) days** of the date the bill is presented, whichever is later, a penalty equal to **ten percent (10%)** of the amount due on said bill shall be added thereto. This penalty shall be in addition to the charges heretofore established for the utility services.

(B) If a utility bill is not paid within **twenty (20) days** following billing, then the Village shall notify the customer of such failure to pay by first-class mail. The notice to the consumer shall state the following:

- (1) Name and address of the customer and amount of the bill.
- (2) The date, time, and location of the hearing to be held.
- (3) That the customer has a right to be heard and to present evidence in his behalf.
- (4) That if the customer fails to appear at the hearing, the consumer's utility service shall be terminated without further proceedings.
- (5) The date of termination.

(C) The time, date and location of the hearing shall be determined by the Mayor, the Village Clerk, or the designee of the Mayor. The Mayor, Village Clerk, or designee shall preside over the hearing. The Mayor, Village Clerk, or designee of the Mayor shall make a final determination as to the rights of the consumer and the Village based on the information received at the hearing.

(D) The consumer shall be notified within **three (3) 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 consumer. Notice of the hearing officer's decision shall be made by first-class mail.

(E) If the hearing officer decides in favor of the Village, the Village shall have the right to discontinue the consumer's utility services. Should the consumer 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 consumer's utility services without further proceedings.

(F) Once utility services have been disconnected [terminated], the same shall not be again connected or used until all delinquent accounts and bills of service are paid in full, including a fee of **Fifty Dollars (\$50.00)** for each connection of such utility services, plus expenses incurred in the reconnecting of the utility services. **(Ord. No. 06-486; 04-05-06)**

**38-2-9** **LIEN NOTICE.** Whenever a bill for utility services remains unpaid for **thirty (30) days** after it has been rendered, the Clerk shall file with the County Recorder of Deeds a statement of lien claim. This statement shall contain the legal description of the premises served, the amount of the unpaid bill, and a notice that the Municipality claims a lien for this amount as well as for all charges for utility services subsequent to the period covered by the bill. **(Ord. No. 247)**

If the consumer of utility services whose bill is unpaid is not the owner of the premises, and the Clerk has notice of this, then notice shall be mailed to the owner of the premises if his address is known to the Clerk, whenever such bill remains unpaid for a period of **thirty (30) days** after it has been rendered.

The failure of the Clerk to record such lien or to mail such notice, or the failure of the owner to receive such notice shall not affect the right to foreclose the lien for unpaid utility bills as mentioned herein.

**38-2-10** **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 billed 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 **forty-five (45) days** after it has been rendered.

**38-2-11 – 38-2-15** **RESERVED.**

**DIVISION II – USER PROVISIONS**

**38-2-16 CONSUMER LISTS.** It is hereby made the Superintendent's duty 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.

**38-2-17 LIABILITY FOR CHARGES.** The owner of any lot, parcel of land or premises receiving utility services, the occupant of such premises and the user of the services shall be jointly and severally liable for the payment of the services to such lot, parcel of land or premises and all services are rendered to the premises by the Village only on the condition that such owner, occupant and user shall be jointly and severally liable therefor to the Village. **(Ord. No. 247)**

**38-2-18 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 Village 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.

**38-2-19 NO FREE SERVICE.** No free service shall be furnished to any person, firm, organization or corporation, 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.

**38-2-20 UTILITY DEPOSITS - RENTORS.**  
(A) **Residential.** When any application is made for utility services in accordance with the provisions of this Chapter, all applicants of rented or leased property for which the service is requested shall deposit with the application, the following amounts:

	<u>Inside Village</u>	<u>Outside Village</u>
Home – Business	\$100.00	\$100.00
Mobile Homes	\$100.00	\$100.00

**(Ord. No. 06-486; 04-05-06)**

(B) **Commercial.** In the case of a commercial or industrial user, the advanced payment for all utility deposits shall be an amount equal to **one (1) month** of estimated charges for utilities, based upon the history of similar establishments.

Where the amount of the deposit provided above is not sufficient to adequately protect the Utility Department, a greater amount than stated above may be required, based on the consumer’s estimated bill for a customary billing period.

(C) **Security for Payment - No Interest.** The deposits made under the provisions of this Chapter shall be held by the Village as security for the payment of utilities 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.

**38-2-21 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 and such homes or apartments or dwellings shall be billed for at least **one (1)** minimum water and sewer account according to the number of families or individual residents residing therein.



**ARTICLE III – WATER SYSTEM CODE**

**DIVISION I – DEFINITIONS**

**38-3-1 DEFINITIONS.** Unless the context specifically indicates otherwise, the meaning of terms used in this Article shall be as follows:

(A) **"Federal Government"**.

**"Federal Act"** means the Federal 1996 Safe Drinking Water Acts Amendments.

**"Administrator"** means the Administrator of the U.S. Environmental Protection Agency.

(B) **"State Government"**.

**"State Act"** means the Illinois Anti-Pollution Bond Act of 1970.

**"Director"** means the Director of the Illinois Environmental Protection Agency.

**"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"**.

**"Code"** means this Chapter.

**"Village"** means the Village of Oblong, Illinois.

**"Approving Authority"** means the Utilities Superintendent of the Village of Oblong, Illinois.

**"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.

(E) **"Clarification of Word Usage"**.

**"Shall"** is mandatory.

**"May"** is permissible.

(F) **"Wastewater and Its Characteristics"**.

**"ppm"** shall mean parts per million by weight.

**"Milligrams per Liter"** (mg/l) shall mean a unit of the concentration of water 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 analysis.

**"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.

**"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 curb stop.

**"Easement"** shall mean an acquired legal right for the specific use of land owned by others.

**"Service Box"** shall mean a valve box used with corporation or curb cock.

(G) **"Types of Charges".**

**"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 **Article IV** of this Code and shall consist of the total or the Basic User Charge and the Local Capital Cost if applicable.

**"User Charge"** shall mean a charge levied on users of water works for the cost operation, maintenance and replacement.

**"Basic User Charge"** shall mean the basic assessment levied on all users of the public water system.

**"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.

**"Capital Improvement Charge"** shall mean the charge levied on users to improve, extend or reconstruct the water works.

**"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.

**"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.

**"Useful Life"** shall mean the estimated period during which the water works will be operated.

**"Water Fund"** is the principal accounting designation for all revenues received in the operation of the water system.

**38-3-2      RESERVED.**

**DIVISION II - GENERALLY**

**38-3-3 APPLICATION FOR TAPS AND SERVICE CONNECTIONS TO 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 "E")**

**38-3-4 CONNECTIONS REQUIRED.** The owner, occupant or party or parties in possession of any house, structure, factory, industrial or commercial establishment or any other building or structure of any other character which uses water and is located on property within the corporate limits shall cause such house, structure, factory, industrial or commercial establishment or any other building or structure of any other character to be connected with the waterworks system within **ninety (90) days** from the date that water facilities become available to such property. **(Ord. No. 2003-447; 01-23-03)**

**38-3-5 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 standing committees governing water and sewer of the Village. Water shall not be turned on for new connections until the meter has been installed and all other requirements of this Chapter on the part of the property owner have been fully complied with.

**38-3-6 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 water 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 Open to Inspection.** All water meters and water fixtures, connections and appurtenances on private property connected with the Waterworks System of the Village shall be open to the inspection of the proper officers and employees of the Village at all reasonable hours.

**38-3-7 METER DAMAGED.** Whenever a meter is found to have been damaged by hot water being forced back into it from the consumer's hot water or heating apparatus, or for any other cause within control of the consumer, the consumer shall pay the Village for the actual cost of the removal, repairing, and replacing of the damaged meter and all previous water bills shall be corrected on an estimated basis to cover such period as it appears that the meter was out of order for such damage.

**38-3-8 RESALE OF WATER; UNAUTHORIZED USE.** No water supplied by the waterworks system of the Village of Oblong 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, not 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, extensions or attachments without written permit therefor. Resale or unauthorized use of water shall be grounds for discontinuance of water service to the user, or the premises, or both.

**38-3-9 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 the service, without notice and without any liability for direct or resulting damages therefrom.

**38-3-10 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 after **five (5) days'** written notice, the Village, through its officials, may enter the property and remove such ground wires and the consumer shall pay all costs.

**38-3-11 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 supply 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.

**38-3-12 NON-COMPLIANCE WITH RULES.** 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.

**38-3-13 FIRE HYDRANTS.** All hydrants shall be owned, maintained and used only by the Village. 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.

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 damages, either direct or resultant because of the condition, pressure, or amount of water available from any fire hydrant.

All public fire hydrants outside of any Village Limits owned by the Village will be maintained in as good order as reasonably possible, but the Village will not undertake or assume any responsibility or liability for their condition, use or abuse. Such public fire hydrants shall be used only for the purpose of extinguishing fire, 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 RULES TO BECOME PART OF CONTRACT.** All of the rules and regulations concerning the use of the facilities of the water plant 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.

**38-3-15     TESTING METERS.** Upon request or complaint of the consumer, any water meter shall be tested for accuracy. If, upon testing, the meter is found to be over **three percent (3%)** off in accuracy, the meter shall be replaced at no cost to the consumer. If the meter is found to be **three percent (3%)** or less in accuracy, then the consumer shall pay a testing fee of **Twenty-Five Dollars (\$25.00)**.

**38-3-16     WATER LINE EXTENSION POLICY.**

(A) Any person laying a new water line that meets Village specifications, shall present to the Village Clerk an itemized statement of cost for materials, equipment and labor for laying the new line. Any future hookups within **five (5) years** of the completion of the line shall pay a proportionate share of the original cost to the Village. The Village shall reimburse the persons who constructed the main and also any subsequent hookups.

(B) Any existing private water lines that meet Village specifications and are approved by the Village shall become the property of the Village and maintained by the Village free and clear.

(C) All existing private water lines shall not exceed the **one (1) mile** limit north or south of Illinois State Route 33 and **one (1) mile** west of Range Road.

(D) Any person desiring to hook onto existing private water lines shall obtain permission from the owner of the line and the Village. **(See Division VII of this Article)**

**38-3-17     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.

**38-3-18 – 38-3-20     RESERVED.**

**DIVISION III - CROSS-CONNECTION**

**38-3-21 APPROVED BACKFLOW DEVICE.** All plumbing installed within the Village shall be installed in accordance with the **Illinois Plumbing Code, 77 Ill. Adm. Code 890.** That, if in accordance with the Illinois Plumbing Code or in the judgment of the Superintendent of Water, an approved backflow prevention device is necessary for the safety of the public water supply system, the Superintendent of Water 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.

**38-3-22 CROSS-CONNECTION APPROVAL REQUIRED.** 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 of the Village enter 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 of Water and the Illinois Environmental Protection Agency.

**38-3-23 INVESTIGATIONS BY SUPERINTENDENT.** It shall be the duty of the Superintendent of Water 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 Superintendent of Water shall deem necessary. Records of such surveys shall be maintained and available for review for a period of at least **five (5) years.**

**38-3-24 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 Water Superintendent 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 Superintendent of Water 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 Superintendent of Water, be deemed evidence of the presence of improper connections as provided in this Chapter.

**38-3-25 NOTICE TO CUSTOMER; RECONNECT FEE.** 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 Chapter is known to exist, and to take such other precautionary measures as he may deem necessary to eliminate any danger of contamination of the public water supply distribution mains. Water service to such property shall not be restored until such conditions have been eliminated or corrected in compliance with the provisions of this Chapter, and until a reconnection fee of **One Hundred Dollars (\$100.00)** is paid to the Village Clerk. Immediate disconnection with verbal notice can be effected when the Superintendent of Water 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 Superintendent of Water or the Illinois Environmental Protection Agency, such action is required to prevent actual or potential contamination or pollution of the public water supply. Neither the public water supply, the Superintendent of Water, or its agents or assigns shall be liable to any customer for any injury, damages or lost revenues which may result from termination of the customer's water supply in accordance with the terms of this Chapter, whether or not said termination was with or without notice.

**38-3-26 CONTAMINATIONS COST AND THE CONSUMER.** The consumer responsible for backsiphoned material or contamination through backflow, if contamination of the potable water supply system occurs through an illegal cross-connection or an improperly installed, maintained or repaired device, or a device which has been bypassed, shall bear the cost of clean-up of the potable water supply system.

**38-3-27 - 38-3-30 RESERVED.**



**DIVISION IV - CROSS-CONNECTION CONTROL CODE**

**38-3-31**     **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.

**38-3-32**     **APPLICATION.** These Rules and Regulations shall apply to all premises served by the public potable water supply system of the Village.

**38-3-33**     **RESPONSIBILITY OF OWNER.** The owner or official custodian shall be responsible for protection of the public water supply system from contamination due to backflow or back-siphonage of contaminants through the customers water service connection. If, in the judgment of the Superintendent or his authorized representative, an approved backflow prevention device is necessary for the safety of the public water supply system, the Superintendent shall give notice to the consumer to install such approved backflow prevention device at each service connection to the premises. The consumer shall immediately install such approved device or devices at his own expense; failure, refusal or inability on the part of the consumer to install such device or devices immediately shall constitute grounds for discontinuing water service to the premises until such device or devices have been installed. The consumer shall retain records of installation, maintenance, testing and repair as required in **Section 38-4-37(D)** below for a period of at least **five (5) years**. The Superintendent of Water 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.

**38-3-34**     **DEFINITIONS.** The following definitions shall apply in the interpretation and enforcement of these regulations:

**“Fixed Proper Air Gap”** means the unobstructed vertical distance through the free atmosphere between the water discharge point and the flood level rim of the receptacle.

**“Agency”** means Illinois Environmental Protection Agency.

**“Approved”** means backflow prevention devices or methods approved by the Research Foundation for Cross-Connection Control of the University of Southern California, Association of State Sanitary Engineers, American Water Works Association, American National Standards Institute or certified by the National Sanitation Foundation.

**“Auxiliary Water System”** means any water source or system on or available to the premises other than the public water supply system and includes the water supplied by the system. These auxiliary waters may include water from another purveyor's public water supply system; or water from a source such as wells, lakes, or streams or process fluids; or used water. These waters may be polluted or contaminated or objectionable or constitute a water source or system over which the water purveyor does not have control.

**“Backflow”** means the backflow of water or other liquids, mixtures, or substances into the distribution pipes of a potable water system from any source other than the intended source of the potable water supply.

**“Backflow Prevention Device”** means any device, method, or type of construction intended to prevent backflow into a potable water system. All devices used for backflow prevention in Illinois must meet the standards of the Illinois Plumbing Code and the Illinois Environmental Protection Agency.

**“Consumer” or “Customer”** means the owner, official custodian or person in control of any premises supplied by or in any manner connected to a public water system.

**“Consumer's Water System”** means any water system located on the customer's premises. A building plumbing system is considered to be a customer's water system.

**“Contamination”** means an impairment of the quality of the water by entrance of any substance to a degree which could create a health hazard.

**“Cross-Connection”** means any physical connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other a substance of unknown or questionable safety or quality, whereby there may be a flow from one system into the other.

**“Direct Cross-Connection”** means a cross-connection formed when a water system is physically joined to a source of unknown or unsafe substance.

**“Indirect Cross-Connection”** means a cross-connection through which an unknown substance can be forced, drawn by vacuum or otherwise introduced into a safe potable water system.

**“Double Check Valve Assembly”** means an assembly composed of single, independently acting check valves approved under ASSE Standard 1015. A double check valve assembly and suitable connections for testing the water-tightness of each check valve.

**“Health Hazard”** means any condition, device or practice in a water system or its operation resulting from a real or potential danger to the health and well-being of consumers. The word "severe" as used to qualify "health hazard" means a hazard to the health of the user that could be expected to result in death or significant reduction in the quality of life.

**“Inspection”** means a plumbing inspection to examine carefully and critically all materials, fixtures, piping and appurtenances, appliances and installations of a plumbing system for compliance with requirements of the Illinois Plumbing Code, 77 Ill. Admn. Code 890.

**“Non-potable Water”** means water not safe for drinking, personal, or culinary use as determined by the requirements of 35 Ill. Adm. Code 604.

**“Plumbing”** means the actual installation, repair, maintenance, alteration or extension of a plumbing system by any person. Plumbing includes all piping, fixtures, appurtenances and appliances for a supply of water for all purposes, including without limitation lawn sprinkler systems, from the source of a private water supply on the premises or from the main in the street, alley or at the curb to, within and about any building or buildings where a person or persons live, work or assemble. Plumbing includes all piping, from discharge of pumping units to and including pressure tanks in water supply systems. Plumbing includes all piping, fixtures, appurtenances, and appliances for a building drain and a sanitary drainage and related ventilation system of any building or buildings where a person or persons live, work or assemble from the point of connection of such building drain to the building sewer or private sewage disposal system **five (5) feet** beyond the foundation walls.

**“Pollution”** means the presence of any foreign substance (organic, inorganic, radiological, or biological) in water that tends to degrade its quality so as to constitute a hazard or impair the usefulness of the water.

**"Potable Water"** means water which meets the requirements of 35 Ill. Adm. Code 604 for drinking, culinary, and domestic purposes.

**"Potential Cross-Connection"** means a fixture or appurtenance with threaded hose connection, tapered spout, or other connection which would facilitate extension of the water supply line beyond its legal termination point.

**"Process fluid(s)"** means any fluid or solution which may be chemically, or biologically or otherwise contaminated or polluted in a form or concentration such as would constitute a health, pollutional, or system hazard if introduced into the public or a consumer's potable water system. This includes but is not limited to:

- (A) polluted or contaminated waters;
- (B) process waters;
- (C) used waters originating from the public water supply system which may have deteriorated in sanitary quality;
- (D) cooling waters;
- (E) questionable or contaminated natural waters taken from wells, lakes, streams, or irrigation systems;
- (F) chemicals in solution or suspension;
- (G) oils, gases, acids, alkalis and other liquid and gaseous fluids used in industrial or other processes, or for fire fighting purposes.

**"Public Water Supply"** means all mains, pipes and structures through which water is obtained and distributed to the public, including wells and well structures, intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water for drinking or general domestic use and which serve at least 15 service connections or which regularly serve at least 25 persons at least 60 days per year. A public water supply is either a "community water supply" or a "non-community water supply".

**"Reduced Pressure Principle Backflow Prevention Device"** means a device containing a minimum of two independently acting check valves together with an automatically operated pressure differential relief valve located between the two check valves and approved under ASSE Standard 1013. During normal flow and at the cessation of normal flow, the pressure between these two checks shall be less than the supply pressure. In case of leakage of either check valve, the differential relief valve, by discharging to the atmosphere, shall operate to maintain the pressure between the check valves at less than the supply pressure. The unit must include tightly closed shutoff valves located at each end of the device, and each device shall be fitted with properly located test cocks.

**"Service Connection"** means the opening, including all fittings and appurtenances, at the water main through which water is supplied to the user.

**“Survey”** means the collection of information pertaining to a customer's piping system regarding the location of all connections to the public water supply system and must include the location, type and most recent inspection and testing date of all cross-connection control devices and methods located within that customer's piping system. The survey must be in written form, and should not be an actual plumbing inspection.

**“System Hazard”** means a condition through which an aesthetically objectionable or degrading material not dangerous to health may enter the public water supply system or a consumer's potable water system.

**“Used Water”** means any water supplied by a public water supply system to a consumer's water system after it has passed through the service connection and is no longer under the control of the water supply official custodian.

**“Water Purveyor”** means the owner or official custodian of a public water system.

**38-3-35      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 of Water 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.

**38-3-36      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.

**38-3-37 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 of Water 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. servicing performed and date completed.

**38-3-38      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 of Water and the source is approved by the Illinois Environmental Protection Agency.
- (2) Premises on which any substance is handled which can create an actual or potential hazard to the public water supply system. This shall include premises having sources or system containing process fluids or waters originating from the public water supply system which are no longer under the sanitary control of the Superintendent of Water.
- (3) Premises having internal cross-connections that, in the judgment of the Superintendent of Water, 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 of Water 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.

**38-3-39     TYPE OF PROTECTION REQUIRED.**

(A) The type of protection required under **Section 38-3-38** of these regulations shall depend on the degree of hazard which exists as follows:

- (1) An approved fixed proper air gap separation shall be installed where the public water supply system may be contaminated with substances that could cause a severe health hazard.
- (2) An approved fixed proper air gap separation or an approved reduced pressure principle backflow prevention assembly shall be installed where the public water supply system may be contaminated with a substance that could cause a system or health hazard.
- (3) An approved fixed proper air gap separation or an approved reduced pressure principle backflow prevention assembly or a double check valve assembly shall be installed where the public water supply system may be polluted with substances that could cause a pollution hazard not dangerous to health.



(B) The type of protection required under **Section 38-3-38** of these regulations shall be an approved fixed proper air gap separation or an approved reduced pressure principle backflow prevention connected to the public water supply when:

(C) Where a public water supply or an auxiliary water supply is used for a fire protection system, reduced pressure principle backflow preventers shall be installed on fire safety systems connected to the public water supply when:

- (1) The fire safety system contains antifreeze, fire retardant or other chemicals;
- (2) water is pumped into the system from another source; or
- (3) water flows by gravity from a non-potable source; or water can be pumped into the fire safety system from any other source;
- (4) there is a connection whereby another source can be introduced into the fire safety system.

(D) All other fire safety systems connected to the potable water supply shall be protected by a double check valve assembly on metered service lines and a double detector check valve assembly on unmetered service lines.

**38-3-40      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.

**38-3-41      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.

**38-3-42 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.

**38-3-43     VIOLATIONS AND PENALTIES.**

(A)           The Superintendent shall deny or discontinue, after reasonable notice to the occupants thereof, the water service to any premises wherein any backflow prevention device required by these regulations is not installed, tested, maintained and repaired in a manner acceptable to the Superintendent, or if it is found that the backflow prevention device has been removed or bypassed, or if an unprotected cross-connection exists on the premises, or if a low pressure cut-off required by these regulations is not installed and maintained in working order.

(B)           Water service to such premises shall not be restored until the consumer has corrected or eliminated such conditions or defects in conformance with these regulations and to the satisfaction of the Superintendent, and the required reconnection fee is paid.

(C)           Water service to such premises shall not be restored until the consumer has corrected or eliminated such conditions or defects on conformance with these Regulations and to the satisfaction of the Superintendent.

(D)           Neither the Village, the Superintendent, or its agents or assigns, shall be liable to any customers of the Village for any injury, damages or lost revenues which may result from termination of said customer's water supply in accordance with the terms of this ordinance, whether or not said termination of the water supply was with or without notice.

(E)           The consumer responsible for back-siphoned material or contamination through backflow, if contamination of the potable water supply system occurs through an illegal cross-connection or an improperly installed, maintained or repaired device, or a device which has been bypassed, must bear the cost of clean-up of the potable water supply system.

(F)           Any person found to be violating any provision of this Code shall be served with written notice stating the notice of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violation.

(G)           Any person violating any of the provisions of this Code in addition to the fine provided, shall become liable to the Village for any expense, loss or damage occasioned by the Village by reason of such violation, whether the same was caused before or after notice.

**38-3-44 - 38-3-50     RESERVED.**

**DIVISION V – EMERGENCY WATER USE**

**38-3-51 NATURAL DISASTERS, CONFLAGRATIONS OR MAJOR ACCIDENTS.** Emergency procedures in the event of a natural disaster, conflagration or major accident will involve the actions listed in this Article for the protection of public health and property.

**38-3-52 SHUTOFFS.** All mains and curb stops in the affected area not needed for emergency service will be shut off by water utility personnel during rescue operations and prior to cleanup activities.

**38-3-53 SALVAGE.** All meters, fire hydrants and other water utility service equipment will be protected against further damage during cleanup operations, salvaged, and returned to stocks for inspection, repair and reuse.

**38-3-54 CHLORINATION.** In the event service mains are ruptured or are suspected of having been damaged, water utility personnel may increase the dosage of chlorine in treated potable water. Public notices will be given of this action, together with the expected duration.

**38-3-55 BOILING OF WATER.** In the event the safety or integrity of potable water service is compromised by line breaks or equipment malfunctions, citizens will be advised to boil their water used for potable purposes. Public notice of this recommended action, together with boiling instructions will be given. Police and other municipal employees and equipment may be employed in making announcements in the affected area, posting of public notices and issuing news releases.

**38-3-56 BILLING.** Whenever water meters are damaged or destroyed, billings for water consumed since the last meter readings will be based on prorated estimates of past consumption during the same season of the previous year.

**38-3-57 RESERVED.**

**(Ord. No. 2003-449; 02-05-03)**

**DIVISION VI – CHRONIC SHORTAGE CONDITIONS**

**38-3-58**     **CHRONIC SHORTAGES.** Procedures described in this Article are for circumstances related to the development of chronic shortage situations, such as seasonal water shortages, pressure drops, or increased consumption.

**38-3-59**     **DECLARATION.** The declaration of a chronic shortage situation will be issued by the Mayor, explaining the situation, the expected duration, the sequential actions which will take place and the penalties for violations. The actions will remain in effect until rescinded.

**38-3-60**     **LAWN AND GARDEN WATERING.** Watering of lawns and gardens initially will be restricted to between **10:00 P.M.** and **8:00 A.M.** Occupants with even-numbered residences or other structures will be permitted to water lawns and gardens on even-numbered days, and occupants of odd-numbered residences or other structures, on odd-numbered days. By administrative proclamation, following the issuance of the initial declaration, all lawn and garden watering may be prohibited if conditions warrant.

**38-3-61**     **SWIMMING POOLS.** The refilling of swimming pools will be prohibited until further notice.

**38-3-62**     **MUNICIPAL CONSERVATION PROGRAMS.** All municipal departments will be enjoined to restrict activities calling for heavy water consumption. Included in this category are the testing and clearing of fire hydrants, the cleaning of water mains, the conduct of fire drills, street washing, sewer flushing and the watering of public areas.

**38-3-63**     **MAJOR INDUSTRIAL AND COMMERCIAL WATER USERS.** The Utilities Superintendent will review water consumption records, and identify the major industrial and commercial water users. The latter will be consulted in advance and their assistance solicited for the development of alternative water conservation measures which may be voluntarily implemented during shortage situations. When a shortage arises, these heavy water users will be required to implement the previously prepared plans to such reasonably practical degrees as will not impose serious economic hardships.

**38-3-64 INCREASING BLOCK WATER RATES.** In the event of prolonged and serious shortages, the Mayor may institute a previously developed, adopted and publicized program which prescribes increasing block rates for water consumed over pre-established levels.

**38-3-65 PUBLICITY.** The declaration of a chronic shortage situation will be preceded and followed by a wide based public relations program, utilizing all communication media, designed to reach all citizens ranging from school children to senior citizens, industries and commercial enterprises.

**38-3-66 RESERVED.**

**(Ord. No. 2003-449; 02-05-03)**

**DIVISION VII – ADMINISTRATION AND ENFORCEMENT**

**38-3-67**    **ADMINISTRATION.**    The administration of this Article shall be the responsibility of the Public Works Department.

**38-3-68**    **VARIANCE.**    Variances from the regulatory standards of this Code may be granted in accordance with the requirements noted below. No variance shall be granted unless the applicant for the variance can demonstrate that:

- (A)            an exceptional economic or other hardship would result without the variance;
- (B)            the relief granted is the minimum necessary;
- (C)            there will be no additional threat to public health, welfare or safety or the creation of a nuisance; and
- (D)            no additional public expense will result.

**38-3-69**    **INTERPRETATION.**    In the interpretation and application of this Code, the provisions expressed herein shall be held to be the minimum requirements and shall be liberally construed in favor of the Village and shall not be deemed a limitation or repeal of any other powers granted by State statutes.

**38-3-70**    **JUDICIAL APPEALS.**    Any party shall have the right to appeal decisions of the Village pertaining to this Code before the Circuit Court of Crawford County, Illinois.

**38-3-71**    **SEPARABILITY.**    If any section, clause, provision, or portion of this Code is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Code shall not be affected thereby.

**38-3-72**    **CORRECTIVE ACTION.**    Nothing herein contained shall prevent the Village from taking such other lawful action as is necessary to prevent or remedy any violation. All such costs connected therewith shall accrue to the person or persons responsible.

**38-3-73 – 38-3-74**    **RESERVED.**

**(Ord. No. 2003-449; 02-05-03)**

**DIVISION VIII - EXTENSION OF MAINS****38-3-75 DETERMINATION OF WHO PAYS EXPENSE OF EXTENSION.**

The Village Board shall first determine if an extension of water main is economically feasible based on the estimated cost of the extension and the number of existing potential users that will use water along the extension. If the extension is economically feasible then the Village may install and pay the cost of the extension at the discretion of the Village Board. If the Village elects not to pay the cost of extending the water main then the person or persons desiring water service shall install the extension at their own personal expense upon written consent by the Village Board. The Village shall not pay for any extensions to an undeveloped area, such as a subdivision being developed, unless there are sufficient existing residents or businesses to make the extension economically feasible. All installations shall conform to the "**Standard Specifications for Water and Sewer Main Construction in Illinois**" current edition.

**38-3-76 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.

**38-3-77 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.

**38-3-78 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.

**38-3-79 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.



**DIVISION IX – INSPECTIONS**

**38-3-80 RIGHT OF ACCESS; USE INSPECTION.** The Village and its employees and the Illinois Environmental Protection Agency shall have ready access at all reasonable times to the premises, places or buildings where water service is supplied for the purpose of inspecting, examining and testing the consumption, use and flow of water, and it shall be unlawful for any person to interfere with, prevent or obstruct the Village or its duly authorized agent or the Illinois Environmental Protection Agency in its duties hereunder. Every user of the system shall take the same upon the conditions prescribed in this Section.

**38-3-81 POWERS AND AUTHORITY OF INSPECTORS.** The Utilities Superintendent and other duly authorized employees of the Village and the Illinois Environmental Protection 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. The Utilities 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 sewers or waterway or facilities for waste treatment.

**38-3-82 HOLD HARMLESS.** While performing the necessary work on private properties referred to in **Section 38-3-81** above, the superintendent or duly authorized employees of the Village and the Illinois 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 operating, except as such may be caused by negligence or failure of the company to maintain conditions as required in this Code.

**38-3-83 EASEMENTS.** 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 water works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

**38-3-84 – 38-3-85 RESERVED.**

**DIVISION X – WATER SERVICE CHARGES**

**38-3-86 WATER SERVICE CHARGES.**

(A) **Basic for Water Service Charges.** The water service charge for the use of and for service supplied by the water facilities of the Village shall consist of a basic user charge, a debt service charge and a capital improvement charge.

(B) 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:

- (1) Estimate the annual water volume.
- (2) Estimate the projected annual revenue required to operate and maintain the water facilities, including a replacement fund for the year, for all works categories.
- (3) Compute costs per **one thousand (1,000) gallons.**

(C) The **debt service charge** is computed by apportioning the annual debt service (as a charge per **one thousand (1,000) gallons.**) (as a fixed charge per billing period.) (as a fixed charge plus a charge per **one thousand (1,000) gallons.**)

(D) 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.**)

(E) The adequacy of the water service charge shall be reviewed, not less often than annually, by Certified Public Accountants for the Village in their annual audit report. The water service charge shall be revised periodically to reflect a change in local capital costs or O, M & R costs.

(F) **Measurement of Flow.** The volume of flow used for computing basic user charges shall be the metered water consumption read to the lowest even increments of **one hundred (100) gallons.**

- (1) If the person procures any part, or all, of his water from the sources other than the Public Waterworks System, the person shall install and maintain, at his expense, water meters of a type approved by the Utilities Superintendent for the purpose of determining the volume of water obtained from these other sources.
- (2) Devices for measuring the volume of water must be required by the Utilities Superintendent if these volumes cannot otherwise be determined from the metered water consumption records.
- (3) Metering devices for determining the volume shall be installed, owned and maintained by the person. Following approval and installation, such meters may not be removed unless service is canceled, without the consent of the Utilities Superintendent.

**(Ord. No. 06-488; 04-05-06)**

**38-3-87 COST OF TAP AND WATER SERVICE CONNECTIONS.** For a **five-eighths (5/8) inch** to **one (1) inch** water service, the applicant shall pay a **Three Hundred Dollar (\$300.00)** tap-in fee, plus the cost of all materials [excluding meter] including road boring fees if applicable.

For a **five-eighths (5/8) inch** to **one (1) inch** water service in Rural Expansion No. 1, the applicant shall pay a **Five Hundred Dollar (\$500.00)** tap-in fee plus the cost of all materials [excluding meter] including road boring fees if applicable.

For water services larger than **one (1) inch**, the applicant shall also pay for the cost of the meter. The Village Will maintain or repair the meter as needed.

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. **(Ord. No. 06-487; 04-05-06)**

**38-3-88 WATER RATES.** The following shall be for the rates for the water supplied by the Waterworks System of the Village computed and payable monthly:

(A)	<b><u>Inside Village Limits Rates.</u></b>	
First	1,000 gallons per month	\$12.00 MINIMUM CHARGE
Next	10,000 gallons per month	\$ 5.00 per 1,000 gallons
Next	15,000 gallons per month	\$ 4.00 per 1,000 gallons
Over	25,000 gallons per month	\$ 3.00 per 1,000 gallons
(B)	<b><u>Outside Village Limits Rates (Including Phase I).</u></b>	
First	1,000 gallons per month	\$18.00 MINIMUM CHARGE
Next	10,000 gallons per month	\$ 5.00 per 1,000 gallons
Next	15,000 gallons per month	\$ 4.00 per 1,000 gallons
Over	25,000 gallons per month	\$ 3.00 per 1,000 gallons

**(Ord. No. 06-487; 04-05-06)**

**38-3-89 COMPUTATION OF WATER SERVICE CHARGE.** The water service charge shall be computed by the following formula:

$$CW = CC + CD + CM + (Vu-X)CU$$

Where	CW	=	Amount of water service charge (\$) per billing period.
	CC	=	Capital Improvement Charge
	CD	=	Debt Service Charge.
	CM	=	Minimum Charge for Operation, Maintenance and Replacement.
	Vu	=	Water Volume for the billing period.
	X	=	Allowable consumption in gallons for the minimum charge.
	CU	=	Basic User Rate for Operation, Maintenance and Replacement.

**38-3-90**     **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 his private funds and separate and apart from all other funds of the Village Treasurer no 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 Fund of the Village of Oblong”**. The Treasurer shall administer such fund in every respect in the manner provided by **Chapter 65 ILCS Sec. 5/3.1-35-40 et seq.**

**38-3-91**     **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 water system, 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 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.

**38-3-92**     **ACCESS TO RECORDS.** The IEPA 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 ensure compliance with the terms of the (Special and General Conditions to any State Grant). (Loan Agreement and Rules or any State Loan).

**38-3-93**     **APPEALS.** The method for computation of rates and service charges established for user charges in this Code shall be made available to a user within **five (5) days** of receipt of a written requires for such. Any disagreement over the method used or in the computations thereof shall be remedied by third party within **ten (10) days** after notification of formal written appeal outlining the discrepancies.

**(Ord. No. 2003-447; 01-23-03)**

**ARTICLE IV - RESERVED**

**ARTICLE V - WASTEWATER SYSTEM**

**DIVISION I - DEFINITIONS**

**38-5-1 DEFINITIONS.** Unless the context specifically indicates otherwise, the meaning of terms used in this Chapter shall be as follows:

**"GOVERNMENT, FEDERAL".**

(A) **"Administrator"** means the Administrator of the U.S. Environmental Protection Agency.

(B) **"Federal Act"** means the Federal Clean Water Act (**33 U.S.C. 466 et seq**) as amended, (**Pub. L. 95-217**).

(C) **"Federal Grant"** shall mean the U.S. government participation in the financing of the construction of treatment works as provided for by Title II-Grants for Construction of Treatment Works of the Act and implementing regulations.

**"GOVERNMENT, LOCAL".**

(A) **"Approving Authority"** shall mean the Superintendent of Sewage Works 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 feet (5') (1.5 meters)** outside the inner face of the building wall.

(B) **"Building Sewer"** shall mean the extension from the building drain to the public sewer or other place of disposal.

(C) **"Combined Sewer"** shall mean a sewer which is designed and intended to receive sewer, storm, surface and groundwater drainage.

(D) **"Easement"** shall mean an acquired legal right for the specific use of land owned by other.

(E) **"Public Sewer"** shall mean a sewer provided by or subject to the jurisdiction of the Village. It shall also include sewer within or outside the Village boundaries that serve **one (1)** or more persons and ultimately discharge into the Village sanitary sewer or combined sewer system, even though those sewer may not have been constructed with Village funds.

(F) **"Sanitary Sewer"** shall mean a sewer that conveys sewage or industrial wastes or a combination of both, and into which storm, surface and groundwaters or unpolluted industrial wastes are not intentionally admitted.

(G) **"Sewer"** shall mean a pipe or conduit for conveying sewage or any other waste liquids, including storms, surface and groundwater drainage.

(H) **"Sewer"** shall mean the system of sewer and appurtenances for the collection, transportation and pumping of sewage.

(I) **"Storm Sewer"** shall mean a sewer that carries storm, surface and groundwater drainage, but excludes sewage and industrial wastes other than unpolluted cooling water.

(J) **"Stormwater Runoff"** shall mean that portion of the precipitation that is drained into the sewer.

**"TREATMENT":**

(A) **"Pretreatment"** shall mean the treatment of sewer from sources before introduction into the sewer treatment works.

(B) **"Sewer Treatment Works"** shall mean an arrangement of devices and structures for treating sewer, industrial wastes, and sludge. Sometimes used as synonymous with "waste treatment plant" or "sewer treatment plant" or "pollution control plant".

**"TYPES OF CHARGES":**

(A) **"Basic User Charge"** shall mean the basic assessment levied on all users of the public sewer system.

(B) **"Capital Improvement Charge"** shall mean the charge levied on users to improve, extend or reconstruct the sewage treatment works.

(C) **"Debt Service Charge"** shall be the amount to be paid each billing period for payment of interest, principal and coverage of (loan, bond, etc.) outstanding.

(D) **"Local Capital Cost Charge"** shall mean charges for costs other than the Operation, Maintenance and Replacements costs, i.e. debt service and capital improvement costs.

(E) **"Replacement"** shall mean expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the service life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement.

(F) **"Sewer Fund"** is the principal accounting designation for all revenues received in the operation of the sewer system.

(G) **"Surcharge"** shall mean the assessment in addition to the basic user charge and debt service charge which is levied on those persons whose wastes are greater in strength than average concentration values as established by code.

(H) **"Useful Life"** shall mean the estimated period during which the collection system and/or treatment works will be operated.

(I) **"User Charge"** shall mean a charge levied on users of treatment works for the cost operation, maintenance and replacement.

(J) **"Sewer Service Charge"** shall be the charge per quarter or month levied on all users of the Sewer Facilities. The service charge shall be computed as outlined in Article IV of this Code and shall consist of the total or the Basic User Charge, the local capital cost and a surcharge, if applicable.

(K) **"Reserve Fund Charge"** shall mean a revolving fund for expansion and construction of the sewer system.

**"USER TYPES":**

(A) **"Control Manhole"** shall mean a structure located on a site from which industrial wastes are discharged. Where feasible, the manhole shall have an interior drop. The purpose of a "control manhole" is to provide access for the Village representative to sample and/or measure discharges.

(B) **"Industrial User"** shall include establishments engaged in manufacturing activities involving the mechanical or chemical transformation of materials of substance into products.

(C) **"Residential User"** shall mean all dwelling units such as houses, buildings, mobile homes, apartments, permanent multi-family dwellings.

(D) **"User Class"** shall mean the type of user either "residential or commercial" (non-industrial) or "industrial" as defined herein.

(E) **"Commercial User"** shall include transit lodging, retail and wholesale establishments or places engaged in selling merchandise, or rendering services.



(F) **"Institutional/Governmental User"** shall include schools, churches, penal institutions, and users associated with Federal, State and local governments.

**"WASTEWATER FACILITIES"** shall mean the structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and transport effluent to a watercourse.

**"WATERCOURSE AND CONNECTIONS":**

(A) **"Watercourse"** shall mean a channel in which a flow of water occurs, either continuously or intermittently.

(B) **"Natural Outlet"** shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

**"WASTEWATER AND ITS CHARACTERISTICS":**

(A) **"BOD"** (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in **five (5) days** at **20 degrees centigrade (20°C)**, expressed in milligrams per liter.

(B) **"Effluent Criteria"** are defined in any applicable "NPDES Permit".

(C) **"Floatable Oil"** is oil, fat, or grease in a physical state such that it will separate by gravity from sewer by treatment in an approved pretreatment facility. A sewer shall be considered free of floatable fat if it is properly pretreated and the sewer does not interfere with the collection system.

(D) **"Garbage"** shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.

(E) **"Industrial Waste"** shall mean any solid, liquid or gaseous substance discharged, permitted to flow or escaping from any industrial, manufacturing, commercial or business establishment or process or from the development, recovery or processing of any natural resource as distinct from sanitary sewage.

(F) **"Major Contributing Industry"** shall mean an industrial user the publicly owned treatment works that:

- (1) Has a flow of 50,000 gallons or more per average work day;  
or
- (2) Has a flow greater than **ten percent (10%)** of the flow carried by the municipal system receiving the waste; or
- (3) Has in its waste, a toxic pollutant in toxic amounts as defined in standards issued under Section 307(a) of the Federal Act; or
- (4) Is found by the permit issuance authority, in connection with the issuance of the NPDES permit to the publicly

owned treatment works receiving the waste, to have significant impact, either singly or in combination with other contributing industries, on that treatment works or upon the quality of effluent from that treatment works.

(G) **"Milligrams per Liter"** (mg/l) shall mean a unit of the concentration of water or sewer constituent. It is 0.001 gram of the constituent in 1,000 milliliter of water. It has replaced the unit formerly used commonly, parts per million, to which it is approximately equivalent, in reporting the results of water and sewer analysis.

(H) **"pH"** shall mean the logarithm (base 10) of the reciprocal of the hydrogen-ion concentration expressed by one of the procedures outlined in the IEPA Division of Laboratories Manual of Laboratory Methods.

(I) **"Population Equivalent"** is a term used to evaluate the impact of industrial or other waste on a treatment works or stream. One population equivalent is 100 gallons of sewage per day, containing 0.17 pounds of BOD and 0.20 pounds of suspended solids.

(J) **"ppm"** shall mean parts per million by weight.

(K) **"Properly Shredded Garbage"** shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewer, with no particle greater than **one half inch (1/2") (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.

**38-5-2 - 38-5-3 RESERVED.**

**DIVISION II**

**USE OF PUBLIC WASTEWATERS REQUIRED**

**38-5-4      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.

**38-5-5      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.

**38-5-6      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.

**38-5-7      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 **one hundred (100) feet** of the nearest property line and adequate to handle the additional connection, where determined to be required.

**38-5-8 - 38-5-9      RESERVED.**

**DIVISION III****PRIVATE SEWAGE DISPOSAL**

**38-5-10 PRIVATE SEWAGE SYSTEM.** Where a public sanitary sewer is not available under the provisions of **Section 38-5-7**, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this division.

**38-5-11 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 #2) which the applicant shall supplement by any plans, specifications and other information as deemed necessary by the Superintendent. A permit and inspection fee of **Twenty-Five Dollars (\$25.00)** shall be paid to the Village at the time the application is filed.

**38-5-12 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.

**38-5-13 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 **twenty thousand (20,000) square feet [1,858 square meters]**. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

**38-5-14 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 38-5-7**, 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.

**38-5-15     OPERATION OF PRIVATE SYSTEM.** The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, and at no expense to the Village.

**38-5-16     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.

**38-5-17     TIME CONSTRAINTS FOR PUBLIC WASTEWATER.** When a public sewer becomes available, the building sewer shall be connected to said sewer within **sixty (60) days** and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

**38-5-18 - 38-5-20     RESERVED.**

**DIVISION IV**

**BUILDING WASTEWATER AND CONNECTIONS**

**38-5-21 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.

**38-5-22 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.

**38-5-23 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)** The fee per connection shall be paid to the Village at the time the application is filed pursuant to **Section 38-4-78** of this Code.

(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.

**38-5-24 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.

**38-5-25 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.

**38-5-26 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.

**38-5-27 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 inches (4")**. If **six inch (6") diameter pipe** is used, the slope shall not be less than **one-eighth (1/8") inch** per foot. If **four inch (4") or five inch (5") diameter pipe** is used, the slope shall not be less **one-fourth (1/4") inch** per foot. The depth of the building sewer shall be sufficient to afford protection from frost. The building sewer shall be laid at a uniform grade and in straight alignment, insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings, unless the break in alignment is made at a manhole facilitating servicing. Installation shall be in accordance with Standard Specifications for Water and Sewer Main Construction in Illinois.

All building sewer shall be constructed of materials approved by the Village. Generally all building sewer shall be constructed of the following materials:

- (A) Cast or ductile iron pipe
- (B) ABS solid wall plastic pipe (6" diameter maximum)
- (C) PVC solid wall plastic pipe (6" diameter maximum) SDR-35

All pipe joints must be gaslight and watertight and are subject to the approval of the Village. Transition joints from one pipe material to another shall be made using fittings manufactured for such transitions.

**38-5-28 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.

**38-5-29 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 38-5-22** and discharged to the building sewer.

**38-5-30 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.

**38-5-31 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 granular 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.

**38-5-32      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.

**38-5-33      TAP-IN SUPERVISION AND TESTING.** The applicant for the building sewer permit shall notify the Village when the building sewer is ready for inspection and connection to the public sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Village or its representative.

At any time after the installation of the building sewer, the Village may test the building sewer for violation of this ordinance.

**38-5-34      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.

**38-5-35      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.

**38-5-36**     **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.

**38-5-37**     **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.

Any experienced sewer builder or drain layer may furnish to the Village a continuing surety bond in the sum of **Five Thousand Dollars (\$5,000.00)** to apply to all building sewer permits issued to such builder or to the principals thereof for a term of **one (1) year** from the date thereof subject to renewal from year to year, and such continuing bond may be accepted in behalf of the Village in lieu of a special bond to cover each permit issued during the term of the bond.

Home owners wishing to install their own building services are not required to post a bond. Any person performing building sewer work for hire shall post the bond.

**38-5-38**     **UNLAWFUL DISCHARGES.** All disposal by any person into the sewer system is unlawful except those ordinances in compliance with Federal Standards promulgated pursuant to the Federal Act and more stringent State and local standards.

**38-5-39 - 38-5-41**     **RESERVED.**

**DIVISION V - EXTENSION OF COLLECTING WASTEWATERS**

**38-5-42 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.

**38-5-43 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.

**38-5-44 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.

**38-5-45** **INSPECTIONS OF CONSTRUCTION.** Construction of the sewer shall be inspected under competent supervision supplied by a registered professional engineer and upon completion of construction, accurate detailed plans as constructed ("record drawings") shall be certified and submitted by the professional engineer to the Village before any applications for building sewer permits are filed; all at the expense of the Owner. These plans shall show all elevations as installed as well as accurate measurements showing the locations of service connections. The Engineer shall also submit a certified statement showing the source, place and volume of foreign waters.

All sewer shall be subjected to:

- (A) A lamp test which shall provide that from one manhole to another, at least **one-half (1/2)** of the pipe end area shall be visible.
- (B) Infiltration or exfiltration test with acceptable allowance of 200 gallons per day per inch diameter per mile;
- (C) Under special circumstances, when approved by the Village, air pressure testing with allowance to be specified by the Village.

When any sewer line fails to pass the infiltration test, the exfiltration test, or an air pressure test, the sewer line shall be televised in the presence of the Village's representatives to determine points of faulty construction. The Owner shall repair all defects; the method of repair shall be subject to the approval of the Village.

**38-5-46** **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.

**38-5-47 - 38-5-48** **RESERVED.**

**DIVISION VI**

**USE OF PUBLIC WASTEWATER FACILITIES**

**38-5-49**     **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.

**38-5-50**     **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.

**38-5-51**     **REGULATIONS OF WASTES.** No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

(A)           Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solids, or gas.

(B)           Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.

(C)           Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

(D)           Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewer, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

**38-5-52**     **HARMFUL EFFECTS OF CERTAIN MATERIALS.** No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewer, sewage treatment process or equipment; have an adverse effect on the receiving stream; or can otherwise endanger life, limb, public

property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewer, materials of construction of the sewer, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and maximum limits established by regulatory agencies. The substances prohibited are:

(A) Any liquid or vapor having a temperature higher than **One Hundred Fifty degrees Fahrenheit (150°F), (65°C)**.

(B) Any waters or wastes containing toxic or poisonous materials; or oils, whether emulsified or not, in excess of **One Hundred (100) mg/l** or containing substances which may solidify or become viscous at temperatures between **Thirty-Two (32) and One Hundred Fifty degrees Fahrenheit (150°F), (0 and 65°C)**.

(C) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of **three-fourths (3/4) horsepower (0.76 hp metric)** or greater shall be subject to the review and approval of the Village.

(D) Any waters or wastes containing strong acid, iron pickling wastes, or concentrated plating solution whether neutralized or not.

(E) Any waters or wastes containing iron, chromium, copper, zinc, or similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Village for such materials.

(F) Any waters or wastes containing phenols or other waste odor-producing substances, in such concentration exceeding limits which may be established by the Village as necessary after treatment of the composite sewage, to meet the requirements of the State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

(G) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Village in compliance with applicable State or Federal regulations.

(H) Any mercury or any of its compounds in excess of **0.0005 mg/l as Hg** 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.

(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.

**38-5-53     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 38-5-52** 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 38-5-42.**

(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.

**38-5-54 GREASE AND OIL INTERCEPTORS.** Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent they are necessary for 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 Superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection.

**38-5-55 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.

**38-5-56 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.

**38-5-57 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.



**38-5-58      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.)

**38-5-59      SPECIAL ARRANGEMENTS.** No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the Village and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Village for treatment, subject to payment therefore, in accordance with the Chapter, hereof, by the industrial concern provided such payments are in accordance with Federal and State guidelines for User Charge System.

**38-5-60 - 38-5-64      RESERVED.**

**DIVISION VII**

**INSPECTIONS**

**38-5-65**     **DAMAGE.** No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, or tamper with any structure, appurtenance, or equipment which is part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

**38-5-66**     **INSPECTION AND TESTING.**

(A)           The Superintendent and other duly authorized employees of the Village, the Illinois Environmental Protection Agency, and the United States Environmental Agency, bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Code.

(B)           The Superintendent or his representative shall have no authority to inquire into any processes, including metallurgical, chemical, oil refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewer or waterway or facilities for waste treatment.

**38-5-67**     **LIABILITY OF VILLAGE.** While performing the necessary work on private properties referred to in **Section 38-5-66** above, the Superintendent or duly authorized employees of the Village, the Illinois Environmental Protection Agency, and the United States Environmental Protection Agency shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the Village employees and the Village shall indemnify the company against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain conditions as required in **Section 38-5-57**.

**38-5-68**     **PRIVATE PROPERTY INSPECTIONS.** The Superintendent and other duly authorized employees of the Village bearing proper credentials and identification shall be permitted to enter all private properties through which the Village holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within the easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

**38-5-69 - 38-5-70**     **RESERVED.**

**DIVISION VIII – RATES AND CHARGES**

**38-5-71 ANNUAL REVIEW OF RATES.** The adequacy of the water service charge shall be reviewed, not less often than annually, by the Certified Public Accountants for the Village in their annual audit report. The water service charge shall be revised periodically to reflect a change in local capital costs or O, M and R costs. **(Ord. No. 02-438; 04-03-02)**

**38-5-72 REVENUES.** All revenues and monies derived from the operation of the water system shall be deposited in the water account of the water fund. All such revenues and monies shall be held by the Village Treasurer separate and apart from his or her 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 Mayor and Board of Trustees. The Village Treasurer shall receive all such revenues from the water system and all other funds and monies incident to the operation of such system as the same may be delivered to him or her and deposit the same in the account of the fund designated as the Water Fund of the Village of Oblong. Said Treasurer shall administer such fund in every respect in the manner provided by **Chapter 65 ILCS Sec. 5/3.1-35-40 et seq.** **(Ord. No. 02-438; 04-03-02)**

**38-5-73 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 water system, and that at regular annual intervals he or she shall cause to be made an audit by an independent auditing concern of the book 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. **(Ord. No. 02-438; 04-03-02)**

**38-5-74 ACCESS TO RECORDS.** The Illinois Environmental Protection Agency or its authorized representatives 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, examinations, excerpts and transcriptions thereof to ensure compliance with the terms of the Special General Conditions of any State Grant, and any Loan Agreement and Rules of any State Loan. **(Ord. No. 02-438; 04-03-02)**

**38-5-75**     **SEWER RATES.** The sewer rates shall be computed and paid monthly as follows:

**Residential and Commercial Users:**

First	2,000 gallons or less	\$7.60 MINIMUM
Over	2,000 gallons	\$ 1.38 per 1,000 gallons

**(Ord. No. 04-465; 03-03-04)**

**38-5-76**     **SURCHARGE RATE.** The rates of surcharges for BOD<sub>5</sub> and TSS shall be as follows:

For BOD greater than 200 mg/l in discharge	\$ <u>0.15</u> per pound of BOD <sub>5</sub>
For TSS greater than 240 mg/l in discharge	\$ <u>0.12</u> per pound of TSS

**38-5-77**     **COMPUTATION OF SURCHARGE.** The concentration of wastes used for computing surcharges shall be established by waste sampling. Waste sampling shall be performed as often as may be deemed necessary by the Village and shall be binding as a basis of surcharges. Surcharge Rate shall be calculated as in **Section 38-5-76** above. **(Ord. No. 343; 02-01-89)**

**38-5-78**     **FEE FOR SEWER TAP-IN.** The tap-in fees shall be as follows:

(A) For a family residence the charge shall be **One Hundred Fifty Dollars (\$150.00).**

(B) For a multiple dwelling unit or trailer court, the charge shall be **One Hundred Fifty Dollars (\$150.00)** for each dwelling unit.

(C) For any store or establishment used for commercial purposes, the sum of **One Hundred Fifty Dollars (\$150.00)** for each connection; if a building is erected to house more than **one (1)** commercial establishment, the charge shall be the sum of **One Hundred Fifty Dollars (\$150.00)** for each such establishment to be served with the sewer connection.

(D) If an industrial facility or other establishment other than as designated in subsections (A), (B) or (C) desires a sewer connection, the sewer charge shall be a minimum of **One Hundred Fifty Dollars (\$150.00)** and the fee may be set on the basis of the ratio of use that the facility would bear to the normal residential use as may be determined by the Engineer or the Superintendent(s) of the Village.

(E) For any single-family residence or multiple-family dwelling, commercial or industrial taps made outside the corporate limits, the tap-in fee shall be determined by the Village Board as permission is granted for each such tap.

(F) For a tap-in fee wherein the curb and gutter has to be replaced and/or repaired, the fee shall be **Two Hundred Dollars (\$200.00)**.

After notification, the property owner has **ninety (90) days** in which to complete his tap-in. After all work has been satisfactorily completed **Fifty Dollars (\$50.00)** shall be refunded to the applicant. **(Ord. No. 2003-448; 02-05-03)**

**38-5-79 – 38-5-90      RESERVED.**

**DIVISION IX - PENALTIES**

**38-5-91** **PENALTY.** Any person found to be violating any provision of this Code except **Section 38-5-65** shall be served by the Village with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

The Village may revoke any permit for sewage disposal as a result of any violation of any provision of this ordinance.

**38-5-92** **CONTINUED VIOLATIONS.** Any person who shall continue any violation beyond the time limit provided for in **Section 38-5-50** 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.

**38-5-93** **LIABILITY TO VILLAGE.** Any person violating any of the provisions of this Chapter shall become liable to the Village by reason of such violation.

## **EXHIBIT "A"**

### **GENERAL INTERGOVERNMENT AGREEMENT TO RENDER AID**

WHEREAS, the governmental unit of the Village of Oblong, the Robinson-Palestine Water Commission a governmental entity and the Hardinville Water Company, a nonprofit Corporation, in the State of Illinois, have rendered mutual aid to one another in the past, and anticipate a continuing demand for such mutual aid and cooperation in the use of their personnel and equipment in the future, for the safety, health, and welfare of the people of their service areas during a time of emergency, hereby agree to become partners in providing such aid to each party of the agreement.

THEREFORE, the parties hereby agree that their water departments will render mutual aid to each other under the following conditions:

1. In the event of a serious man-made or natural emergency, the parties of this agreement shall cooperate in any effort to provide services, subject to the terms and conditions prescribed in this agreement, and to the extent possible.
2. The Utilities Superintendent, or such individual serving as a governing or managing party of the participating governmental unit or corporation, shall have the authority, in the event of a serious emergency, to determine whether manpower and/or equipment shall be sent beyond the service areas, its governmental unit or corporation.
3. It is the intention of this agreement to vest in each party the sole right to determine when its need will permit it to respond to a request by another party, and it is further agreed by the parties hereto, that if the requested department refrains from sending any manpower and/or equipment beyond its jurisdiction, that such unit thus failing to respond, shall not be liable for any damages to the requesting party or any third party.
4. The Utilities Superintendent, or such person acting in the capacity, SHALL BE IN TOTAL COMMAND of the responding party. All commands or orders for the use of such personnel and/or equipment shall be made by the Utilities Superintendent or such person acting in that capacity, of the requesting party, through the person in charge of the community's personnel/equipment, whenever it is practical. However, the person(s) acting in authority for the responding community shall, at all times, have the authority to recall the responding personnel and equipment from an emergency assistance mission upon direct notice to the person in authority for the requesting party.

5. It is understood that personnel and equipment of the responding party shall be utilized in the capacity for which they are intended, and further, **SHALL NOT** be held in "STAND BY" capacity for a period exceeding **two (2) hours**. If said personnel and/or equipment are not needed in the emergency area by the requesting party, they will be returned to the responding community.
6. Each party entering into this agreement shall continue to provide the same salaries, compensation for death or disability, and retirement and furlough payments, to their respective employees or volunteers who are assigned to render aid or other assistance to the requesting party, as that employee or volunteer would receive if on duty within the service area of the party by which he or she is employed.
7. Costs of repairs and maintenance of equipment used or expended while rendering assistance under this agreement will be borne by the party owning the equipment, if said equipment is operated by employees or volunteers of the responding party for a period not exceeding **twenty-four (24) hours**. If said equipment is operated by personnel from the requesting party, or is requested for a period longer than **twenty-four (24) hours**, then the requesting party will assume the expense of any repairs and/or maintenance required by the said equipment. It is further agreed, that if said equipment is required by the requesting party for a period exceeding **twenty-four (24) hours**, that the requesting party will be responsible for returning the requested equipment, in good condition, to the responding party.
8. It shall be the responsibility of the requesting party to notify the appropriate state or other agencies of governmental authority, in accordance with all applicable laws and/or policies, the nature and extent of the emergency.
9. To prevent haphazard and/or unauthorized response to a request by the parties to emergencies outside of the jurisdiction of the responding party, **NO PERSONNEL OR EQUIPMENT WILL BE DISPATCHED**, except by the direct request of authorized parties, identified in this agreement, from the responding party or an authorized representative of the County of Crawford Emergency Services and Disaster Agency (ESDA).
10. Cost of meals, lodging and/or fuel, expended or consumed by personnel or equipment of the responding party, shall be borne by the requesting party to this agreement, unless otherwise expressly stated in a separate, attached mutual aid agreement between the parties to this agreement.
11. Any party to this agreement may, upon **thirty (30) days** written notice to all parties to this agreement, withdraw from further participation.

This agreement is executed in triplicate on \_\_\_\_\_, 2003.

(Ord. No. 2003-450; 03-05-03)



**THE VILLAGE OF OBLONG, ILLINOIS,  
A Municipal Corporation**

BY:

\_\_\_\_\_  
Keith Waldrop, Mayor

**ROBINSON-PALESTINE WATER COMMISSION  
A Governmental Entity**

BY:

\_\_\_\_\_  
Robert Wakefield, Chairman

**HARDINVILLE WATER COMPANY,  
A Nonprofit Corporation**

BY:

\_\_\_\_\_  
Charlie Kennedy, President

**VILLAGE OF OBLONG**

**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)

**VILLAGE OF OBLONG**

**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:

<u>NUMBER</u>	<u>FIXTURE</u>	<u>NUMBER</u>	<u>FIXTURE</u>
_____	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)

**VILLAGE OF OBLONG**

**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)

**VILLAGE OF OBLONG**

**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)

**VILLAGE OF OBLONG**

**APPLICATION FOR SANITARY SEWER SERVICE CONNECTION**

The undersigned, representing himself as owner of the property located at \_\_\_\_\_, hereby makes application for Sanitary Sewerage Service for said property, and in consideration of the furnishing of said service covenants and agrees as follows:

1. I agree to abide by all rules and regulations as specified in and by the ordinances of the Village now in effect or ordinances enacted and passed from time to time providing for the regulation of the sanitary sewer system or specifying fees and rates to be charged for connection and sanitary sewer service furnished by the Village. It is further acknowledged and agreed that the undersigned, his heirs, executors, administrators, successors and assigns shall pay all charges for connection fees and sewer usage which shall become due as the result of the connecting of the sewerage mains and the furnishing of sanitary sewerage service to the above property, and that all such charges and fees for sanitary sewerage service rendered to the property, together with penalties, if any, and the costs of collection are to be considered and become a charge against the property, the lien so created to be enforced in accordance with the ordinances of the Village.
2. All bills for the aforesaid charges are payable on or before the due date following the receipt of said bill and if not paid, are subject to a **ten percent (10%)** penalty.
3. Each and all of the agreements and covenants herein contained shall run with the real estate above described whose present owner is signatory to this application.
4. I understand that after making this application, I am to await installation permit and instructions therewith.
5. SERVICE CONNECTION FEE: \$ \_\_\_\_\_ is enclosed herewith, payable to the Village.
6. Permission is hereby granted to the Village and its authorized representatives at any reasonable time to enter the premises of the applicant and any portion thereof for the purposes of inspecting all connections appurtenant to the sewerage outlets, pipes and mains.

\_\_\_\_\_  
(APPLICANT'S SIGNATURE)

\_\_\_\_\_  
(STREET NUMBER AND NAME OF STREET)

\_\_\_\_\_  
(OWNER'S SIGNATURE, IF NOT APPLICANT)

\_\_\_\_\_  
(VILLAGE, STATE AND ZIP CODE)

\_\_\_\_\_  
(TELEPHONE NUMBER)

\_\_\_\_\_  
(DATE)

Do not fill in the spaces to the right if the information is the same as the applicant above.

MAIL BILLS TO:

-----  
(  
\_\_\_\_\_  
(NAME)  
\_\_\_\_\_  
(STREET NUMBER AND NAME OF STREET)  
(  
\_\_\_\_\_  
(VILLAGE, STATE AND ZIP CODE)

**VILLAGE OF OBLONG**

**R E C E I P T**

Receipt is hereby acknowledged of the executed Application for Sanitary Sewer Service Connection from the person and for the property indicated below.

This receipt does not authorize service connection is made, inspection and approval of the customer service line by an authorized representative of the Village is required, and approval of such connection and issuance of a Certificate of Inspection and Approval and Permit is conditioned upon compliance with all the Ordinances, Codes, Rules and Regulations of the **Village**.

**NOTE:**

1. In the event the location of the sewer service connection is unknown, the Superintendent is to be contacted.
2. This office is to be notified the day before the work is to be done so that inspection may be arranged in accordance with specifications furnished. For example, if you desire inspection on Tuesday, contact us on Monday. If you desire inspection on Monday, contact us on Friday, etc.
3. If the sewer line is deep enough to drain your basement, if you have one, then the wastes from the basement as well as the other floor(s) of the property must go into the sanitary sewers. Downspout and surface drainage are prohibited inasmuch as this is not a storm sewer system.

**WARNING!**

In order to coordinate our inspections, we must be advised a day in advance before the work is done. The inspection must be made before the trench is backfilled. If trench is backfilled before the inspection is made, it will have to be reopened to permit inspection.

NO. \_\_\_\_\_

**VILLAGE OF OBLONG  
COUNTY OF CRAWFORD**

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

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

OWNER(S): \_\_\_\_\_

\_\_\_\_\_

**VILLAGE OF OBLONG**

**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 OBLONG  
COUNTY OF CRAWFORD**

**SIGNED:** \_\_\_\_\_



**VILLAGE OF OBLONG**

**UTILITY MAIN EXTENSION CONTRACT**

**AGREEMENT** made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, by and between the Utility System of the **Village of Oblong, 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 OBLONG**

**BY:**

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

**PUBLIC WORKS DIRECTOR**

\_\_\_\_\_  
**VILLAGE CLERK**

\_\_\_\_\_  
**DEPOSITOR**

**WITNESSES:**  
\_\_\_\_\_

---

**VILLAGE OF OBLONG**

**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 \$ \_\_\_\_\_.

**VILLAGE OF OBLONG**

**OBJECTIONABLE MATERIAL EFFLUENT LIMITS**

<b><u>Waste or Chemical</u></b>	<b><u>Concentration mg/l</u></b>
Boron	1.0
Chromium (Hexavalent)	5.0
Chromium (Trivalent)	10.0
Copper	3.0
Cyanide	0.005
Iron	15.0
Lead	0.1
Mercury or its compounds	0.005
Nickel	3.0
Oil & Grease, etc. (carbon tetrachloride extraction)	100.0
Temperature not over 150° F. (65° C.)	
Acid iron pickling waste or concentrated plating waste	Zero
Free acids and alkalis pH	Between 5.5 and 9.5
Zinc	2.0
Cadmium	2.0
Chlorine Demand	30.0
Phenols	0.5