

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

[Supplemented February 1, 2023]

PREPARED BY:

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VILLAGE OF SADORUS, ILLINOIS

ORDINANCE NO. 2013-01

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

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

THIS 3RD DAY OF APRIL, 2013

Published in book form by authority of the Mayor and the Village Board of Trustees of the Village of Sadorus, Champaign County, Illinois this 3rd day of April, 2013.

ORDINANCE NO. 2013-01

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

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

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

SEE EXHIBIT "A" FOLLOWING

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

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ordinances, code provisions or pertinent portions thereof in effect at the time this ordinance takes effect are hereby repealed.

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

SECTION 5: Passed this 3rd day of April, 2013 by the Village Board of Trustees of the Village of Sadorus, Champaign County, Illinois, and deposited and filed in the office of the Village Clerk in said Village on that date.

PEGGY THOMPSON, VILLAGE CLERK
SADORUS, ILLINOIS

NAME	AYE	NAY	ABSTAIN	ABSENT	CONFLICT OF INTEREST

Approved by the Mayor of the Village of Sadorus, Champaign County, Illinois, this 3rd day of April, 2013.

JOHN DEEDRICK, MAYOR
SADORUS, ILLINOIS

ATTEST:

PEGGY THOMPSON, VILLAGE CLERK
SADORUS, ILLINOIS

(SEAL)

SADORUS, ILLINOIS

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SADORUS, ILLINOIS

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2013-02			
2013-03	Appropriation	07/10/13	Special Legislation
2013-04	Flood Plain Code	2013	Chapter 14
2013-05	Tax Levy	11/06/13	Special Legislation
2013-06	Zoning: Content	11/06/13	Chapter 40
2014-01	Utilities: Mutual Aid	04/02/14	Ch. 38; Art. VI
2014-02	Appropriation	06/04/14	Special Legislation
2014-03	Prevailing Wage	07/02/14	Special Legislation
2014-04	Tax Levy	11/05/14	Special Legislation
2015-01	Franchises: Gas System	05/06/15	Ch. 15; Art. II
2015-02	Public Safety: NIMS	05/06/15	Special Legislation
2015-03	Appropriation	06/03/15	Special Legislation
2015-04	Prevailing Wage	07/01/15	Special Legislation
2015-05	Tax Levy	11/04/15	Special Legislation
2015-06	Taxation: Municipal Utility Tax	12/02/15	Ch. 36; Art. V
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2016-02	Franchises: Water	04/20/16	Chapter 15
2016-03	Land Lease Agreement	04/20/16	Special Legislation
2016-04	Taxation: Water Tax	04/20/16	Ch. 36; Art. IV
2016-05	Prevailing Wage	06/15/16	Special Legislation
2016-06	Appropriation	06/15/16	Special Legislation
2016-07	Zoning: Variance: 207 W. Second St.	08/01/16	Special Legislation
2016-08	Tax Levy	11/16/16	Special Legislation
2016-09	Administration: Salaries	11/16/16	Section 1-3-1
2017-01	Intergovernmental Agreement	02/15/17	Special Legislation
2017-02	Mandated Policies: Expense Reimbursement	02/15/17	Ch. 22; Art. VI
2017-07	Administration: IMLRMA	06/21/17	Ch. 1; Art. IV
2018-01	Intergovernmental Agreement	02/21/18	Special Legislation
2018-02	Prevailing Wage	05/16/18	Special Legislation
2018-03	Tree Code	05/16/18	Chapter 37
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2018-05	Tax Levy	11/21/18	Special Legislation
2018-06	Administration: Treasurer's Salary	11/21/18	Section 1-4-1(D)
2018-07	Mandated Policies: Sexual Harassment	11/19/18	Ch. 22; Art. VII
2019-01	Appropriation	04/17/19	Special Legislation
2019-03	Tax Levy	10/16/19	Special Legislation

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2020-02	Tax Levy	11/18/20	Special Legislation
2021-01	Streets: Utility Requirements	01/20/21	Ch. 33; Art. IX
2021-02	Appropriation	06/16/21	Special Legislation
2021-03	Tax Levy	11/17/21	Special Legislation
2022-01	Appropriation	2022	Special Legislation
2022-02	Motor Vehicles: Truck Parking	07/20/22	Section 24-4-4(D)
2022-03	Streets: Utility Requirements	09/21/22	Chapter 33
2022-04	Tax Levy	11/29/22	Special Legislation
2022-05	Public Safety: E.M.A.	11/29/22	Sec. 30-3-1 et seq.
2022-06	Nuisances: Tents	11/29/22	Ch. 25; Art. VII
2022-07	Zoning: Hearing Officer	11/29/22	Chapter 40
2022-08	Vacation of Street	11/29/22	Special Legislation

EXHIBIT 'A'

CHAPTER 1

ADMINISTRATION

ARTICLE I – GENERAL CODE PROVISIONS

DIVISION I - TITLE

1-1-1 **TITLE.** Upon the adoption by the Village Board of Trustees, this Village Code is hereby declared to be and shall hereafter constitute the official "**Revised Code of Ordinances of the Village of Sadorus, Illinois**". 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 forwarded to the codifiers on an annual basis and the ordinance material shall be prepared for insertion in its proper place in each copy of this Village Code. Each such replacement page shall be properly identified and shall be inserted in each individual copy of the Village Code on an annual basis. **(See 65 ILCS 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; Ordinances Establishing, Naming, or Vacating Streets, Alleys, or Other Public Places; Improvement Ordinances; Bond Ordinances; Ordinances Relating to Elections; Ordinances Relating to the Transfer or Acceptance of Real Estate by or from the Village; and all Special Ordinances.

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

1-1-10 **COURT PROCEEDINGS.** No new ordinance shall be construed or held to repeal a former ordinance, whether such former ordinance is expressly repealed or not, as to any offense committed against such former ordinance or as to any act done, any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under the former ordinance, or in any way whatever to affect any claim arising under the former ordinance or in any way whatever to affect any such offense or act so committed or so done, or any penalty, forfeiture or punishment so incurred or any right accrued or claim arising before the new ordinance takes effect, save only that the proceedings thereafter shall conform to the ordinance

in force at the time of such proceeding, so far as practicable. If any penalty, forfeiture or punishment be mitigated by any provision of a new ordinance, such provision may be, by the consent of the party affected, applied to any judgment announced after the new ordinance takes effect.

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

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

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

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

VILLAGE CLERK'S CERTIFICATE

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

I, Peggy Thompson, Village Clerk of the **Village of Sadorus, Illinois**, do hereby certify that the following **Revised Code of Ordinances of the Village of Sadorus, Illinois of 2013**, published by authority of the Village Board of Trustees were duly passed by the Village Board of Trustees of the **Village of Sadorus, 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 Sadorus, Illinois**, this _____ day of April, 2013.

PEGGY THOMPSON
VILLAGE CLERK
VILLAGE OF SADORUS

(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 Sadorus.

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

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

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

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

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

"FISCAL YEAR". The "fiscal year" for the Village shall begin on **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 omission within the provisions of this Code. It does not require any knowledge of the unlawfulness of such act or omission.

"LAW ENFORCEMENT" shall mean any person or group designated by the Mayor and the Village Board to enforce the provisions of this Code. This includes the Sheriff's personnel, any local police authorities or a contracted police department.

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

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

"MAY" as used in this Code means permissible.

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

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

"SHALL" as used in this Code means mandatory.

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

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

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

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

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

(In Part 65 ILCS 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.**

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

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

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

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

(F) **Community Service.** Any penalty imposed for the violation of an ordinance 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 parks or along public highways or the maintenance of public facilities.

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 Village the sum of **Seventy-Five Dollars (\$75.00)** within **ten (10) days** from the time such alleged offense was committed or by paying to the Village Clerk the sum of **One Hundred Fifty Dollars (\$150.00)** subsequent to said **ten (10) day period** and prior to such person being issued a complaint or notice to appear.

(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 **third (3rd) Wednesday** of each month at **6:30 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.) (Ord. No. 2015-07; 12-02-15)**

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

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

- | | | |
|-----|-----|-----|
| (A) | (1) | (4) |
| | (2) | (5) |
| | (3) | (6) |

(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)**

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

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

1-2-7 MEMBERS; NON-ATTENDANCE AT MEETING. Any member of the Village Board who shall neglect or refuse to attend at least **two (2)** regular and/or special Village Board meetings per month without good and sufficient reason to be passed upon by the Board shall not receive compensation for that meeting. All members shall be allowed **two (2) absences** in each fiscal year for which compensation shall be paid. **(See Section 1-3-1 for salaries.) (See 65 ILCS Sec. 5/3.1-40-20)**

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

DIVISION II - RULES OF THE VILLAGE BOARD

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

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

- (1) Call to order by presiding officer.
- (2) Roll Call.
- (3) The reading of the journal of the proceedings of the last preceding meeting or meetings, and correction of the same, unless dispensed with by the Board of Trustees and correction of the journal of the proceedings of previous meetings.
- (4) 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.

(*See Section 1-2-13)

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

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

Every member, prior to his speaking, making a motion or seconding the same shall not proceed with his remarks until recognized and named by the Chair. He shall confine himself to the question under debate, avoiding personalities and refraining from impugning the motives of any other Trustee's argument or vote.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) To adjourn to a day certain.
- (2) To adjourn.
- (3) To take a recess.
- (4) To lay on the table.
- (5) The previous question.
- (6) To refer.
- (7) To amend.
- (8) To defer or postpone to a time certain.
- (9) To defer or postpone (without reference to time.)
- (10) To defer or postpone indefinitely.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(X) **Motion to Substitute.** A substitute for any original proposition under debate or for any pending amendment or such proposition may be entertained notwithstanding that at such time, further amendment is admissible; and if accepted by the Trustees by a vote shall entirely supersede such original proposition or amendment, as the case may be, and cut off all amendments appertaining thereto.

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

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

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

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

(BB) **Censure of Trustees - Expulsion of Trustees.** Any Trustee acting or appearing in a lewd or disgraceful manner, or who uses opprobrious, obscene and insulting language to or about any member of the Board, or who does not obey the order of the Chair, shall be, on motion, censured by a majority vote of the members present, or expelled by a **two-thirds (2/3) vote** of all Trustees elected. **(See 65 ILCS 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 **forty-eight (48) hours** prior to the regular Village Board meeting. In the case of matters of emergency which could not have been reasonably foreseen in sufficient time to comply with this section, a revised agenda shall be furnished to each member of the Village Board prior to the opening of the Board meeting. **(See 5 ILCS Sec. 120/2.02)**

1-2-13 ADDRESS BY NON-MEMBERS. Any person no a member of the Board of Trustees may address the Board of Trustees with regard to items of proposed business under the following rules:

(A) He or she must come by the Village Clerk's office during regular office hours on the Friday before the third Tuesday of each month and sign a request form to be placed on the Board meeting agenda to address the Board of Trustees. **(See Addendum "B")**

(B) He or she shall rise (if not physically impaired) and state his or her name and address for the record and unless further time is granted by the Board to limit remarks to **five (5) minutes**. All remarks shall be addressed to the Board of Trustees, not to any member thereof.

(C) No person other than the Trustee recognizing the individual addressing the Board and the person having the floor shall be permitted to enter into any discussion directly or through a member of the Board without the permission of the Mayor. No questions shall be asked of a Trustee except through the Mayor. Any person making personal or impertinent remarks or who shall become disruptive addressing the Board of Trustees shall be forthwith evicted from the Board room by the Mayor.

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

DIVISION III - ORDINANCES

1-2-14 ORDINANCES.

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

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

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

(D) **Ordinances - Approval-Veto.** All resolutions and motions (1) which create any liability against the Village, or (2) that provide for the expenditure or appropriation of its money, or (3) to sell any Village property, and all ordinances, passed by the Village Board shall be deposited with the Village Clerk. If the Mayor approves an ordinance or resolution, the Mayor shall sign it. Those ordinances, resolutions and motions which the Mayor disapproves shall be returned to the Village Board, with the Mayor's written objections, at the next regular meeting of the Village Board occurring not less than **five (5) days** after their passage. The Mayor may disapprove of any **one (1)** or more sums appropriated in any ordinance, resolution, or motion making an appropriation, and, if so, the remainder shall be effective. However, the Mayor may disapprove entirely of an ordinance, resolution, or motion making an appropriation. If the Mayor fails to return any ordinance or any specified resolution or motion with his written objections, within the designated time, it shall become effective despite the absence of the Mayor's signature. **(See 65 ILCS 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 following the regular meeting at which the Village Board receives the Mayor's written objection. If, after reconsideration, **two-thirds (2/3)** of all the Trustees then holding office on the Village Board agree at that regular meeting to pass an ordinance, resolution, or motion, notwithstanding the Mayor's refusal to approve it, then it shall be effective. The vote on the question of passage over the Mayor's veto shall be by yeas and nays, and shall be recorded in the journal. **(See 65 ILCS 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, "**Sadorus Village Corporation, March 18, 1873**" in the exterior circle, and the initials "**S.V.C.**" 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 consolidated 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, if one exists. (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) After receiving a certificate attesting to the successful completion of a training course administered by the Illinois Law Enforcement Training Standards Board, the Mayor, Trustees and policemen in municipalities shall be conservators of the peace. Those persons and others authorized by ordinance shall have power:

- (a) to arrest or cause to be arrested, with or without process, all persons who break the peace or are found violating any municipal ordinance or any criminal law of the State,
- (b) to commit arrested persons for examination,
- (c) if necessary, to detain arrested persons in custody over night or Sunday in any safe place or until they can be brought before the proper court, and
- (d) to exercise all other powers as conservators of the peace prescribed by the corporate authorities.

(2) All warrants for the violation of municipal ordinances or the State criminal law, directed to any person, may be served and executed within the limits of a municipality by any policeman of the municipality. For that purpose, policemen have all the common law and statutory powers of sheriffs. **(See 65 ILCS 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 or appointment except as provided by statute. **(65 ILCS 3.1-10-5(A))**

(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 until completion of his or her sentence. **(65 ILCS 3.1-10-5 and 3.1-10-5(B))**

(C) If a person (i) is a resident of a municipality immediately prior to the active duty military service of that person or that person's spouse, (ii) resides anywhere outside of the municipality during that active duty military service, and (iii) immediately upon completion of that active duty military service is again a resident of the municipality, then the time during which the person resides outside the municipality during the active duty military service is deemed to be time during which the person is a resident of the municipality for purposes of determining the residency requirement under subsection (A). **(People v. Hofer, 363 Ill. App 3d 719 (5th District))**

1-2-24 BONDS OF VILLAGE OFFICERS.

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

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

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

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

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

1-2-26 BIDDING AND CONTRACT PROCEDURES.

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

(B) **Formal Contract Procedure.** All work or other public improvement which is not to be paid for in whole or in part by special assessment or special taxation, and all purchases, orders or contracts for supplies, materials, equipment or contractual services except as otherwise provided herein, when the estimated cost thereof shall exceed **Twenty Thousand Dollars (\$20,000.00)**, shall be purchased from the lowest responsible bidder, after due notice inviting bids, unless competitive bidding is waived by a vote of **two-thirds (2/3)** of the Trustees then holding office.

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

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

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

(F) **Bid Opening Procedure.**

- (1) **Sealed.** Bids shall be submitted sealed to the Village and shall be identified as bids on the envelope.
- (2) **Opening.** Bids shall be opened in public at the time and place stated in the public notice.
- (3) **Tabulation.** A tabulation of all bids received shall be made by the Board of Trustees or by a Village employee, in which event, a tabulation of the bids shall be furnished to the Board of Trustees at its next regular meeting.

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

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

(I) **Award of Contract.**

- (1) **Authority in Village.** The Board of Trustees shall have the authority to award contracts within the purview of this Section.
- (2) **Lowest Responsible Bidder.** Contracts shall be awarded to the lowest responsible bidder on the basis of the bid that is in the best interest of the Village to accept. In awarding the contract, in addition to price, the Board of Trustees shall consider:
 - (a) The ability, capacity and skill of the bidder to perform the contract to provide the service required;
 - (b) Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference;
 - (c) The character, integrity, reputation, judgment, experience and efficiency of the bidder;
 - (d) The quality of the performance of previous contracts or services;
 - (e) The previous and existing compliance by the bidder with laws and ordinances relating to the contract or service;
 - (f) The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service;
 - (g) The quality, availability and adaptability of the supplies or contractual services to the particular use required;
 - (h) The ability of the bidder to provide future maintenance and service for the use of the subject of the contract;

- (i) The number and scope of conditions attached to the bid.
- (j) Whether the bidder has furnished a Certificate of Insurance indicating Worker's Compensation and Employers' Liability coverage and the policy limits for such coverage.

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

(J) **Open Market Procedure.** All work and purchases of supplies, materials and services of less than the estimated value of **Twenty Thousand Dollars (\$20,000.00)** 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. 5/8-9-1 and 8-9-2)**

1-2-27 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 5/3.1-50-10)

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

1-2-28 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 the Monday prior to the regular meeting of each month to the Village Clerk. All such claims must be in writing and items shall be specified.

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

1-2-29 MUNICIPAL YEAR. The municipal year shall commence on **May 1st** and shall end on the following **April 30th**. No appointments shall be made during the last month of the municipal year in the year of a mayoral election.

1-2-30 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))**

1-2-31 OFFICIAL RECORDS. All official records, including the Corporate Seal, shall be kept in the Village Hall.

1-2-32 FEDERAL OLD AGE AND SURVIVOR'S INSURANCE SYSTEM.
(A) **Eligible employees** shall mean all employees of the Village, eligible under the Federal Act, except persons elected to office by popular election and also the Village Treasurer and Village Attorney.
(B) **Withholdings** from salaries or wages of employees for the purpose provided in sections hereof are hereby authorized to be made in the amounts and at such times as may be required by applicable State or Federal laws or regulations, and shall be paid quarterly. **(40 ILCS 5/21-101 et seq.)**

1-2-33 CERTIFICATES OF INSURANCE. All contractors and sub-contractors doing work for the Village shall first provide a Certificate of Insurance indicating Worker's Compensation and Employers' Liability coverage and the policy limits for such coverage.

1-2-34 - 1-2-36 RESERVED.

DIVISION V - VACANCIES

1-2-37 **VACANCY BY RESIGNATION.** A resignation is not effective unless it is in writing, signed by the person holding the elective office, and notarized.

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

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

(C) **Vacancy Upon the Effective Date.** For the purpose of determining the time period that would require an election to fill the vacancy by resignation or the commencement of the **sixty (60) day** time period referred to in **Section 1-2-41**, the resignation of an elected officer is deemed to have created a vacancy as of the effective date of the resignation.

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

1-2-38 **VACANCY BY DEATH OR DISABILITY.** A vacancy occurs in an office by reason of the death of the incumbent. The date of the death may be established by the date shown on the death certificate. A vacancy occurs in an office by permanent physical or mental disability rendering the person incapable of performing the duties of the office. The corporate authorities have the authority to make the determination whether an officer is incapable of performing the duties of the office because of a permanent physical or mental disability. A finding of mental disability shall not be made prior to the appointment by a court of a guardian ad litem for the officer or until a duly licensed doctor certifies, in writing, that the officer is mentally impaired to the extent that the officer is unable to effectively perform the duties of the office. If the corporate authorities find that an officer is incapable of performing the duties of the office due to permanent physical or mental disability, that person is removed from the office and the vacancy of the office occurs on the date of the determination.

1-2-39 **VACANCY BY OTHER CAUSES.**

(A) **Abandonment and Other Causes.** A vacancy occurs in an office by reason of abandonment of office; removal from office; or failure to qualify; or more than temporary removal of residence from the Municipality, as the case may be. The corporate authorities have the authority to determine whether a vacancy under this Section has occurred.

If the corporate authorities determine that a vacancy exists, the office is deemed vacant as of the date of that determination for all purposes including the calculation under **Sections 1-2-41 or 1-2-42**.

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

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

1-2-40 **ELECTION OF AN ACTING MAYOR.** The election of an acting Mayor pursuant to **Section 1-2-42 or 1-2-43** does not create a vacancy in the original office of the person on the Village Board, unless the person resigns from the original office following election as acting Mayor. If the person resigns from the original office following election as acting Mayor, then the original office must be filled pursuant to the terms of this Section and the acting Mayor shall exercise the powers of the Mayor and shall vote and have veto power in the manner provided by law for a Mayor. If the person does not resign from the original office following election as acting Mayor, then the acting Mayor shall exercise the powers of the Mayor but shall be entitled to vote only in the manner provided for as the holder of the original office and shall not have the power to veto. If the person does not resign from the original office following election as acting Mayor, and if that person's original term of office has not expired when a Mayor is elected and has qualified for office, the acting Mayor shall return to the original office for the remainder of the term thereof.

1-2-41 **APPOINTMENT TO FILL TRUSTEE VACANCY.** An appointment by the Mayor or acting Mayor, as the case may be, of a qualified person as described in **Section 1-2-23** of this Code to fill a vacancy in the office of Trustee must be made within **sixty (60) days** after the vacancy occurs. Once the appointment of the qualified person has been forwarded to the corporate authorities, the corporate authorities shall act upon the appointment within **thirty (30) days**. If the appointment fails to receive the advice and consent of the corporate authorities within **thirty (30) days**, the Mayor or acting Mayor shall appoint and forward to the corporate authorities a second qualified person as described in **Section 1-2-23**. Once the appointment of the second qualified person has been forwarded to the corporate authorities, the corporate authorities shall act upon the appointment within **thirty (30) days**. If the appointment of the second qualified person also fails to receive the advice and consent of the corporate authorities, then the Mayor or acting Mayor, without the advice and consent of the corporate authorities, may make a temporary appointment from those persons who were appointed but whose appointments failed to receive the advice and consent of the corporate authorities. The person receiving the temporary appointment shall serve until an appointment has received the advice and consent and the appointee has qualified or until a person has been elected and has qualified, whichever first occurs.

1-2-42 ELECTION TO FILL VACANCIES IN MUNICIPAL OFFICES WITH FOUR (4) YEAR TERMS. If a vacancy occurs in an elective municipal office with a **four (4) year term** and there remains an unexpired portion of the term of at least **twenty-eight (28) months**, and the vacancy occurs at least **one hundred thirty (130) days** before the general municipal election next scheduled under the general election law, then the vacancy shall be filled for the remainder of the term at that general municipal election. Whenever an election is held for this purpose, the Village Clerk shall certify the office to be filled and the candidates for the office to the proper election authorities as provided in the general election law. If a vacancy occurs with less than **twenty-eight (28) months** remaining in the unexpired portion of the term or less than **one hundred thirty (130) days** before the general municipal election, then:

(A) **Mayor.** If the vacancy is in the office of Mayor, the vacancy must be filled by the corporate authorities electing one of their members as acting Mayor. Except as set forth in **Section 1-2-40**, the acting Mayor shall perform the duties and possess all the rights and powers of the Mayor until a Mayor is elected at the next general municipal election and has qualified. However, in villages with a population of less than **five thousand (5,000)**, if each of the trustees either declines the election as acting Mayor or is not elected by a majority vote of the trustees presently holding office, then the trustees may elect, as acting Mayor, any other Village resident who is qualified to hold municipal office, and the acting Mayor shall exercise the powers of the Mayor and shall vote and have veto power in the manner provided by law for a Mayor.

(B) **Trustee.** If the vacancy is in the office of Trustee, the vacancy must be filled by the Mayor or acting Mayor, as the case may be, in accordance with **Section 1-2-41**.

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

1-2-43 VACANCIES DUE TO ELECTION BEING DECLARED VOID. In cases of vacancies arising by reason of an election being declared void pursuant to **Section 1-2-39(C)**, persons holding elective office prior thereto shall hold office until their successors are elected and qualified or appointed and confirmed by advice and consent, as the case may be.

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

1-2-44 - 1-2-49 RESERVED.

DIVISION VI - MAYOR

1-2-50 **ELECTION.** The Mayor shall be elected for a **four (4) year** term and shall serve until a successor is elected and has qualified. **(See 65 ILCS Sec. 5/3.1-15-5 and 5/3.1-25-15)**

1-2-51 **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)**

1-2-52 **CHIEF EXECUTIVE OFFICER.** The Mayor shall be the chief executive officer of the Village and shall see to the enforcement of all laws and ordinances. The Mayor shall preside over the meetings of the Board of Trustees and perform such duties as may be required of him by statute or law. The Mayor shall have supervision over all of the executive officers and Village employees; provided, however, his or her control is subject to the power of the Village Board to prescribe the duties of various officers and employees. The Mayor shall have the power and authority at any reasonable time to inspect all books, papers and records pertaining to Village affairs and kept by any officer of the Village. **(See 65 ILCS Sec. 5/3.1-15-10 and 3.1-35-20)**

1-2-53 **MAYOR'S SIGNATURE.** The Mayor shall sign all Village warrants, commissions, permits and licenses granted by authority of the Village Board, except as otherwise provided, and such other acts and deeds as law or ordinance may require his or her official signature.

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

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

1-2-54 **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)**

1-2-55 **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)**

1-2-56 **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.

1-2-57 **FORMAL OCCASIONS.** The Mayor shall act for and on behalf of the Village on formal occasions and receptions, but in the absence or inability to attend any such function, the Mayor may select any other Village officer to so act.

1-2-58 **GENERAL DUTIES.** The Mayor shall perform all the duties which are prescribed by law and shall take care that the laws and ordinances are faithfully executed.

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

1-2-59 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.

1-2-60 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)**

1-2-61 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.

1-2-62 DECIDING VOTE - MAYOR. The Mayor shall preside at all meetings of the Village Board. The Mayor shall not vote on any ordinance, resolution or motion, except:

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

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

1-2-63 - 1-2-65 RESERVED.

DIVISION VII - VILLAGE CLERK

1-2-66 **APPOINTED.** The Village Clerk shall be appointed for a **four (4) year term** and shall serve until a successor is appointed and has qualified. **(65 ILCS 5/3.1-25-90)**

1-2-67 **VACANCY.** Whenever there is a vacancy in the office of Village Clerk, the office shall be filled by the Mayor with the advice and consent of the Village Board for the remainder of the term. **(See 65 ILCS Sec. 5/3.1-25-90) (See Division V of this Chapter)**

1-2-68 **PUBLICATION OF ORDINANCES; BOARD MINUTES; RECORDS.**
 (A) **Ordinances.** The Village Clerk shall cause all ordinances passed by the Village Board and approved by the Mayor, imposing any fine, penalty, imprisonment or forfeiture, or making any appropriation to be published or printed in book or pamphlet form, published by authority of the corporate authorities, or be published at least once within **thirty (30) days** after passage, in **one (1)** or more newspapers published in the Village. **(See 65 ILCS Sec. 5/1-2-5)**

(B) **Minutes; Records.**

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

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

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

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

1-2-69 **DELIVERY OF PAPERS TO OFFICERS.** The Clerk shall deliver to the several committees of the Village Board and to the officers of this Village, all petitions, communications, reports and resolutions, orders, claims and other papers referred to those committees or officers by the Board on demand therefor. The Clerk shall also, without delay, deliver to the Mayor, all ordinances or resolutions, orders and claims in his or her charge which may require to be approved or otherwise acted upon by the Mayor. **(See 65 ILCS Sec. 5/3.1-35-90)**

1-2-70 **PREPARATION OF DOCUMENTS, COMMISSIONS AND LICENSES.** The Clerk shall prepare all commissions, licenses, permits and other official documents required to be issued by him or her under this Code and shall attest the same with the corporate seal, and the Clerk shall, in like manner, attest all deeds for the sale of real estate owned and conveyed by this Village.

1-2-71 **REPORT OF LICENSES.** The Clerk shall report to the Village Board at its regular meeting each month and more often if the Board so requires the data contained in the license register with respect to licenses issued during the previous month.

1-2-72 **DELIVERY OF LICENSES.** In all cases where the Village requires a license to be obtained for the purpose of engaging in or carrying on any business or occupation, and the licensee is required to obtain plates, tags or stickers from the Clerk, it shall be the duty of the Clerk to deliver such plates, tags, or stickers to the person paying the license fee.

1-2-73 **ADMINISTRATION OF OATHS.** The Clerk shall have the power to administer oaths or affirmations for all lawful purposes. **(See 65 ILCS Sec. 5/3.1-15-20)**

1-2-74 **OUTSTANDING BONDS.** The Clerk shall keep in his office in a book or books kept expressly for that purpose a correct list of all the outstanding bonds of the Village, showing the number and amount of each, for and to whom the bonds are issued; and when the Village bonds are issued, or purchased, or paid, or cancelled, the book or books shall show that fact; [and in the annual report, the Clerk shall describe particularly the bonds sold during the year and the terms of sale with each and every item of expense thereof]. **(See 65 ILCS Sec. 5/3.1-35-110)**

1-2-75 **REPORTS.** The Clerk shall, on or before the regular meeting in each month, make out and submit to the Village Board a statement or report in writing of all the monies received and warrants drawn during the preceding month, showing therein from or what sources and on what account monies were received, and for what purposes and on what account the warrants were drawn or paid.

1-2-76 **SUCCESSOR.** The Village Clerk shall carefully preserve all books, records, papers, maps and effects of every detail and description belonging to the Village or pertaining to the office, and not in actual use and possession of other Village officers; and upon the expiration of his or her official term, the Clerk shall deliver all such books, records, papers and effects to the successor in office. **(See 65 ILCS Sec. 3.1-10-35)**

1-2-77 **PAYMENTS.** The Clerk shall prepare monthly an itemized list of all monies received and shall deliver a copy of the same to the Village Treasurer and shall also pay over to the Treasurer all monies received in the office and take a receipt therefor.

1-2-78 **NOTIFICATION TO PERSONS APPOINTED TO OFFICE.** Within **five (5) days** after an appointment is made, the Clerk shall notify all persons appointed to office of their appointment. The office becomes vacant unless the person appointed qualifies within **ten (10) days** after such notice.

1-2-79 **OTHER DUTIES.** In addition to the foregoing duties, the Clerk shall perform all such other duties pertaining to the office as are or may be imposed upon the office by law or resolution or ordinance of the Village Board. **(See 65 ILCS Sec. 5/3.1-10-40)**

1-2-80 **DEPUTY CLERK.** The Village Clerk, when authorized by the Village Board, may appoint the Deputy Clerk who shall have the power and duty to execute all documents required by any law to be executed by the Clerk and affix the seal of the Village thereto whenever required. In signing any documents, the Deputy Clerk shall sign the name of the Village Clerk followed with the word, "**By**" and the Deputy Clerk's name and the words, "**Deputy Clerk**".

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

1-2-81 **RESERVED.**

DIVISION VIII - VILLAGE TREASURER

1-2-82 **COMMITTEE ESTABLISHED.** There is hereby established a department of the municipal government of the Village which shall be known as the "Finance Committee". It shall embrace the Village Board Committee on Finance, the Village Treasurer and the Budget Officer.

1-2-83 **FINANCE COMMITTEE.** The standing committee on Finance shall exercise a general supervision over the affairs of the Finance Department. It shall ascertain the condition and needs thereof; shall, from time to time, report the same to the Mayor and Village Board so that a full understanding thereof shall be had and generally, shall do all the acts necessary to promote the efficiency of the Department.

1-2-84 **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 shall serve until a successor is appointed and has qualified. All vacancies shall be filled in the manner prescribed in **Division V** of this Chapter. **(See 65 ILCS Sec. 5/3.1-30-5)**

1-2-85 **MONEY; WARRANTS; ACCOUNTS; PAYMENTS.** The Village Treasurer shall receive all monies belonging to this Village and shall pay all warrants signed by the Mayor and countersigned by the Village Clerk and not otherwise; and shall keep a separate account of each fund or appropriation and the debits and credits belonging thereto. The Treasurer shall give to every person paying money into the Village Treasury a receipt therefor, specifying the date of payment, and upon what account paid, and shall file copies of such receipts with the Clerk with the monthly reports. **(See 65 ILCS Sec. 5/3.1-35-40)**

1-2-86 **WARRANT REGISTER.** The Treasurer shall keep a register of all warrants redeemed and paid, showing the number, date, and amount of each, the fund from which paid, and the name of the person to whom and when paid; and the Treasurer shall cancel all warrants as soon as they are redeemed. **(See 65 ILCS Sec. 5/3.1-35-40 and 5/3.1-35-45)**

1-2-87 **PERSONAL USE OF FUNDS.** The Village Treasurer shall keep all money belonging to the Municipality and in the Treasurer's custody separate and distinct from the Treasurer's own money and shall not use, either directly or indirectly, the Municipality's monies or warrants for the personal use and benefit of the Treasurer or of any other person. Any violation of this provision shall subject the Treasurer to immediate removal from office by the corporate authorities, who may declare the Treasurer's office vacant. **(See 65 ILCS Sec. 5/3.1-35-55)**

1-2-88 **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)**

1-2-89 **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)**

1-2-90 **BOOKKEEPING.** The Treasurer shall keep the books and accounts in such a manner as to show with accuracy, all monies received and disbursed for the Village, stating from whom and on what account received, and to whom and on what account paid out, and in such a way that the books and accounts may be readily investigated and understood, and the books and accounts and all files and papers of the office shall be, at all times, open to examination by the Mayor or the Finance Committee of the Board. **(See 65 ILCS Sec. 5/3.1-35-40)**

1-2-91 **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)**

1-2-92 **REPORT DELINQUENT OFFICERS.** It shall be the duty of the Treasurer to report to the Village Clerk any officer of the Village authorized to receive money for the use of the Village who may fail to make a return of the monies received by the Treasurer at the time required by law or by ordinances of the Village.

1-2-93 **YEAR-END REPORT.** Within **six (6) months** after the end of each fiscal year, the Treasurer shall prepare and file annually with the Village Clerk an account of monies received and expenditures incurred during the preceding fiscal year as specified in this Section. The Treasurer shall show the following in such account:

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

(B) Except as provided in paragraph (C) of this Section all monies paid out by the Village where the total amount paid during the fiscal year exceeds **Two Thousand Five**

Hundred Dollars (\$2,500.00), giving the name of each person to whom paid, on what account paid, and the total amount in the aggregate paid to each person from each account; and

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

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

Upon receipt of such account from the Village Treasurer, the Village Clerk shall post a copy of the account in three prominent places 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.]

1-2-94 **SUBMIT APPROPRIATION TO VILLAGE BOARD.** The Treasurer shall on or before the **fifteenth (15th) day of May in each year**, and before the annual appropriations to be made by the Village Board, submit to the Village Board a report of the estimates as nearly as may be of monies necessary to defray the expenses of the corporation during the current fiscal year. The Treasurer shall, in said report, classify the different objects and branches of expenditures, giving as nearly as may be the amount required for each; and for the purpose of making such a report, the Treasurer is hereby authorized to require of all officers their statement of the condition and expenses of their respective offices or departments with any proposed improvements, and the probable expense thereof, all contracts made and unfinished and the amount of any and all unexpended appropriations of the preceding year.

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

1-2-95 **DEPOSIT OF FUNDS.**

(A) **Designation by Board.** The Treasurer is hereby required to keep all funds and monies in his or her custody belonging to the Village in such places of deposit as have been designated by **Section 1-2-85(F)**. When requested by the Treasurer, the corporate authorities shall designate a bank or banks in which may be kept the funds and monies of the Village in the custody of the Treasurer. When a bank or savings and loan association has been designated as a depository, it shall continue as such depository until **ten (10) days** have elapsed after a new depository is designated and has qualified by furnishing the statements of resources and liabilities as required by this Section. When a new depository is designated, the corporate authorities shall notify the sureties of the Village Treasurer of that fact in writing at least **five (5) days** before the transfer of funds. The Treasurer shall be discharged from responsibility for all funds or money that the Treasurer deposits in a designated bank or savings and loan association while the funds and money are so deposited.

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

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

(D) Each Village Treasurer may:

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

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

(E) No bank or savings and loan association shall receive public funds as permitted by this Section unless it has complied with the requirements established by Section 6 of the Public Funds Investment Act. **(See 65 ILCS 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 monies in his custody belonging to this municipality:

- (1) Busey Bank, N.A.
- (2) Bank of Bement, Bement, IL

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

DIVISION IX - VILLAGE ATTORNEY

1-2-98 **APPOINTMENT OF ATTORNEY.** The Attorney shall be appointed by the Mayor, by and with the advise and consent of the Village Board for the term of **one (1) year**, unless sooner removed for cause, and until a successor shall have been appointed and qualified. The Attorney shall have full charge of the law affairs of the Village and shall be known as the Village Attorney, and shall receive reasonable fees for services rendered when, in his or her judgment, or in the judgment of the Mayor or Village Board, the same are necessary or are for the best interests of the Village. **(See 65 ILCS Sec. 5/3.1-30-5)**

1-2-99 **DUTIES.**

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

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

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

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

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

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

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

1-2-100 **PROSECUTOR'S FEE.**

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

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

1-2-101 - 1-2-102 RESERVED.

DIVISION X - VILLAGE ENGINEER

1-2-103 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.

1-2-104 DUTIES - SALARY. The Village Engineer shall make and submit plans, estimates and specifications for any public work which may be proposed or ordered by the Village Board. The Engineer shall also examine all public works under his or her charge and see that the plans, estimates and specifications for the same are properly executed. The Engineer shall also receive a salary as established in the annual budget. **(See 65 ILCS Sec. 5/3.1-30-5)**

1-2-105 - 1-2-106 RESERVED.

DIVISION XI - SUPERINTENDENT OF WATER

1-2-107 **OFFICE CREATED.** There is hereby created the office of Superintendent of Water, an executive office of the Village. The Superintendent of Water shall be appointed at the annual meeting in May for a term of **one (1) year** by the Mayor and Board of Trustees. (**See 65 ILCS Sec. 5/3.1-30-5**)

1-2-108 **STREETS.** The Superintendent of Water 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.

1-2-109 **LIGHTING.** The Superintendent of Water shall coordinate the lighting of the public streets and alleys.

1-2-110 **UTILITY SYSTEMS.** The Superintendent of Water shall have charge of the operation and maintenance of the municipal water and sewer distribution systems.

1-2-111 - 1-2-112 **RESERVED.**

DIVISION XII - WATER CLERK

1-2-113 **ESTABLISHED.** There is hereby established an executive office in the Village known as the Water Clerk.

1-2-114 **APPOINTMENT.** The Water Clerk shall be appointed by the Mayor with the advice and consent of the Village Board at the annual meeting in May for a term of **two (2) years.**

1-2-115 **DUTIES.** The Water Clerk shall prepare monthly utility bills, send out statements and receive collections for the same, and perform any similar functions necessary for the proper execution of said office so designated by the Village Board.

1-2-116 **SALARY.** The Water Clerk shall receive reasonable compensation for his services and the same will be provided for in the annual appropriation ordinance on an estimated basis.

1-2-117 **RESERVED.**

DIVISION XIII

CODE ENFORCEMENT OFFICER -- ZONING ADMINISTRATOR

1-2-118 **CREATION OF POSITION.** There is hereby created the position of Zoning Administrator. The Zoning Administrator shall be appointed under the provisions of **Section 1-2-46** of the Revised Code. The Zoning Administrator shall also serve as the building inspector, flood plain inspector, and as the code enforcement officer. Additional duties shall be outlined in the zoning administrator's job description and may be amended from time to time by the Village Administrator.

1-2-119 **DUTIES.** The Zoning Administrator or his authorized representative shall administer and enforce the Zoning Code, as amended from time to time and is in effect, in accordance with the powers and duties therein set forth, and in furtherance of such activity shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE III - SALARIES

1-3-1 **OFFICIAL SALARIES.** The salaries of the elected Village officials shall be provided as follows:

(A) **Mayor.** The Mayor shall receive a salary of **One Hundred Fifty Dollars (\$150.00)** per meeting.

(B) **Trustees.** The Trustees shall receive a salary of **One Hundred Dollars (\$100.00)** per meeting.

(C) **Village Clerk.** The Clerk shall receive an annual salary of **Three Thousand Three Hundred Sixty Dollars (\$3,360.00)** per year.

(D) **Village Treasurer.** The Treasurer shall receive a monthly salary of **Three Hundred Dollars (\$300.00)** per month. **(Ord. No. 2018-06; 11-21-18)**

(Ord. No. 2016-09; 11-16-16)

(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 one hundred eighty (180) days before the beginning of the terms of the officers whose compensation is to be filed.

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

ARTICLE 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 Mayor and Clerk to execute an Intergovernmental Cooperation Contract with the Illinois Municipal League Risk Management Association for membership on an annual basis 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 its annual renewal based on the needs of the Association and the loss experience of the Member, which sum shall constitute the cost of the Member's contribution for membership in the Association.

(Ord. No. 2017-07; 06-21-17)

ARTICLE V – MEETING PROCEDURES**DIVISION I – RECORDING CLOSED MEETINGS**

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

1-5-2 RESPONSIBILITY FOR RECORDING CLOSED SESSIONS AND MAINTAINING RECORDINGS. The Village Clerk or his or her designee shall be responsible for arranging for the recording of such closed or executive sessions. In the absence of the Village Clerk or his or her designee, the meeting Chair will arrange for the audio or video recording of the closed or executive session of the Village Board. Each subsidiary public body of the Village shall designate an individual who will be responsible for the recording of any and all closed or executive sessions of the subsidiary body and for providing the Village Clerk with a copy of such recording. The Village Clerk, or his or her designee, shall securely maintain the verbatim recordings of all closed sessions of the corporate authorities of the Village and all subsidiary public bodies of the Village.

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

1-5-4 PROCEDURE FOR RECORDING. At the beginning of each closed session, those present shall identify themselves by voice for the audio recording. If the meeting is videotaped, those present shall individually appear on camera and identify themselves by voice at the beginning of the closed session. The meeting Chair shall also announce the times the closed session commences and ends at the appropriate points on the recording.

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

1-5-6 PROCEDURE FOR REVIEW OF CLOSED SESSION MINUTES AND RECORDINGS. At one meeting at least every **six (6) months**, the agenda shall include the item: "Review of the minutes and recordings of all closed sessions that have not yet been released for public review, and determination of which minutes, if any, may be released." Minutes shall be reviewed in closed session and shall not be released unless the corporate authorities of the Village find that it is no longer necessary to protect the public interest or the privacy of an individual by keeping them confidential. As to any minutes not released, the corporate authorities shall find that the "need for confidentiality still exists" as to those minutes. Minutes of closed sessions shall be kept indefinitely.

1-5-7 MAINTENANCE AND PUBLIC RELEASE OF RECORDINGS AND ACCESS TO TAPES. The audio or video tape recordings of closed sessions shall be maintained for **eighteen (18) months** after the closed session and shall not be released to the public unless such release is required by a court order or specifically authorized for release by a vote of the Village Board. Members of the corporate authorities may listen to the closed session recordings in the presence of the Village clerk or his or her designee. Copies of such tapes will not be made or provided to anyone unless specifically authorized by vote of the Village Board.

1-5-8 PROCEDURE FOR DESTRUCTION OF RECORDINGS. The Village Clerk or his or her designee is hereby authorized to destroy the audio and video recordings of those closed sessions for which:

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

1-5-9 - 1-5-10 RESERVED.

DIVISION II – REMOTE MEETING PARTICIPATION

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

1-5-12 **DEFINITION OF MEETING.** The term “meeting” shall mean “any gathering, whether in person or by video or audio conference, telephone calls, electronic means (such as, without limitation, electronic mail, electronic chat and instant messaging), or other means of contemporary interactive communication, of a majority of a quorum of the members of a public body held for the purpose of discussing public business” or such other definition as shall be contained within the state statutes.

1-5-13 **AMENDMENT OF PREVIOUS TERMS.** The definition of “meeting” set forth in **Section 1-5-12** shall supersede and replace any other definition used in any previous or existing ordinance.

1-5-14 **REMOTE PARTICIPATION POLICY.** The Village hereby adopts the Remote Participation Policy, as outlined in Addendum “A”, that permits a member of the public body to attend and participate in any meeting of a public body as defined in the Open Meetings Act from a remote location via telephone, video, or internet connection provided that such attendance and participation is in compliance with the policy and any applicable laws.

ADDENDUM "A"

GOVERNMENTAL UNIT
REMOTE ATTENDANCE POLICY

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

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

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

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

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

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

ADDENDUM "B"

NOTICE OF REQUEST FOR PLACEMENT UPON VILLAGE BOARD AGENDA

I, _____ (name), do hereby request placement upon the agenda of the Village Board's regularly scheduled meeting on _____ (date) to address the Board with regards to:

(short explanation of proposed business)

Dated this _____ (day) of _____ (month), _____ (year).

Sincerely,

APPLICANT

Printed Name

Address

Telephone Number

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

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 law enforcement or the Animal Control Officer 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 law enforcement or the Animal Control Officer 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 UNATTENDED ANIMALS.

(A) In accordance with the provision of this Code it shall be unlawful for a non-resident of the Village to leave unattended any species of animals, including but not limited to dogs and cats, on property located in the Village.

(B) Any person violating any provision of this Section shall be punished as provided in any penalty provisions of this Village Code. Furthermore, the Court of the Fourth Judicial Circuit shall have the power to order that any person in violation of this Section shall remove said animals from his or her property or from the Village. If the person fails to remove said animal, the Court shall have the power to order that the Village remove said animal and assess all court costs and attorney fees against the owner.

3-1-6 CRUELTY TO ANIMALS PROHIBITED.

(A) **Cruelty to Animals Prohibited.** It shall be unlawful for any person to willfully or maliciously inflict unnecessary or needless cruelty, torture, abuse or cruelly beat, strike or abuse any animal, or by an act, omission or neglect, cause or inflict any unnecessary or unjustifiable pain, suffering, injury or death to any animal, whether such animal belongs to such person or to another, except that reasonable force may be employed to drive away vicious or trespassing animals. Any unwanted animals should be delivered to the County Animal Control Facility for proper disposal.

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

3-1-7 EXHIBITING WILD OR VICIOUS ANIMALS.

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

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

(C) It shall be unlawful for any person to harbor or keep a vicious animal within the Village. Any animal which is found off the premises of its owner may be seized by any police officer or humane officer and upon establishment to the satisfaction of any Court of competent jurisdiction of the vicious character of said animal, it may be killed by a police officer or humane officer; provided, however, that this section shall not apply to animals under the

control of a law enforcement or military agency nor to animals which are kept for the protection of property, provided that such animals are restrained by a leash or chain, cage, fence, or other adequate means from contact with the general public or with persons who enter the premises with the actual or implied permission of the owner or occupant.

(D) The 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.

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

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

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

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

(C) **Powers of Authorizing Officials.** The authorizing officials shall have the power to issue an order prohibiting the keeping of any animal, fowl, or bird which is deemed to pose a health hazard to the general public.

3-1-10 **DOGS PROHIBITED IN CEMETERIES.** It shall be unlawful for any person to allow his or her dog on the grounds of any cemetery within the Village.

(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 law enforcement 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 law enforcement officers 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)**

(F) Any fees or costs imposed by the dog pound or dog catcher for the housing, impounding or disposing of a dog shall be paid by the owner of the dog. The dog owner shall pay any housing or impounding fees before the dog is released back to the owner. If the owner fails to pay said fee, the Village shall have the power to enforce this law by adding the cost of impoundment to the dog ticket and proceed to judgment before the Circuit Court of the Fourth Judicial Circuit. All court costs shall be taxed to the owner of the dog. Before release, said owner must also show proof the dog has a current rabies tag.

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 **five (5) members;** said members to be residents of the Village, appointed by the Mayor on the basis of their particular fitness for their duty on the Plan Commission and subject to the approval of the Village Board.

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

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

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

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

All requirements for public hearing, filing of notice of adoption with the County Recorder of Deeds, and filing of the plan and ordinances with the Village Clerk shall be complied with as provided for by law. To provide for the health, safety, comfort, and convenience of the inhabitants of the Village and contiguous territory, such plan or plans shall establish reasonable standards of design for subdivisions and for resubdivisions of unimproved land and of areas subject to redevelopment in respect to public improvements as herein defined and shall establish reasonable requirements governing the location, width, course, and surfacing of public

streets and highways, alleys, ways for public service facilities, curbs, gutters, sidewalks, street lights, parks, playgrounds, school grounds, size of lots to be used for residential purposes, storm water drainage, water supply and distribution, sanitary sewers, and sewage collection and treatment. The requirements specified herein shall become regulatory only when adopted by law.

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

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

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

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

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

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

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

(I) To assist in the economic development of the Village.

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

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

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

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

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

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

(D) To classify, regulate and restrict the location of trades and industries and the location of buildings designed for specified industrial, business, residential, and other uses.

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

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

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

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

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

CHAPTER 7

BUSINESS CODE

ARTICLE I – RAFFLE CODE

7-1-1 **DEFINITIONS.** Unless the context otherwise requires, the words and phrases herein defined are used in this Code in the sense given them in the following definitions:

“NET PROCEEDS” means the gross receipts from the conduct of raffles, less reasonable sums expended for prizes, local license fees and other reasonable operating expenses incurred as a result of operating a raffle.

“RAFFLE” means a form of lottery, as defined in **Section 28-2, subparagraph (b) of the Criminal Code of 1961**, conducted by an organization licensed under this Article in which:

(A) the player pays or agrees to pay something of value for a chance, presented and differentiated by a number or by a combination of numbers, or by some other medium, one or more of which chances is to be designated the winning chance;

(B) the winning chance is to be determined through a drawing or by some other method based on an element of chance by an act or set of acts on the part of persons conducting or connected with the lottery, except that the winning chance shall not be determined by the outcome of a publicly exhibited sporting contest.

The definitions contained in **Section 15/2, of Chapter 230; (Ill. Comp. Stat.)** are hereby adopted by reference as if fully set out herein. **(See 230 ILCS Sec. 15/1)**

7-1-2 **ADMINISTRATION.** The Mayor is hereby charged with the administration of the appropriate provisions of this Code, and may appoint persons to assist in the exercise of the powers and the performance of the duties herein provided, including, but not limited to, the members of his staff and the Village Clerk. **(See 230 ILCS Sec. 15/2)**

7-1-3 **LICENSE REQUIRED.** No person or organization shall conduct or partake in the selling of raffle chances within the limits and territory of this Village without having a license to do so issued by the Mayor in a manner hereinafter provided and a valid license for such purpose as provided by the **Illinois Compiled Statutes**. Licenses shall be issued only to bona fide religious, charitable, labor, fraternal, educational or veterans' organizations that operate without profit to their members and which have been in existence continuously for a period of **five (5) years** immediately before making application for a license and which have had during that entire **five (5) year period** a bona fide membership engaged in carrying out their objectives or to a nonprofit fundraising organization that the licensing authority determines is organized for the sole purpose of providing financial assistance to an identified individual or group of individuals suffering extreme financial hardship as the result of an illness, disability, accident or disaster. **(See 230 ILCS Sec. 15/2)**

(A) The above mentioned types of organizations shall be defined pursuant to the **Illinois Compiled Statutes** and incorporated herein;

(B) No person or organization shall be issued more than **one (1) license** in a period of **one (1) week**;

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

(D) Any license issued under this Code shall be nontransferable.

7-1-4 APPLICATIONS FOR LICENSE. The Mayor is authorized to grant and issue licenses to eligible organizations to conduct raffles and to participate in the sale of raffle tickets within the limits and territory of the Village upon the conditions and in the manner provided by this Code 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 Village Clerk with the seal of his office affixed thereto.

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

- (A) The name and address of the organization;
- (B) The type of organization that is conducting the raffle, i.e., religious, charitable, labor, fraternal, educational, veterans or other;
- (C) The length of time the organization has continually existed immediately before making application for a license;
- (D) The applicant shall give the aggregate retail value of all prizes or merchandise awarded by a licensee in a single raffle;
- (E) The applicant will give the maximum retail value of each prize awarded by a licensee in a single raffle;
- (F) The amount that the organization plans to charge for each raffle chance issued or sold;
- (G) The time and location where the raffle is to be held;
- (H) The purpose for which the proceeds of the raffle will be used;
- (I) The name and address of the person conducting and performing the raffle, and his relationship with the organization;
- (J) The last date which the applicant has applied for a raffle license;
- (K) The area in which the organization plans to sell or issue its raffle chances;
- (L) Whether or not the applicant has ever been convicted of a felony.

7-1-5 APPLICATION: ISSUANCE. All licenses issued by the Mayor or Village Clerk are subject to the following restrictions:

(A) No person, firm or corporation shall conduct raffles or chances without having first obtained a license therefor pursuant to this Code.

(B) The license and application for a license shall specify the area or areas within the licensing authority in which raffle chances will be sold or issued, the time period during which raffle chances will be sold or issued, the time of determination in winning chances, and the location or locations with which winning chances will be determined.

(C) The application shall contain a sworn statement attesting to the not-for-profit character of the prospective licensee organization signed by the presiding officer and the secretary of that organization.

(D) The Mayor shall act upon a license application within **thirty (30) days** from the date of application.

(E) The application for license shall be prepared in accordance with this Code.

(F) A license authorizes the licensee to conduct raffles as defined in this Code. **(See 230 ILCS Sec- 15/3)**

7-1-6 **PROHIBITED LICENSEES.** The following are ineligible for any raffle license:

(A) Any person who has been convicted of a felony.

(B) Any person who is or has been a professional gambler or gambling promoter;

(C) Any person who is not of good moral character;

(D) Any firm or corporation in which a person defined in paragraphs (A), (B) or (C) above has a propriety, equitable or credit interest, or in which such a person is active or employed;

(E) Any organization in which a person defined in paragraphs (A), (B), or (C) above is an officer, director or employee, whether compensated or not;

(F) Any organization in which a person defined in paragraphs (A), (B), or (C) above is to participate in the management or operation of a raffle as defined by this Code. **(See 230 ILCS Sec. 15/3)**

7-1-7 **RESTRICTIONS ON THE CONDUCT OF RAFFLES.**

(A) The entire net proceeds of any raffle must be exclusively devoted to the lawful purposes of the organization permitted to conduct that game.

(B) No person except a bona fide member of the sponsoring organization may participate in the management or operation of the raffle;

(C) No person may receive any remuneration or profit for participating in the management or operation of the raffle;

(D) A licensee may rent a premises on which to determine a winning chance or chances in a raffle only from an organization which has also been licensed under the Raffle Act;

(E) Raffle chances may be sold or issued only within the area specified on the license, and winning chances may be determined only at those locations specified on the license;

(F) No person under the age of **eighteen (18) years** may participate in the conducting of raffles or chances. A person under the age of **eighteen (18) years** may be within the area where winning chances are being determined only when accompanied by his parent or guardian.

(G) If a lessor rents premises where a winning chance or chances on a raffle are determined, the lessor shall not be criminally liable if the person who uses the premises for the determining of winning chances does not hold a license issued by the governing body of any county or municipality under the provisions of this Code. **(See 230 ILCS Sec. 15/4)**

7-1-8 RECORDS.

(A) Each organization licensed to conduct raffles and chances shall keep records of its gross receipts, expenses and net proceeds for each single gathering or occasion at which winning chances are determined. All deductions from the gross receipts for each single gathering or occasion shall be documented with receipts or other records indicating the amount, a description of the purchased item or service or other reason for the deduction, and the recipient. The distribution of net proceeds shall be itemized as to payee, purpose, amount and date of payment.

(B) Gross receipts from the operation of raffle programs shall be segregated from other revenues of the organization, including bingo gross receipts if bingo games are also conducted by the same non-profit organization pursuant to license therefor issued by the Department of Revenue of the State of Illinois, and placed in a separate account. Each organization shall have separate records of its raffles. The person who accounts for the gross receipts, expenses, and net proceeds from the operation of raffles shall not be the same person who accounts for other revenues of the organization.

(C) Each organization licensed to conduct raffles shall report monthly to its membership and to the Village its gross receipts, expenses and net proceeds from raffles and the distribution of net proceeds itemized as required by this Section.

(D) Records required by this Section shall be preserved for **three (3) years**, and the organization shall make available their records relating to operation of raffles for public inspection at reasonable times and places. **(See 230 ILCS Sec. 15/6)**

7-1-9 TERM AND FEES.

(A) The aggregate retail value of all prizes or merchandise awarded by a licensee in a single raffle shall not exceed **Fifty Thousand Dollars (\$50,000.00);**

(B) The maximum retail value of each prize awarded by a licensee in a single raffle shall not exceed **Fifteen Thousand Dollars (\$15,000.00);**

(C) The maximum price which may be charged for each raffle chance issued or sold shall not exceed **One Hundred Dollars (\$100.00);**

(D) The maximum number of days during which chances may be issued or sold shall not exceed **one hundred twenty (120) days;**

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

7-1-10 LIMITED CONSTRUCTION. Nothing in this Code shall be construed to authorize the conducting or operating of any gambling scheme, enterprise, activity or device other than raffles as provided for herein.

ED. NOTE: Political committees are required by Chapter 230, Sec. 15/8.1 to secure raffle licenses from the State Board of Elections.

(See 230 ILCS Sec. 15/2)

CHAPTER 14

FLOOD PLAIN CODE

ARTICLE I - GENERALLY

14-1-1 **PURPOSE.** This Code is enacted pursuant to the police powers granted to this Village by the Illinois Municipal Code (**65 ILCS 5/1-2-1, 5/11-12-12, 5/11-30-2, 5/11-30-8, and 5/11-31-2**) in order to accomplish the following purposes:

- (A) to prevent unwise developments from increasing flood or drainage hazards to others;
- (B) to protect new buildings and major improvements to buildings from flood damage;
- (C) to promote and protect the public health, safety, and general welfare of the citizens from the hazards of flooding;
- (D) to lessen the burden on the taxpayer for flood control, repairs to public facilities and utilities, and flood rescue and relief operations;
- (E) to maintain property values and a stable tax base by minimizing the potential for creating flood blight areas;
- (F) to make federally subsidized flood insurance available; and
- (G) to preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.

14-1-2 **DEFINITIONS.** For the purposes of this Code, the following definitions are adopted:

Base Flood: The flood having a **one percent (1%)** probability of being equaled or exceeded in any given year. The base flood is also known as the 100-year flood. The base flood elevation at any location is as defined in **Section 14-1-3** of this Code.

Base Flood Elevation (BFE): The elevation in relation to mean sea level of the crest of the base flood.

Basement: That portion of a building having its floor subgrade (below ground level) on all sides.

Building: A walled and roofed structure, including gas or liquid storage tank that is principally above ground including manufactured homes, prefabricated buildings and gas or liquid storage tanks. The term also includes recreational vehicles and travel trailers installed on a site for more than **one hundred eighty (180) days** per year.

Critical Facility: Any facility which is critical to the health and welfare of the population and, if flooded, would create an added dimension to the disaster. Damage to these critical facilities can impact the delivery of vital services, can cause greater damage to other sectors of the community, or can put special populations at risk.

Examples of critical facilities where flood protection should be required include: emergency services facilities (such as fire and police stations), schools, hospitals, retirement homes and senior care facilities, major road and bridges, critical utility sites (telephone switching stations or electrical transformers, and hazardous material storage facilities (chemicals, petrochemicals, hazardous or toxic substances).

Development: Any man-made change to real estate including, but not necessarily limited to:

- (A) demolition, construction, reconstruction, repair, placement of a building, or any structural alteration to a building;
- (B) substantial improvement of an existing building;
- (C) installation of a manufactured home on a site, preparing a site for a manufactured home, or installing a travel trailer on a site for more than **one hundred eighty (180) days** per year;
- (D) installation of utilities, construction of roads, bridges, culverts or similar projects;
- (E) construction or erection of levees, dams, walls, or fences;
- (F) drilling, mining, filling, dredging, grading, excavating, paving, or other alterations of the ground surface;
- (G) storage of materials including the placement of gas and liquid storage tanks; and channel modifications or any other activity that might change the direction, height, or velocity of flood or surface waters.

"Development" does not include routine maintenance of existing buildings and facilities, resurfacing roads, or gardening, plowing, and similar practices that do not involve filling, grading, or construction of levees.

Existing Manufactured Home Park or Subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed or buildings to be constructed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Expansion to an Existing Manufactured Home Park or Subdivision: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FEMA: Federal Emergency Management Agency.

Flood: A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

Flood Fringe: That portion of the floodplain outside of the regulatory floodway.

Flood Insurance Rate Map: A map prepared by the Federal Emergency Management Agency that depicts the floodplain or special flood hazard area (SFHA) within a community. This map includes insurance rate zones and may or may not depict floodways and show base flood elevations.

Flood Insurance Study: An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

Floodplain and Special Flood Hazard Area (SFHA): These two terms are synonymous. Those lands within the jurisdiction of the Village, the extraterritorial jurisdiction of the Village or that may be annexed into the Village, that are subject to inundation by the base flood. The floodplains of the Village are generally identified as such on panel number 550D of the countywide Flood Insurance Rate Map of Champaign County prepared by the Federal Emergency Management Agency and dated **October 2, 2013**. Floodplain also includes those areas of known flooding as identified by the community.

The floodplains of those parts of unincorporated Champaign County that are within the extraterritorial jurisdiction of the Village or that may be annexed into the Village are generally identified as such on the Flood Insurance Rate Map prepared for Champaign County by the Federal Emergency Management Agency and dated **October 2, 2013**.

Floodproofing: Any combination of structural or nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate, property and their contents.

Floodproofing Certificate: A form published by the Federal Emergency Management Agency that is used to certify that a building has been designed and constructed to be structurally dry floodproofed to the flood protection elevation.

Flood Protection Elevation (FPE): The elevation of the base flood plus **one (1) foot** of freeboard at any given location in the floodplain.

Floodway: That portion of the floodplain required to store and convey the base flood. The floodways for each of the floodplains of the Village shall be according to the best data available from Federal, State, or other sources.

Freeboard: An increment of elevation added to the base flood elevation to provide a factor of safety for uncertainties in calculations, future watershed development, unknown localized conditions, wave actions and unpredictable effects such as those caused by ice or debris jams.

Historic Structure: Any structure that is:

(A) Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.

(B) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.

(C) Individually listed on the state inventory of historic places by the Illinois Historic Preservation Agency.

(D) Individually listed on a local inventory of historic places that has been certified by the Illinois Historic Preservation Agency.

IDNR/OWR: Illinois Department of Natural Resources/Office of Water Resources.

IDNR/OWR Jurisdictional Stream: Illinois Department of Natural Resource Office of Water Resources has jurisdiction over any stream serving a tributary area of **six hundred forty (640) acres** or more in an urban area, or in the floodway of any stream serving a tributary area of **six thousand four hundred (6,400) acres** or more in a rural area. Construction on these streams requires a permit from the Department. (Ill. Admin. Code Title 17, pt. 3700.30). The Department may grant approval for specific types of activities by issuance of a statewide permit which meets the standards defined in **Section 14-1-6** of this Code.

Lowest Floor: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor. Provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of **Section 14-1-7** of this Code.

Manufactured Home: A structure transportable in **one (1)** or more sections that is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities.

Manufactured Home Park or Subdivision: A parcel (or contiguous parcels) of land divided into two or more lots for rent or sale.

New Construction: Structures for which the start of construction commenced on or after the effective date of floodplain management regulations adopted by a community and includes any subsequent improvements of such structures.

New Manufactured Home Park or Subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed or buildings to be constructed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by a community.

NFIP: National Flood Insurance Program.

Recreational Vehicle or Travel Trailer: A vehicle which is:

- (A) built on a single chassis;
- (B) **four hundred (400) square feet** or less in size;
- (C) designed to be self-propelled or permanently towable by a light duty truck and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

Repetitive Loss: Flood related damages sustained by a structure on two separate occasions during a **ten (10) year** period for which the cost of repairs at the time of each such flood event on the average equals or exceeds **twenty-five percent (25%)** of the market value of the structure before the damage occurred.

SFHA: See definition of floodplain.

Start of Construction: Includes substantial improvement and means the date the building permit was issued. This, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement or other improvement, was within **one hundred eighty (180) days** of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation or placement of a manufactured home on a foundation. For a substantial improvement, actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building whether or not that alteration affects the external dimensions of the building.

Structure: See "Building".

Substantial Damage: Damage of any origin sustained by a structure whereby the cumulative percentage of damage subsequent to the adoption of this Code, equals or exceeds **fifty percent (50%)** of the market value of the structure before the damage occurred regardless of actual repair work performed. Volunteer labor and materials must be included in this determination. The term includes "Repetitive Loss Buildings" (see definition).

Substantial Improvement: Any reconstruction, rehabilitation, addition, or improvement of a structure taking place subsequent to the adoption of this Code, in which the cumulative percentage of improvements equals or exceeds **fifty percent (50%)** of the market value of the structure before the improvement or repair is started, or increases the floor area by more than **twenty percent (20%)**.

"Substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term includes structures which have incurred repetitive loss or substantial damage, regardless of the actual repair work done.

The term does not include:

(A) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or

(B) any alteration of a structure listed on the National Register of Historic Places or the Illinois Register of Historic Places.

Violation: The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the required federal, state, and/or local permits and elevation certification is presumed to be in violation until such time as the documentation is provided.

14-1-3 BASE FLOOD ELEVATION. This Code's protection standard is the base flood. The best available base flood data are listed below. Whenever a party disagrees with the best available data, the party shall finance the detailed engineering study needed to replace existing data with better data and submit it to the FEMA and IDNR/OWR for approval prior to any development of the site.

(A) The base flood elevation for each of the floodplains delineated as an "A Zone" on the countywide Flood Insurance Rate Map of Champaign County shall be according to the best data available from federal, state or sources. Should no other data exist, an engineering study must be financed by the applicant to determine base flood elevations.

(B) The base flood elevation for the floodplains of those parts of unincorporated Champaign County that are within the extraterritorial jurisdiction of the Village, or that may be annexed into the Village, shall be as delineated on the 100-year flood profiles in the Flood Insurance Study of Champaign County prepared by the Federal Emergency Management Agency and dated **October 2, 2013**.

14-1-4 DUTIES OF THE VILLAGE PRESIDENT. The Village President shall be responsible for the general administration of this Code and ensure that all development activities within the floodplains under the jurisdiction of the Village meet the requirements of this Code. Specifically, the Village President shall:

- (A) Process development permits in accordance with **Section 14-1-5**;
- (B) Ensure that all development in a floodway (or a floodplain with no delineated floodway) meets the damage prevention requirements of **Section 14-1-6**;
- (C) Ensure that the building protection requirements for all buildings subject to **Section 14-1-7** are met and maintain a record of the "as-built" elevation of the lowest floor (including basement) or floodproof certificate;
- (D) Assure that all subdivisions and annexations meet the requirements of **Section 14-1-8**;
- (E) Ensure that water supply and waste disposal systems meet the Public Health standards of **Section 14-1-9**;
- (F) If a variance is requested, ensure that the requirements of **Section 14-1-11** are met and maintain documentation of any variances granted;
- (G) Inspect all development projects and take any and all penalty actions outlined in **Section 14-1-13** as necessary to ensure compliance with this Code;
- (H) Assure that applicants are aware of and obtain any and all other required local, state, and federal permits;
- (I) Notify IDNR/OWR and any neighboring communities prior to any alteration or relocation of a watercourse;
- (J) Provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques;
- (K) Cooperate with State and Federal floodplain management agencies to coordinate base flood data and to improve the administration of this Code;
- (L) Maintain for public inspection base flood data, floodplain maps, copies of state and federal permits, and documentation of compliance for development activities subject to this Code.
- (M) Perform site inspections to ensure compliance with this Code and make substantial damage determinations for structures within the floodplain; and
- (N) Maintain the accuracy of floodplain maps including notifying IDNR/OWR and/or submitting information to FEMA within **six (6) months** whenever a modification of the floodplain may change the base flood elevation or result in a change to the floodplain map.

14-1-5 DEVELOPMENT PERMIT. No person, firm, corporation, or governmental body not exempted by state law shall commence any development in the floodplain without first obtaining a development permit from the Village President. The Village President shall not issue a development permit if the proposed development does not meet the requirements of this Code.

- (A) The application for a development permit shall be accompanied by:
- (1) drawings of the site, drawn to scale showing property line dimensions;
 - (2) existing grade elevations and all changes in grade resulting from excavation or filling;
 - (3) the location and dimensions of all buildings and additions to buildings;
 - (4) the elevation of the lowest floor (including basement) of all proposed buildings subject to the requirements of **Section 14-1-7** of this Code; and
 - (5) cost of project or improvements as estimated by a licensed engineer or architect. A signed estimate by a contractor may also meet this requirement.

(B) Upon receipt of an application for a development permit, the Village President shall compare the elevation of the site to the base flood elevation. Any development located on land that can be shown by survey elevation to be below the base flood elevation is subject to the provisions of this Code. In addition, any development located on land shown to be below the base flood elevation and hydraulically connected to a flood source, but not identified as floodplain on the current Flood Insurance Rate Map, is subject to the provisions of this Code. Any development located on land that can be shown by survey data to be higher than the current base flood elevation and which has not been filled after the date of the site's first Flood Insurance Rate Map is not in the floodplain and therefore not subject to the provisions of this Code.

(C) The Village President shall maintain documentation of the existing ground elevation at the development site and certification that this ground elevation existed prior to the date of the site's first Flood Insurance Rate Map identification.

(D) The Village President shall be responsible for obtaining from the applicant copies of all other federal, state, and local permits, approvals or permit-not-required letters that may be required for this type of activity. The Village President shall not issue a permit unless all other federal, state, and local permits have been obtained.

14-1-6 PREVENTING INCREASED FLOOD HEIGHTS AND RESULTING DAMAGES. Within any floodway identified on the countywide Flood Insurance Rate Map, and within all other floodplains where a floodway has not been delineated, the following standards shall apply:

(A) Except as provided in **Section 14-1-6(B)**, no development shall be allowed which, acting in combination with existing and anticipated development will cause any increase in flood heights or velocities or threat to public health and safety. The following specific development activities shall be considered as meeting this requirement:

- (1) Bridge and culvert crossings of streams in rural areas meeting the conditions of the Illinois Department of Natural Resources, Office of Water Resources Statewide Permit Number 2;

- (2) Barge fleeting facilities meeting the conditions of IDNR/OWR Statewide Permit No. 3;
- (3) Aerial utility crossings meeting the conditions of IDNR/OWR Statewide Permit No. 4;
- (4) Minor boat docks meeting the conditions of IDNR/OWR Statewide Permit No. 5;
- (5) Minor, non-obstructive activities such as underground utility lines, light poles, sign posts, driveways, athletic fields, patios, playground equipment, minor storage buildings not exceeding **seventy (70) square feet** and raising buildings on the same footprint which does not involve fill and any other activity meeting the conditions of IDNR/OWR Statewide Permit No. 6;
- (6) Outfall structures and drainage ditch outlets meeting the following conditions of IDNR/OWR Statewide Permit No. 7;
- (7) Underground pipeline and utility crossings meeting the conditions of IDNR/OWR Statewide Permit No. 8;
- (8) Bank stabilization projects meeting the conditions of IDNR/OWR Statewide Permit No. 9;
- (9) Accessory structures and additions to existing residential buildings meeting the conditions of IDNR/OWR Statewide Permit No. 10;
- (10) Minor maintenance dredging activities meeting the following conditions of IDNR/OWR Statewide Permit No. 11;
- (11) Bridge and culvert replacement structures and bridge widening meeting the conditions of IDNR/OWR Statewide Permit No. 12;
- (12) Temporary construction activities meeting the conditions of IDNR/OWR Statewide Permit No. 13; and
- (13) Any development determined by IDNR/OWR to be located entirely within a flood fringe area shall be exempt from State Floodway permit requirements.

(B) Other development activities not listed in **Section 14-1-6(A)** may be permitted only if:

- (1) A permit has been issued for the work by IDNR/OWR (or written documentation is provided that an IDNR/OWR permit is not required); or
- (2) Sufficient data has been provided to FEMA when necessary, and approval obtained from FEMA for a revision of the regulatory map and base flood elevation.

14-1-7 PROTECTING BUILDINGS.

(A) In addition to the state permit and damage prevention requirements of **Section 14-1-6** of this Code, all buildings located in the floodplain shall be protected from flood damage below the flood protection elevation. This building protection requirement applies to the following situations:

- (1) Construction or placement of a new building or alteration or addition to an existing building valued at more than **One Thousand Dollars (\$1,000.00)** or **seventy (70) square feet.**
- (2) Structural improvements or structural alterations made to an existing building that increase the floor area by more than

twenty percent (20%) or equal or exceed the market value by **fifty percent (50%)**. Alteration shall be figured cumulatively subsequent to the adoption of this Code. If substantially improved, the existing structure and the addition must meet the flood protection standards of this Section.

- (3) Repairs made to a substantially damaged building. These repairs shall be figured cumulatively subsequent to the adoption of this Code. If substantially damaged the entire structure must meet the flood protection standards of this Section within **twenty-four (24) months** of the date the damage occurred.
- (4) Installing a manufactured home on a new site or a new manufactured home on an existing site. (The building protection requirements do not apply to returning a manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage).
- (5) Installing a travel trailer or recreational vehicle on a site for more than **one hundred eighty (180) days** per year.
- (6) Repetitive loss to an existing building as defined in **Section 14-1-2**.

(B) **Residential or non-residential buildings** can meet the building protection requirements by one of the following methods:

- (1) The building may be constructed on permanent land fill in accordance with the following:
 - (a) The lowest floor (including basement) shall be at or above the flood protection elevation;
 - (b) The fill shall be placed in layers no greater than **six (6) inches** before compaction and should extend at least **ten (10) feet** beyond the foundation before sloping below the flood protection elevation;
 - (c) The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or other structural measure;
 - (d) The fill shall be composed of rock or soil and not incorporated debris or refuse materials; and
 - (e) shall not adversely affect the flow of surface drainage from or onto neighboring properties and when necessary stormwater management techniques such as swales or basins shall be incorporated.
- (2) The building may be elevated on solid walls in accordance with the following:
 - (a) The building or improvements shall be elevated on stilts, piles, walls, crawlspace, or other foundation that is permanently open to flood waters;
 - (b) The lowest floor and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters shall be located at or above the flood protection elevation;
 - (c) If walls are used, all enclosed areas below the flood protection elevation shall address hydrostatic pressures by

- allowing the automatic entry and exit of flood waters. Designs must either be certified by a licensed professional engineer or by having a minimum of **one (1)** permanent opening on each wall no more than **one (1) foot** above grade with a minimum of **two (2)** openings. The openings shall provide a total net area of not less than **one (1) square inch** for every **one (1) square foot** of enclosed area subject to flooding below the base flood elevation; and
- (d) The foundation and supporting members shall be anchored, designed, and certified so as to minimize exposure to hydrodynamic forces such as current, waves, ice, and floating debris.
 - (i) All structural components below the flood protection elevation shall be constructed of materials resistant to flood damage.
 - (ii) Water and sewer pipes, electrical and telephone lines, submersible pumps, and other service facilities may be located below the flood protection elevation provided they are waterproofed.
 - (iii) The area below the flood protection elevation shall be used solely for parking or building access and not later modified or occupied as habitable space, or
 - (iv) In lieu of the above criteria, the design methods to comply with these requirements may be certified by a licensed professional engineer or architect.
- (3) The building may be constructed with a crawlspace located below the flood protection elevation provided that the following conditions are met:
- (a) The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 - (b) Any enclosed area below the flood protection elevation shall have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. A minimum of **one (1)** opening on each wall having a total net area of not less than **one (1) square inch** per **one (1) square foot** of enclosed area. The openings shall be no more than **one (1) foot** above grade.
 - (c) The interior grade of the crawlspace below the flood protection elevation must not be more than **two (2) feet** below the lowest adjacent exterior grade.
 - (d) The interior height of the crawlspace measured from the interior grade of the crawl to the top of the foundations wall must not exceed **four (4) feet** at any point.

- (e) An adequate drainage system must be installed to remove floodwaters from the interior area of the crawlspace within a reasonable period of time after a flood event.
- (f) Portions of the building below the flood protection elevation must be constructed with materials resistant to flood damage, and
- (g) Utility systems within the crawlspace must be elevated above the flood protection elevation.

(C) **Non-residential buildings** may be structurally dry floodproofed (in lieu of elevation) provided a licensed professional engineer or architect certifies that:

- (1) Below the flood protection elevation, the structure and attendant utility facilities are watertight and capable of resisting the effects of the base flood.
- (2) The building design accounts for flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, the effects of buoyancy, and the impact from debris and ice.
- (3) Floodproofing measures will be incorporated into the building design and operable without human intervention and without an outside source of electricity.
- (4) Levees, berms, floodwalls and similar works are not considered floodproofing for the purpose of this subsection.

(D) **Manufactured homes or travel trailers** to be permanently installed on site shall be:

- (1) elevated to or above the flood protection elevation in accordance with **Section 14-1-7(B)**; and
- (2) anchored to resist flotation, collapse, or lateral movement by being tied down in accordance with the Rules and Regulations for the Illinois Mobile Home Tie-Down Act issued pursuant to 77 Ill. Adm. Code § 870.

(E) **Travel trailers and recreational vehicles** on site for more than **one hundred eighty (180) days** per year shall meet the elevation requirements of **Section 14-1-7(D)** unless the following conditions are met:

- (1) The vehicle must be either self-propelled or towable by a light duty truck.
- (2) The hitch must remain on the vehicle at all times.
- (3) The vehicle must not be attached to external structures such as decks and porches.
- (4) The vehicle must be designed solely for recreation, camping, travel, or seasonal use rather than as a permanent dwelling.
- (5) The vehicles largest horizontal projections must be no larger than **four hundred (400) square feet**.
- (6) The vehicle's wheels must remain on axles and inflated.
- (7) Air conditioning units must be attached to the frame so as to be safe for movement out of the floodplain.
- (8) Propane tanks as well as electrical and sewage connections must be quick-disconnect.
- (9) The vehicle must be licensed and titled as a recreational vehicle or park model; and

- (10) Must either:
 - (a) entirely be supported by jacks, or
 - (b) have a hitch jack permanently mounted, have the tires touching the ground and be supported by block in a manner that will allow the block to be easily removed by use of the hitch jack.

(F) **Garages, sheds or other minor accessory structures** constructed ancillary to an existing residential use may be permitted provided the following conditions are met:

- (1) The garage or shed must be non-habitable; and
- (2) The garage or shed must be used only for the storage of vehicles and tools and cannot be modified later into another use; and
- (3) The garage or shed must be located outside of the floodway or have the appropriate state and/or federal permits; and
- (4) The garage or shed must be on a single-family lot and be accessory to an existing principal structure on the same lot; and
- (5) Below the base flood elevation, the garage or shed must be built of materials not susceptible to flood damage; and
- (6) All utilities, plumbing, heating, air conditioning and electrical must be elevated above the flood protection elevation; and
- (7) The garage or shed must have at least **one (1)** permanent opening on each wall not more than **one (1) foot** above grade with **one (1) square inch** of opening for every **one (1) square foot** of floor area; and
- (8) The garage or shed must be less than **Fifteen Thousand Dollars (\$15,000.00)** in market value or replacement cost whichever is greater or less than **five hundred seventy-six (576) square feet (24' x 24')**; and
- (9) The structure shall be anchored to resist flotation and overturning; and
- (10) All flammable or toxic materials (gasoline, paint, insecticides, fertilizers, etc.) shall be stored above the flood protection elevation; and
- (11) The lowest floor elevation should be documented and the owner advised of the flood insurance implications.

14-1-8 SUBDIVISION REQUIREMENTS. The Village shall take into account hazards, to the extent that they are known, in all official actions related to land management use and development.

(A) New subdivisions, manufactured home parks, annexation agreements, planned unit developments, and additions to manufactured home parks and subdivisions shall meet the damage prevention and building protection standards of **Sections 14-1-6 and 14-1-7** of this Code. Any proposal for such development shall include the following data:

- (1) The base flood elevation and the boundary of the floodplain, where the base flood elevation is not available from an existing study, the applicant shall be responsible for calculating the base flood elevation;
- (2) The boundary of the floodway when applicable; and

- (3) A signed statement by a Licensed Professional Engineer that the proposed plat or plan accounts for changes in the drainage of surface waters in accordance with the Plat Act (**765 ILCS 205/2**).

Streets, blocks, lots, parks and other public grounds shall be located and laid out in such a manner as to preserve and utilize natural streams and channels. Wherever possible the floodplains shall be included within parks or other public grounds.

14-1-9 PUBLIC HEALTH AND OTHER STANDARDS.

(A) Public health standards must be met for all floodplain development. In addition to the requirements of **Sections 14-1-6** and **14-1-7**, the following standards apply:

- (1) No development in the floodplain shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the flood protection elevation unless such materials are stored in a floodproofed and anchored storage tank and certified by a professional engineer or floodproofed building constructed according to the requirements of **Section 14-1-7** of this Code.
- (2) Public utilities and facilities such as sewer, gas and electric shall be located and constructed to minimize or eliminate flood damage;
- (3) Public sanitary sewer systems and water supply systems shall be located and constructed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
- (4) New and replacement on-site sanitary sewer lines or waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding. Manholes or other above ground openings located below the flood protection elevation shall be watertight.
- (5) Construction of new or substantially improved critical facilities shall be located outside the limits of the floodplain. Construction of new critical facilities shall be permissible within the floodplain if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor (including basement) elevated or structurally dry floodproofed to the 500-year flood frequency elevation or **three (3) feet** above the level of the 100-year flood frequency elevation whichever is greater. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities.

(B) All other activities defined as development shall be designed so as not to alter flood flows or increase potential flood damages.

14-1-10 CARRYING CAPACITY AND NOTIFICATION. For all projects involving channel modification, fill, or stream maintenance (including levees), the flood carrying capacity of the watercourse shall be maintained.

In addition, the Village shall notify adjacent communities in writing **thirty (30) days** prior to the issuance of a permit for the alteration or relocation of the watercourse.

14-1-11 VARIANCES. Whenever the standards of this Code place undue hardship on a specific development proposal, the applicant may apply to the Zoning Board of Appeals for a variance. The Zoning Board of Appeals shall review the applicant's request for a variance and shall submit its recommendation to the Village Board. The Village Board may attach such conditions to granting of a variance as it deems necessary to further the intent of this Code.

(A) No variance shall be granted unless the applicant demonstrates that all of the following conditions are met:

- (1) the development activity cannot be located outside the floodplain;
- (2) an exceptional hardship would result if the variance were not granted;
- (3) the relief requested is the minimum necessary;
- (4) there will be no additional threat to public health, safety or creation of a nuisance;
- (5) there will be no additional public expense for flood protection, rescue or relief operations, policing, or repairs to roads, utilities, or other public facilities;
- (6) the applicant's circumstances are unique and do not establish a pattern inconsistent with the intent of the NFIP; and
- (7) all other state and federal permits have been obtained.

(B) The Zoning Board of Appeals shall notify an applicant in writing that a variance from the requirements of the building protections standards of **Section 14-1-7** that would lessen the degree of protection to a building will:

- (1) result in increased premium rates for flood insurance up to **Twenty-Five Dollars (\$25.00)** per **One Hundred Dollars (\$100.00)** of insurance coverage;
- (2) increase the risks to life and property; and
- (3) require that the applicant proceed with knowledge of these risks and that the applicant acknowledge in writing the assumption of the risk and liability.

(C) **Historic Structures.**

- (1) Variances to the building protection requirements of **Section 14-1-7** of this Code which are requested in connection with reconstruction, repair, or alteration of a historic site or historic structure as defined in "Historic Structures", may be granted using criteria more permissive than the requirements of **Section 14-1-6** and **14-1-7** of this Code subject to the conditions that:
 - (a) The repair or rehabilitation is the minimum necessary to preserve the historic character and design of the structure.
 - (b) The repair or rehabilitation will not result in the structure being removed as a certified historic structure.

(D) **Agriculture.** Any variance granted for an agricultural structure shall be decided individually based on a case-by-case analysis of the building's unique circumstances. Variances granted shall meet the following conditions as well as those criteria and conditions set forth in this Code.

In order to minimize flood damages during the 100-year flood and the threat to public health and safety, the following conditions shall be included for any variance issued for agricultural structures that are constructed at-grade and wet-floodproofed.

- (1) All agricultural structures considered for a variance from the floodplain management regulations of this Code shall demonstrate that the varied structure is located in wide, expansive floodplain areas and no other alternate location outside of the special flood hazard area exists for the agricultural structure. Residential structures or animal confinement facilities, such as farm houses, cannot be considered agricultural structures.
- (2) Use of the varied structures must be limited to agricultural purposes in zone A only as identified on the community's Flood Insurance Rate Map (FIRM).
- (3) For any new or substantially damaged agricultural structures, the exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, etc.) below the base flood elevation, must be built with flood-resistant materials in accordance with **Section 14-1-7** of this Code.
- (4) The agricultural structures must be adequately anchored to prevent flotation, collapse, or lateral movement of the structures in accordance with **Section 14-1-7** of this Code. All of the building's structural components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, and hydrodynamic and debris impact forces.
- (5) Any mechanical, electrical, or other utility equipment must be located above the base flood elevation or floodproofed so that they are contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions in accordance with **Section 14-1-7** of this Code.
- (6) The NFIP requires that enclosure or foundation walls, subject to the 100-year flood, contain openings that will permit the automatic entry and exit of floodwaters in accordance with **Section 14-1-7(B)** of this Code.
- (7) The agricultural structures must comply with the floodplain management floodway provisions of **Section 14-1-6** of this Code. No variances may be issued for agricultural structures within any designated floodway.
- (8) Wet-floodproofing construction techniques must be reviewed and approved by the floodplain administrator and a registered professional engineer or architect prior to the issuance of any floodplain development permit for construction.

14-1-12 DISCLAIMER OF LIABILITY. The degree of flood protection by this Code is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes. This Code does not imply that development either inside or outside of the floodplain will be free from flooding or damage. This Code does not create liability on the part of the Village or any officer or employee thereof for any flood damage that results from reliance on this Code or any administrative decision made lawfully thereunder.

14-1-13 PENALTY. Failure to obtain a permit for development in the floodplain or failure to comply with the conditions of a permit or a variance shall be deemed to be a violation of this Code. Upon due investigation, the Village President may determine that violation of the minimum standards of this Code exists. The Village President shall notify the owner in writing of such violation.

- (A) If such owner fails after **ten (10) days** notice to correct the violation:
- (1) The Village shall make application to the circuit court for an injunction requiring conformance with this Code or make such other order as the court deems necessary to secure compliance with the Code.
 - (2) Any person who violates this Code shall upon conviction thereof be fined not less than **Fifty Dollars (\$50.00)** or more than **Seven Hundred Fifty Dollars (\$750.00)** for each offense.
 - (3) A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues, and
 - (4) The Village shall record a notice of violation on the title of the property.

(B) The Village President shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.

The Village President is authorized to issue an order requiring the suspension of the subject development. The stop-work order shall be in writing, indicate the reason for the issuance, and shall order the action, if necessary, to resolve the circumstances requiring the stop-work order. The stop-work order constitutes a suspension of the permit.

No site development permit shall be permanently suspended or revoked until a hearing is held by the Zoning Board of Appeals. Written notice of such hearing shall be served on the permittee and shall state:

- (1) The grounds for the complaint, reasons for suspension or revocation, and
- (2) the time and place of the hearing.

At such hearing the permittee shall be given an opportunity to present evidence on their behalf. At the conclusion of the hearing, the Zoning Board of Appeals shall determine whether the permit shall be suspended or revoked.

(C) Nothing herein shall prevent the Village from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

14-1-14 **ABROGATION AND GREATER RESTRICTIONS.** This Code repeals and replaces other ordinances adopted by the Village Board to fulfill the requirements of the National Flood Insurance Program including _____. However, this Code does not repeal the original ordinance adopted to achieve eligibility in the Program. Nor does this Code repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Where this Code and other ordinance easements, covenants, or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

14-1-15 **SEVERABILITY.** The provisions and sections of this Code shall be deemed separable and the invalidity of any portion of this Code shall not affect the validity of the remainder.

(Ord. No. 2013-04; 07-10-13)

CHAPTER 15

FRANCHISES

ARTICLE I – WATER FRANCHISE

15-1-1 **INCORPORATION CLAUSE.** The President and Board of Trustees hereby find that all of the recitals hereinbefore stated as contained in the preambles to this Code are full, true and correct and does hereby, by reference, incorporate and make them part of this Code.

15-1-2 **PURPOSE.** This Code is to authorize Illinois-American Water Company, its Successor and assigns to contract, operate and maintain a water transmission and distribution system throughout the Village.

15-1-3 **FRANCHISE AGREEMENT AUTHORIZED.** This Code hereby authorizes the President and Board of Trustees and Village Clerk to execute the Franchise Agreement with Illinois-American Water Company, (a copy of which is attached hereto and by reference incorporated herein) at closing upon satisfaction of all terms and obligations under the Asset Purchase Agreement referenced herein and all under such terms and upon a start date as they deem appropriate. **(See Exhibit "A")**

15-1-4 **INVOCATION OF AUTHORITY.** This Code is enacted pursuant to the authority granted to this Village by the Constitution of the State of Illinois and Illinois Compiled Statutes.

15-1-5 **STATE LAW ADOPTED.** All applicable provisions of the Illinois Compiled Statutes, including the Illinois Municipal Code, as may be amended from time to time, relating to the purposes of this Code are hereby incorporated herein by reference.

15-1-6 **APPROVAL AND EXECUTION OF DOCUMENTS.** The President and Village Clerk are hereby authorized and directed to execute Franchise Agreement and the Village Clerk is authorized and directed to attest, countersign and affix the seal of the Village to such documents and any and all other documents necessary to carry out and give effect to the purpose and intent of this Code.

15-1-7 **OTHER ACTIONS AUTHORIZED.** The President, Village Clerk and Village Attorney are hereby authorized and directed to do all things necessary, essential, or convenient to carry out and give effect to the purpose and intent of this Code.

15-1-8 **ACTS OF VILLAGE OFFICIALS.** All acts and doings of the officials of the Village, past, present, and future which are in conformity with the purpose and intent of this Code, are hereby in all respects, ratified, approved, authorized and confirmed.

15-1-9 **HEADINGS.** The headings for the articles, sections, paragraphs and sub-paragraphs of this Code are inserted solely for the convenience of reference and form no substantive part of this Code nor should they be used in any interpretation or construction of any substantive provisions of this Code.

15-1-10 **SEVERABILITY.** The provisions of this Code are hereby declared to be severable and should any provision, clause, sentence, paragraph, sub-paragraph, section, or part of this Code be determined to be in conflict with any law, statute or regulation by a court of competent jurisdiction, said provision shall be excluded and deemed inoperative, unenforceable, and as though not provided for herein, and all other provisions shall remain unaffected, unimpaired, valid and in full force and effect. It is hereby declared to be the legislative intent of the Board of Trustees that this Code would have been adopted had not such unconstitutional or invalid provision, clause, sentence, paragraph, sub-paragraph, section, or part thereof had not been included.

15-1-11 **SUPERSEDER AND PUBLICATION.** All code provisions, ordinances, resolutions and orders, or parts thereof, in conflict herewith, are to the extent of such conflict hereby superseded. A full, true and complete copy of this Code shall be published in pamphlet form or in a newspaper published and of general circulation within the Village as provided by the Illinois Municipal Code, as amended.

(Ord. No. 2016-02; 04-20-16)

ARTICLE II – GAS FRANCHISE

15-2-1 **AMEREN ILLINOIS: GAS UTILITY SYSTEM.** The Ameren Illinois gas utility system franchise is hereby included as **Exhibit "B"** as follows.

(Ord. No. 2015-01; 01-07-15)

EXHIBIT "A"

FRANCHISE AGREEMENT

THIS FRANCHISE AGREEMENT ("Agreement") is made and entered into as of the _____ day of _____, 2016 by and between the Village of Sadorus, an Illinois municipal corporation (the "Village"), and Illinois-American Water Company, an Illinois public utility corporation (the "Water Company").

RECITALS

WHEREAS, the Village owns and operates its own municipal water system; and

WHEREAS, the Board of Trustees of the Village (the "Board") has determined that it would be in the best interests of the citizens of the Village for it to enter into agreements to sell certain portions of its water system and otherwise enter into a franchise agreement for the provision of potable water within the Village; and

WHEREAS, the Board has determined that the Water Company, which provides water treatment, storage and distribution services to many communities in the State of Illinois, is the most suitable entity with which to enter into such transactions and agreements; and

WHEREAS, the Board has passed one or more ordinances approving the execution of an asset purchase agreement and the within franchise agreement with the Water Company; and

WHEREAS, this Agreement memorializes the terms and conditions of the franchise, which have been mutually agreed upon by the Village and the Water Company.

NOW, THEREFORE, for and in consideration of the mutual covenants and agreements contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the parties, the Village and Water Company do mutually covenant and agree as follows:

SECTION ONE: In consideration of the covenants contained herein, and for other and further advantages accruing to the Village there is hereby given and granted to Water Company, its successors and assigns, the exclusive right, privilege, authority, license, and permission to construct, install, operate, repair, replace, remove, and maintain in and through the Village a potable water supply and distribution system and to construct, install, operate, repair, replace, remove, and maintain all such facilities as may be necessary and convenient for such potable water system, in, upon, along, over, across, and under the public ways and public property in the Village for a term of **twenty (20) years** from and after the effective date of this Agreement. The rights set forth herein shall be subject to such other terms and conditions as are otherwise set forth in this Agreement, and the rights of any person or entity currently having rights, licenses, easements or franchises in or about the public ways of the Village. Such potable water system shall be used, inter alia, for the purpose of supplying water in the Village for domestic, public, manufacturing, and other purposes, and to transport water through said Village to other municipalities and unincorporated areas where services may now or

hereafter be furnished by means of the existing distribution system and transmission mains or as the same may be hereafter extended, enlarged, replaced, relocated, or paralleled by additional mains from time to time hereafter.

SECTION TWO: The Village hereby contracts with the Water Company to take from said company all water required for municipal purposes. The Village agrees to pay for all such water at the rates approved, from time to time, by the Illinois Commerce Commission ("Commission").

SECTION THREE: It is understood that a separate fire department ("FD") exists and provides fire protection service in the Village. The Water Company agrees the FD may request fire hydrants as deemed necessary for public fire protection and that installation of such hydrants and services requested by the FD will be installed under the rules and regulations of the Water Company as now in effect and approved by the Commission and the regulations of the Illinois Environmental Protection Agency, as such rules and regulations may be lawfully modified in the future. Village may from time to time and at any time, inspect or cause fire hydrants to be inspected, and if any are found to be in disrepair or not in good, effective working order, the Water Company shall be notified by the Village in writing of the location of any such fire hydrant, and upon receipt of such notice, the Water Company shall restore or repair such hydrant to effective working order as soon as reasonably possible. The Village shall notify the Water Company in advance of when the Village is going to inspect fire hydrants, including which fire hydrants are being inspected and the dates the inspection will be performed. The Water Company may have a representative present at the time of any such inspection.

SECTION FOUR: Upon the annexation of any territory to the Village, the portion of the Water Company's facilities that may be located within such annexed territory and in, under, or upon the streets, alleys, or public ways, shall thereafter be subject to all the terms of this franchise grant.

SECTION FIVE: The Village will not permit or allow the public fire hydrants erected in its streets and public right-of-ways to be used for any purpose other than extinguishments of fires, necessary and proper testing of its firefighting equipment, and necessary washing or flushing of sewers, and gutters; and the Village will take all necessary steps and adopt any ordinances which it determines are necessary to protect and afford protection to the property of the Water Company located within the Village. Except for emergency purposes, when water is used for the purposes expressly stated in this Section, the approval of the fire chief of the FD for the use of the hydrant or hydrants shall first be obtained and the Water Company shall be notified of the time, place, estimated volume of water to be used, and the person employed by the Village or FD who will be conducting each such use. No unauthorized person may use the hydrants for any purpose. Within **one (1) calendar month** of the approved usage, Village or FD will advise the Water Company of the volume of water used.

SECTION SIX: In the event that the Water Company causes an opening in any street or right-of-way within the Village during the operation of the water system, the Water Company will repair or replace the street or right-of-way at its expense and shall place the paving or other surface back in substantially the same condition as prior to such opening as expeditiously as reasonably possible upon considering all relevant factors, including without limitation weather conditions. The Water Company agrees to notify the Village in advance of the opening

of any such street or right-of-way for non-emergency repairs or maintenance to the water system and will apply for all required permits prior to initiation of any such street or right-of-way openings. Subject to Section 14, the Village shall not adopt any ordinance or other fee schedule which would impose fees upon the Water Company for the privilege granted hereby of utilizing such streets and right-of-ways for the purposes of public water service. The Water Company shall provide the Village with a list of all such openings which have been made in the prior calendar month no later than the **tenth (10th) day** of the immediately following month. The Water Company shall not unreasonably obstruct the public ways of the Village or private ways including private drives in connection with any of the work undertaken. Furthermore, the Water Company shall maintain such barriers, signs, and warning signals as may be reasonably necessary to avoid injury or damage to life and property and as otherwise provided for in the Manual of Uniform Traffic Control Devices of the State of Illinois, as such manuals may, from time to time be in effect, or any successor provisions.

SECTION SEVEN: Any person or corporation shall not be permitted, and the Village shall not grant to any person or corporation, the right to install, extend, or maintain any water, gas, telephone, sewer, or other system, or any pipes, mains, conduits, or wires, so as to injure, damage, or interfere with the water system, pipes, hydrants, or mains of the Water Company; the Village shall not vacate or convey away any rights-of-way containing Water Company facilities without the Water Company's prior approval or reservation of an easement providing a right to construct, operate, maintain, extend, or replace its facilities, and no person or corporation shall be permitted or granted the right to interfere in any way with any of the rights granted hereunder to the Water Company to construct, operate, install, extend, maintain, or replace its water system or use the streets, avenues, alleys, parks, and other public places as provided herein.

SECTION EIGHT: The Village shall adopt no ordinances in conflict herewith for the term of this Agreement except as required by State or Federal law.

SECTION NINE: The Water Company and the Village recognize that communication of planned improvements or maintenance of infrastructure is beneficial to each party and to the residents of the Village. To that end, the parties shall meet at least once each year during the first quarter thereof to discuss their respective plans in order to coordinate, to the extent possible, any such construction activities. At the annual meeting, the Company will provide a summary of the immediately preceding year's activities affecting the water facilities. In furtherance of communication during emergency situations, each party shall also provide to the other a list of contact telephone numbers or other contact information which will allow either party to contact a representative of the other **twenty-four (24) hours** per day, **three hundred sixty-five (365) days** per year.

SECTION TEN: Any waiver of any provision of this Agreement and any consent to any departure from the terms of any provision of this Agreement is to be effective only in the specific instance and for the specific purpose for which given. No failure on the part of any party hereto to exercise, and no delay in exercising, any right, power or privilege hereunder operates as a waiver thereof; nor does any single or partial exercise of any right, power or privilege hereunder preclude any other or further exercise thereof, or the exercise of any other right, power or privilege. No notice to or demand on any party hereto in any case entitles such party to any other or further notice or demand in similar or other circumstances.

SECTION ELEVEN: The Water Company shall render efficient services, make repairs promptly, and interrupt service only for good cause and for the shortest time practicable. Such service shall be in accordance with industry standards and all applicable laws and regulations. It shall provide and maintain operational telephone numbers such that the Water Company's supervisory personnel can be reached directly (not through a call center) in the event of an emergency on a **twenty-four (24) hour** per day, **three hundred sixty-five (365) days** per year basis. Such numbers shall be provided to the FD, the Mayor of the Village, and the President of the Board, and shall be updated promptly upon any changes.

SECTION TWELVE: The Water Company shall inform the Village whenever there is a planned maintenance or construction project that has a significant impact on the water system. The Water Company shall notify the Village if it changes any treatment technique that impacts the chemical qualities of the water distributed by the Water Company through its system serving the Village.

SECTION THIRTEEN: The Village shall permit the Water Company to abandon any underground franchise property in place so long as such property does not interfere with the use of the streets or public rights-of-way in or at which such property is located or with the use thereof by any public utility, other entity or person, and the Water Company shall notify and provide the Village with suitable maps and other documents, which shall identify the location of the abandoned property.

SECTION FOURTEEN: The Water Company shall collect and process all gross receipts tax or any other surcharge of any kind levied or imposed by any appropriate taxing jurisdiction, including without limitation the Village's municipal utility tax in effect from time to time. In the event that the Village should change or add any additional tax or surcharge, the Village shall give the Water Company at least **sixty (60) days'** notice of such change or addition.

SECTION FIFTEEN: This Agreement shall, to the extent now or hereafter permitted by statutes, laws and regulations of the State of Illinois, inure to the benefit of and be binding upon any municipality or other unit of state or local government in or to which the Village may hereafter be included, attached or annexed or into which it may be incorporated, and shall also inure to the benefit of and be binding upon the successors and assigns of the Water Company as provided herein. The Water Company shall have the right at any time to assign the entire Agreement to any public utility corporation organized under the laws of the State of Illinois or authorized to engage in public utility business within the State of Illinois or to any other person, firm, or corporation authorized or empowered to own and/or operate a water utility business within the corporate limits of the Village.

SECTION SIXTEEN: If any provisions of this Agreement, or the application of such provision to particular circumstances, shall be held invalid, the remainder of this Agreement, or the application of such provision to circumstances other than those as to which it is held invalid, shall not be affected thereby.

SECTION SEVENTEEN: Any notice required under this Agreement to be served upon the Village or the Water Company shall be in writing and served by either (a) certified mail, return receipt requested; (b) personal service; or (c) a national overnight carrier service, addressed to each of the Parties as follows or to such other address as the Village or Water Company may hereafter furnish in writing to the other Party:

Village of Sadorus, Illinois:

Acting Village President
Village of Sadorus
Village Hall, P.O. Box 109
Sadorus, IL 61872

With a copy to (which shall not
Constitute notice):

Marc R. Miller
Miller & Hendren LLP
30 E. Main, Suite 200
Champaign, IL 61820

The Water Company:

District Manager
Illinois-American Water Company
120 S. Sterling St.
Streator, IL 61364

With a copy to (which shall not
constitute notice):

Corporate Counsel
Illinois American Water
100 North Water Works Drive
Belleville, IL 62223

SECTION EIGHTEEN: The provisions herein constitute the complete agreement between the Village and the Water Company. All acts, ordinances, and parts of acts heretofore passed inconsistent with this Agreement are hereby repealed.

SECTION NINETEEN: The Water Company and the Village respectively agree that certain confidential and proprietary information relating to the operations, business, properties and assets of the water system (collectively, "Confidential Information") may be exchanged between the parties in order to comply with this Agreement. The Village hereby acknowledges that maintaining the confidence of this information is imperative to the security of the water system. To that end, the parties hereby agree to maintain the Confidential Information to the extent allowed by law, in confidence, giving it the same degree of care, but no less than a reasonable degree of care, as the parties exercise with their own confidential or proprietary information. Neither party, without the prior written consent of the other party (which may be withheld in such other party's sole discretion), will disclose any portion of the Confidential Information to others, except to their employees, attorneys, agents, consultants or contractors having a need to know in order to accomplish the purpose of this Agreement and who are bound by a like obligation of confidentiality under this Agreement; provided, however, that the restrictions of this sentence shall not apply (a) as may otherwise be required by law, (b) to the extent necessary for regulatory purposes, including without limitation, the requirements of the Commission, and (c) to the extent such information shall have otherwise become publicly available.

SECTION TWENTY: Village shall in no way be liable or responsible for any accident or damage that may occur in the construction, operation or maintenance by the Water Company of its facilities hereunder, except to the extent caused or contributed to by the negligence of Village. The Water Company shall indemnify, become responsible for and forever save harmless the Village from any and all judgments, damages, decrees, costs and expenses, including attorney's fees, which the Village may legally suffer in incur, or which may be legally obtained against the Village for or by reasons of the use and occupation of any street, alley, avenue or other public way or place in the Village by the Water Company pursuant to the terms of this ordinance or legally resulting from the exercise by the Water Company of any of the privileges herein granted, except to the extent caused or contributed to by the negligence of Village. As additional security therefore the Water Company shall, during the life of this

Agreement, include Village as an additional insured on Water Company's policies of insurance, excluding any workman's compensation policies, for claims resulting from the exercise by the Water Company of any of the privileges herein granted.

Water Company shall secure and maintain at all times during the term of this Franchise, insurance coverage, in the amounts stated below for customary comprehensive general liability insurance. The comprehensive general limits shall be no less than **Two Million Dollars (\$2,000,000.00)** per occurrence (combined single limit), including bodily injury and property damage, and in an amount not less than **Five Million Dollars (\$5,000,000.00)** annual aggregate for each personal injury liability and products-completed operations. Village shall be named as an Additional Insured with respect to all operations of the insured and the applicable Water Company's insurance policy shall contain a waiver of subrogation against Village, its departments, agencies, boards, commissions, officers, agents, and employees for losses arising from the service provided by or on behalf of that Water Company in the event that Water Company is found to be negligent. Insurance coverage must be provided by an insurance company admitted to do business in Illinois and rated B+ or better by AM Best's Insurance Rating. Subsequently, a certificate of insurance, signed by an authorized representative of the insurer with **thirty (30) days'** notice of cancellation or non-renewal, shall be presented a minimum of **five (5) days** after the date of expiration of the policy term. In the event a Water Company fails to provide such certificate of coverage, Village may - but shall not be required to - purchase insurance if available, to protect itself against any losses. If Village elects to purchase the insurance under the provision, Village shall provide the applicable Grantee with at least **five (5) business days'** prior written notice and that Water Company shall be liable to Village for all costs incurred by Village for purchasing such insurance.

Water Company shall submit to Village Clerk, Village of Sadorus, Village Hall, PO Box 109, Sadorus, IL 61872, a certificate of insurance, evidencing the coverage and limits stated in the foregoing paragraph within **ten (10) days** of award of this Franchise. Insurance evidenced by the certificate shall not expire be cancelled, nor non-renewed without **thirty (30) days'** prior written notice to Village. A statement to that effect must appear on the face of the certificate, and certificate shall be signed by a person authorized to bind the insurer.

During the term of this Franchise, it may become commercially reasonable for Water Company to proactively increase its coverage levels or purchase new insurance coverage. The terms herein are not a limitation on Water Company's rights to determine the level and types of insurance it seems proper to purchase at any time but do establish a level of minimum coverage.

SECTION TWENTY-ONE: Water Company shall bill, collect and pay to the Village a franchise fee ("Franchise Fee") beginning **January 1, 2018, two percent (2%)** of all amounts billed for water service.

To the extent that Village imposes a utility tax on water, Water Company shall bill, collect and pay a utility tax as set by the Village Trustees, upon **thirty (30) days'** written notice to Water Company of the imposition of such utility tax. Payment shall be remitted to Village with **sixty (60) days** of receipt by Water Company except as otherwise provided by law.

For purposes of this Agreement, amounts billed for water means amounts billed to customers which reside within the Village only as customer charges, demand charges, usage charges, private fire protection charges and public fire protection charges (and not including other billed amounts, for example fees, franchise fees, charges, taxes and miscellaneous charges).

SECTION TWENTY-TWO: Water Company shall provide water service to the fire district for fire protection purposes, hydrant flushing, and municipal hall building for domestic use within said building.

SECTION TWENTY-THREE: At the time(s) it repaints the water tower, Water Company shall, at the request of the Village, paint or otherwise mark "Sadorus" or such other community identifying logo on the water tower with any incremental cost attributable to the painting of the Village's mark or logo to be paid by the Village. Before painting any third-party mark or logo on the water tower, Water Company shall obtain the written consent of the Village.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date and year first above written.

Village of Sadorus, Illinois

Illinois-American Water Company

By: _____
Name: John Deedrick
Title: President

By: _____
Name: _____
Title: _____

ATTEST:

ATTEST:

Peggy Thompson, Village Clerk
(SEAL)

Secretary
(SEAL)

EXHIBIT "B"

GAS FRANCHISE

AN ORDINANCE RENEWING AN EXISTING FRANCHISE AND GRANTING FOR A PERIOD OF 20 YEARS TO AMEREN ILLINOIS, A CORPORATION, ITS SUCCESSORS AND ASSIGNS, THE FRANCHISE, RIGHT, PERMISSION AND AUTHORITY TO CONSTRUCT, RECONSTRUCT, EXCAVATE FOR, PLACE, REMOVE, EXTEND, MAINTAIN, AND OPERATE A GAS UTILITY SYSTEM IN THE VILLAGE OF SADORUS, COUNTY OF CHAMPAIGN AND STATE OF ILLINOIS.

BE IT ORDAINED BY THE PRERESIDENT AND THE BOARD OF TRUSTEES OF THE VILLAGE OF SADORUS, COUNTY OF CHAMPAIGN, AND THE STATE OF ILLINOIS, AS FOLLOWS:

Section 1. It is the intent of the parties by this Ordinance to extend for an additional term, subject to the terms and conditions here stated, the authorization to Ameren Illinois, its successors and assigns, to construct, operate and maintain a gas utility system within the Village as originally authorized by an Ordinance approved on February 1, 1965. The parties acknowledge that by so doing they are continuing an existing relationship authorizing the services of a utility for the provision of gas energy and other purposes within the Village for the benefit of its citizens and residents as well as other consumers of gas energy located within its corporate limits.

Section 2. There is hereby given and granted to Ameren Illinois, its successors and assigns (hereinafter referred to as the "Company"), the right, privilege and authority to construct, operate, maintain and/or extend within the corporate limits, as the same now exists or may hereafter be extended, of the Village of Sadorus (hereinafter referred to as "Municipality"), a gas utility system for the transmission, distribution and/or sale of gas energy and other purposes (the "System"), together with the right, privilege and authority to lay, erect, construct, install, operate and/or maintain all necessary mains, pipes, valves, equipment and/or other apparatus as may be necessary or convenient for the System, in, upon, along, over, under, through and/or across each and all of the streets, avenues, alleys, bridges, easements, rights of way and/or other public places as agreed upon by both parties.

Section 3. All mains, pipes, valves and apparatus shall, so far as practicable, be placed underground and shall be so located and laid as not to interfere unnecessarily with any pipes, conduits, sewers, drains, pavements, public places, or right-of-way existing at the time of such location, and said Company shall forthwith repair any damage caused to such improvements to the satisfaction of the official or officials of said Municipality having charge of the supervision thereof. There shall be no unnecessary obstruction to the streets, avenues, alleys, public places and right-of-way of said Municipality in the laying, installation, operation or maintenance of any of said mains, pipes, valves or other equipment. All facilities of Company in said Municipality shall be installed and maintained in accordance with the applicable rules and regulations of the Illinois Commerce Commission.

When any roadway within a right-of-way shall be graded, curbed, paved or otherwise changed or when there is a relocation of such right-of-way, so as to make the resetting or relocation of any mains, pipes, valves or other equipment placed or installed under this Ordinance necessary, the Company shall make such resetting or relocation, at the Company's

cost and expense. Municipality shall provide the Company with a suitable location for the resetting or relocation of such mains, pipes, valves or other equipment, and the Company's obligation shall be limited to resetting or relocating mains, pipes, valves or other equipment of the same type and configuration as the displaced mains, pipes, valves or other equipment. Company shall make such resetting or relocation within a reasonable time after receiving written notice of the need for the same from the authorized representative of the Municipality, and the establishment by the Municipality of the permanent grade at the new location. Except as expressly stated, nothing in this Section requires the Company to bear responsibility for any costs or expenses to relocate its mains, pipes, valves or other equipment for any other reason or cause.

Section 4. When any street, avenue, alley, bridge, easement, right of way and/or other public place, upon which or in which any facilities of Company have been placed, shall be graded, curbed, paved or otherwise changed by the Municipality so as to make the resetting or reconstruction of such facilities necessary, Company shall make such necessary change in construction at no cost to Municipality. Should it become necessary or should the Company desire to use conduits or other similar fixtures, Company shall make application to the Municipality for the establishment of permanent grades and such conduits or other similar fixtures shall not be installed until such permanent grades have been established. The Municipality agrees to establish promptly such permanent grades upon such application.

Section 5. The rates to be charged by the Company for gas service rendered under this Ordinance shall be such as are approved from time to time by the Illinois Commerce Commission of the State of Illinois and/or such other duly constituted governmental authority as shall have jurisdiction thereof. All Rules and Regulations of the Illinois Commerce Commission of the State of Illinois applicable to the rights, privileges and authority granted by this Ordinance, in the event of conflict herewith, shall govern.

Section 6. As a further consideration for the rights, privileges and authorities granted by this Ordinance, the Company shall, throughout the period in which Company shall exercise the rights, privileges and authority granted by this Ordinance furnish to the said Municipality, compensation in the amount of **One Thousand Sixty-Five Dollars (\$1,065.00)**, payable annually, within **thirty (30) days** of the anniversary date. Municipality may request a revision to the compensation amount after **five (5) years** from the date of passage of this Ordinance if Municipality has a reasonable belief that its population has increased or decreased by **three percent (3%)** or more. Municipality must request the revision at least **sixty (60) days** prior to the next anniversary date. If Company confirms that the number of customers served by the System within Municipality's corporate limits has increased or decreased by **three percent (3%)** or more, the compensation amount will be revised by that percentage for the next and succeeding payments. Municipality may request similar revisions to compensation amounts under these criteria in additional **five (5) year** periods throughout the term of this Ordinance.

Section 7. The rights, privileges and authority hereby granted shall inure to and be vested in Company, its successors and assigns, successively, subject to all of the terms, provisions and conditions herein contained, and each of the obligations hereby imposed upon Company shall devolve and be binding upon its successors and assigns, successively, in the same manner.

Section 8. The Company shall indemnify and save harmless the Municipality and all contractors, officers, employees and representatives thereof from all claims, demands, causes of action, liability, judgments, costs and expenses or losses or injury or death to persons or damage to property owned by, or Worker's Compensation claims against any parties indemnified herein, arising out of, caused by, or as a result of the Company's construction, erection, maintenance, use or presence of, or removal of any mains, pipes, valves or other appurtenances thereto, or equipment or attachments thereto. The foregoing indemnification shall not apply to the extent any such claim, demand, cause of action, liability, judgment, cost, expense or loss arises out of, is caused by, or results from the negligent or wrongful willful act or omission of the Municipality or any contractor, officer, employee or representative thereof.

Section 9. This Ordinance shall confer no right, privilege or authority on Company, its successors or assigns, unless Company shall within **ninety (90) days** after due notice to the Company of the enactment of this Ordinance, file with the Village Clerk an acceptance of the terms and provisions hereof; provided, however, that if such acceptance be not so filed within said period of **ninety (90) days**, all rights, privileges, and authority herein granted shall become null and void.

Section 10. All rights, privileges and authority given and granted by this Ordinance are granted for a term of **twenty (20) years** from and after the acceptance of this Ordinance as hereinafter provided (the "Initial Term"), and thereafter on a year-to-year basis (each a "Subsequent Term") unless either the Company or Municipality notifies the other in writing of its desire to terminate this Ordinance at least **six (6) months** prior to the expiration of the Initial Term or any Subsequent Term.

Section 11. The Municipality acknowledges that Company is vested in rights, permissions and authority independent of this Ordinance. Neither acceptance of this Ordinance nor compliance with its provisions shall impair in any way or waive any right, permission or authority which Company may have independent of this Ordinance. In addition, neither use by Company of public property or places as authorized by this Ordinance nor service rendered by Company in said Municipality shall be treated as use solely of the rights, permission and authority provided for by this Ordinance and in no way shall indicate non-use of any right, permission or authority vested in the Company independent of this Ordinance. In the event the Municipality vacates any streets, avenues, alleys, easements, rights of way, bridges or other public places during the term of this Ordinance, Municipality agrees to reserve unto Company the rights, privileges and authority herein given and granted to the Company in, upon, under, along, over and across each and all of such vacated premises which are at that time in use by the Company.

Section 12. All ordinances and parts of ordinances in conflict with this Ordinance or with any of its provisions are, to the extent of such conflict, hereby repealed.

Section 13. This Ordinance shall not relieve Company of the obligation to comply with any ordinance now existing in the Municipality or enacted in the future requiring Company to obtain written permits or other approval from the Municipality prior to commencement of construction of facilities within the streets thereof, except Company shall not be required to obtain permits or other approval from the Municipality for the maintenance, upgrading and repair of its facilities. Except in cases of emergency, prior to engaging in any excavation activity that is expected to create an obstruction or other hazardous condition in any street

avenue, alley or public place, the Company shall notify Municipality of the location and extent of the planned excavation. In cases of emergency, Company shall notify Municipality of the location and extent of any such activity as soon as practicable after the emergency has been abated.

Section 14. If any provision of this Ordinance, or the application of such provision to particular circumstances, shall be held invalid, the remainder of this Ordinance, or the application of such provision to circumstances other than those as to which it is held invalid, shall not be affected thereby.

Section 15. If, at any time, during the term of this contract, Municipality permits another entity or person to provide gas distribution or similar services, and Company reasonably believes the other entity or person is granted more favorable treatment, terms, or conditions, then Company shall notify Municipality of such treatment, terms, or conditions. Alternatively, if Municipality reasonably believes the other entity or person grants Municipality more favorable treatment, terms, or conditions, then Municipality shall notify Company of such treatment, terms, or conditions. Upon receipt of such notice, Municipality and Company shall negotiate in good faith to amend this Ordinance to provide Company or Municipality such more favorable treatment, terms or conditions on an equivalent basis. Such amendment shall take into consideration all circumstances that distinguish between Company and the entity or person receiving the more favorable or less favorable treatment, terms, or conditions.

Section 16. The Company shall be exempt from any special tax, assessment, license, rental or other charge during the term of this Ordinance, on all mains, pipes, valves, equipment and other apparatus placed under the streets, alleys, avenues, bridges, easements, rights of way or other public places within the corporate limits of Municipality.

Section 17. This Ordinance shall take effect and the rights, privileges and authority hereby granted and renewed shall vest in Company upon its filing of an acceptance with the Village Clerk according to the terms prescribed herein. This Ordinance shall be in full force from and after its passage, approval and **ten (10) day period** of publication in the manner provided by law.

(Ord. No. 2015-01; 01-07-15)

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)**

"CATERER RETAILER" means a person who serves alcoholic liquors for consumption, either on-site or off-site, whether the location is licensed or unlicensed, as an incidental part of food service. Prepared meals and alcoholic liquors are sold at a package price agreed upon under contract. **(See 235 ILCS Sec. 5/1-3.34)**

"CLOSE" means to shut up so as to prevent entrance or access by any person; and the entire suspension of business.

"CLUB" means a corporation organized under the laws of this State and not for pecuniary profit, solely for the promotion of some common object other than the sale or consumption of alcoholic liquors, kept, used and maintained by its members, through the payment of annual dues, and owning, hiring or leasing a building or space in a building of such extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests and provided with suitable and adequate kitchen and dining space and equipment and maintaining a sufficient number of servants and employees for cooking, preparing and serving food and meals for its members and their guests; provided that such club files with the Mayor at the time of its application for a license under this Chapter, **two (2) copies** of a list of names and residences of its members, and similarly files within **ten (10) days** of the election of any additional member, his name and address; and provided further, that its affairs and management are conducted by a board of directors, executive committee, or similar body chosen by the members at their annual meeting and that no member or officer, agent or employee of the club is paid, or directly or indirectly receives, in

the form of salary or other compensation any profits from the distribution or sale of alcoholic liquor to the club or its members or guests introduced by members, beyond the amount of such salary as may be fixed and voted at the annual meeting by the members or by the board of directors or other governing body out of the general revenue of the club. **(See 235 ILCS Sec. 5/1-3.24)**

"CORPORATION" means any corporation, domestic or foreign, qualified to do business in the State of Illinois under the "Business Corporation Act" of Illinois. **(Rule 100.10(b))**

"DISTILLED SPIRITS". See "Spirits".

"EVENT" means a single theme. **(Rules and Regulations 100.10(o))**

"HOTEL" means every building or other structure kept, used, maintained, advertised and held out to the public to be a place where food is actually served and consumed and sleeping accommodations are offered for adequate pay to travelers and guests, whether transient, permanent or residential, in which **twenty-five (25)** or more rooms are used for the sleeping accommodations of such guests and having **one (1)** or more public dining rooms where meals are served to such guests, such sleeping accommodations and dining rooms being conducted in the same building or buildings in connection therewith, and such building or buildings, structure or structures being provided with adequate and sanitary kitchen or dining room equipment and capacity. **(See 235 ILCS Sec. 5/1-3.25)**

"MANAGER" OR "AGENT" means any individual employed by any licensed place of business, provided said individual possess the same qualifications required of the licensee. Satisfactory evidence of such employment will be furnished the Commission in the form and manner as such Commission shall from time to time prescribe. **(Rule 100.10(f))**

"MAYOR" means the Local Liquor Control Commissioner as provided in the **Illinois Compiled Statutes, Chapter 235, entitled "Dramshop"** and all references to Liquor Commissioner shall refer to the Mayor unless otherwise provided.

"MEAL" means food that is prepared and served on the licensed premises and excludes the serving of snacks. **(Rules and Regulations 100.10(n))**

"ORIGINAL PACKAGE" means any bottle, flask, jug, can, cask, barrel, keg, hogshead or other receptacle or container, whatsoever, used, corked or capped, sealed and labeled by the manufacturer of alcoholic liquor, to contain and to convey any alcoholic liquor. **(See 235 ILCS Sec. 5/1-3.06)**

"PACKAGE LIQUOR STORE" means any public place where packaged liquors are offered for sale in the original, unopened container for consumption away from the premises.

"PARTNER" is any individual who is a member of a co-partnership. "Co-partnership" means an association of **two (2)** or more persons to carry on as co-owners of a business for profit. **(Rules and Regulations 100.10(d)(e))**

"PREMISES/PLACE OF BUSINESS" means the place or location where alcoholic beverages are manufactured, stored, displayed, offered for sale or where drinks containing alcoholic beverages are mixed, concocted and served for consumption. Not included are sidewalks, street, parking areas and grounds adjacent to any such place or location. **(Rules and Regulations 100.10(g))**

"PRIVATE FUNCTION" means a prearranged private party, function, or event for a specific social or business occasion, either by invitation or reservation and not open to the general public, where the guests in attendance are served in a room or rooms designated and used exclusively for the private party, function or event.

"PUBLIC PLACE" means any premises enclosed or unenclosed or partly enclosed and partly unenclosed wherein any service or goods, chattels or merchandise are offered for sale to the public or any such premises used as a clubhouse, club room or meeting place. The terms **"public place"** and **"public premises"** shall be interchangeable for the purposes of this Chapter.

"RESIDENT" means any person (other than a corporation) who has resided and maintained a bona fide residence in the State of Illinois for at least **one (1) year** and in the city, village and county in which the premises covered by the license are located for at least **ninety (90) days** prior to making application for such license. **(Rule 100.10(a))**

"RESTAURANT" means any public place kept, used, maintained, advertised, and held out to the public as a place where meals are served, and where meals actually are served and regularly served, without sleeping accommodations, such space being provided with adequate and sanitary kitchen and dining room equipment and capacity and having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests. **(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)**

"SPECIAL EVENT" means an event conducted by an educational, fraternal, political, civic, religious or non-profit organization. **(See 235 ILCS Sec. 5/1-3.30)**

"SPECIAL EVENTS RETAILER" means an educational, fraternal, political, civic, religious, or non-profit organization which sells or offers for sale beer or wine, or both, only for consumption at the location and on the dates designated by a special event retail license. **(See 235 ILCS Sec. 5/1-3.17.1)**

"SPIRITS" means any beverage which contains alcohol obtained by distillation, mixed with water or other substance in solution, and includes brandy, rum, whiskey, gin or other spirituous liquors and such liquors when rectified, blended or otherwise mixed with alcohol or other substances. **(See 235 ILCS 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. 5/1-3.03)**

[All references to "Rules" refer to Illinois Liquor Control Commission Rules located in Title 11; Subtitle A; Chapter 1; Part 1; Section 100.5 et seq. of the Illinois Administration Code.]

ARTICLE II - LICENSES

21-2-1 LICENSE REQUIRED. No person shall sell, keep or offer for sale at retail, or conduct any place for the sale at retail of alcoholic liquor within the limits and territory of this municipality without having a license to do so, issued by the Mayor of this municipality in the manner hereinafter provided, and a valid license for such purpose issued by the **Illinois Liquor Control Commissioner of the State of Illinois.**

A similar valid license issued by the Mayor of this municipality is hereby required for and with respect to each building, location and premises, within the aforesaid territory of this municipality, at or upon which alcoholic liquor is to be sold or kept or offered for sale at retail. **(See 235 ILCS 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, the Mayor 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 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. Except as otherwise provided in paragraph (U) of this Section, no license of any kind shall be issued by the Mayor to the following:

- (A) A person who is not a resident of this municipality;
- (B) A person who is not of good character and reputation in the community in which he resides;
- (C) A person who is not **twenty-one (21) years** of age;
- (D) A person who has been convicted of a felony under any Federal or State law, unless the Commission determines that such person has been sufficiently rehabilitated to warrant the public trust after considering matters set forth in such person's application and the Commission's investigation. The burden of proof of sufficient rehabilitation shall be on the applicant;
- (E) A person who has been convicted of being the keeper of or is keeping a house of ill-fame;
- (F) A person who has been convicted of pandering or other crime or misdemeanor opposed to decency or morality;
- (G) A person whose license issued under this Act has been revoked for cause;
- (H) A person who, at the time of the application for renewal of any license issued hereunder, would not be eligible for such license upon first application;
- (I) A co-partnership, if any general partnership thereof, or any limited partnership thereof, owning more than **five percent (5%)** of the aggregate limited partner

interest in such co-partnership would not be eligible to receive a license hereunder for any reason other than residence within the political subdivision, unless residency is required by local ordinance;

(J) A corporation, if any officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than **five percent (5%)** of the stock of such corporation, would not be eligible to receive a license hereunder for any reason other than citizenship and residence within the political subdivision;

(K) A corporation unless it is incorporated in Illinois, or unless it is a foreign corporation which is qualified under the "**Business Corporation Act of 1983**" to transact business in Illinois;

(L) A person whose place of business is conducted by a manager or agent unless the manager or agent possesses the same qualifications required by the licensee;

(M) A person who has been convicted of a violation of any Federal or State law concerning the manufacture, possession or sale of alcoholic liquor, subsequent to the passage of this Act or has forfeited his bond to appear in court to answer charges for any such violation;

(N) A person who does not beneficially own the premises for which a license is sought, or does not have a lease thereon for the full period for which the license is to be issued;

(O) Any law enforcing public official, including members of local liquor control commissions, any mayor, or member of the village board, and no such official shall be interested directly in the manufacture, sale, or distribution of alcoholic liquor, except that a license may be granted to such official in relation to premises that are not located within the territory subject to the jurisdiction of that official if the issuance of such license is approved by the State Liquor Control Commission and except that a license may be granted, in a city with a population of **fifty thousand (50,000)** or less, to any trustee, in relation to premises that are located within the territory subject to the jurisdiction of that official if (i) the sale of alcoholic liquor pursuant to the license is incidental to the selling of food, (ii) the issuance of the license is approved by the State Commission, (iii) the issuance of the license is in accordance with all applicable local ordinances in effect where the premises are located, and (iv) the official granted a license does not vote on alcoholic liquor issues pending before the board or council to which the license holder is elected;

(P) A person who is not a beneficial owner of the business to be operated by the licensee;

(Q) A person who has been convicted of a gambling offense as prescribed by any of subsections (a)(3) through (a)(11) of Section 28-1 of, or as proscribed by Section 28-1.1 or 28-3 of, the Criminal Code of 1961, or as proscribed by a statute replaced by any of the aforesaid statutory provisions;

(R) A person or entity to whom a federal wagering stamp has been issued by the federal government, unless the person or entity is eligible to be issued a license under the Raffles Act or the Illinois Pull Tabs and Jar Games Act;

(S) A person who intends to sell alcoholic liquors for use or consumption on his or her licensed retail premises who does not have liquor liability insurance coverage for that premises in an amount that is at least equal to the maximum liability amounts set out in Section 5/6-21 of Chapter 235 of the Illinois Compiled Statutes;

(T) A person who is delinquent in the payment of any indebtedness or obligation to the City;

(U) A criminal conviction of a corporation is not grounds for the denial, suspension, or revocation of a license applied for or held by the corporation if the criminal conviction was not the result of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor, the offense that led to the conviction did not result in any financial gain to the corporation and the corporation has terminated its relationship with each director, officer, employee, or controlling shareholder whose actions directly contributed to the conviction of the corporation. The Mayor shall determine if all provisions of this paragraph (U) have been met before any action on the corporation's license is initiated. **(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 1st to April 30th** of each calendar 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 Local Liquor Control Commissioner as hereinbefore provided. In the event the license is denied, the license fee shall be returned to the applicant. The fees shall be deposited in the Municipal General Fund. The application for a license shall be filed with the Municipal Clerk.

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

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

21-2-6 CLASSES OF LICENSES; TERM; ANNUAL FEES. Licenses as required by this Article shall be as follows:

(A) **Class "A" Licenses.** Class "A" licenses shall authorize the retail sale of alcoholic liquor for consumption on the premises as well as other retail sales of alcoholic liquor. The annual license fee for the Class "A" license shall be the sum of **Six Hundred Dollars (\$600.00)**. There shall be a limit of **three (3) licenses**.

(B) **Class "B" Licenses – Special Events.** The Mayor, with the approval of the Board of Trustees, may issue a special event license limited to the dates, times and other conditions as established by the corporate authorities. The fee shall be **Ten Dollars (\$10.00)** per day.

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 coverages up to the full amount of potential liability as established by the Illinois Compiled Statutes from time to time. **(See 235 ILCS 5/6-21)**

21-2-10 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 OF OPERATION.** It shall be lawful to keep open or permit to be kept open any place where alcoholic liquor is sold for consumption on the premises between the hours of:

Monday	6:00 A.M. - 12:00 A.M.
Tuesday	6:00 A.M. - 12:00 A.M.
Wednesday	6:00 A.M. - 12:00 A.M.
Thursday	6:00 A.M. - 12:00 A.M.
Friday	6:00 A.M. - 1:00 A.M.
Saturday	6:00 A.M. - 1:00 A.M.
Sunday	10:00 A.M. - 11:00 P.M.

No alcoholic liquor shall be sold and all licensed premises must remain closed at all other times other than those specified above.

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

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

21-3-2 **HAPPY HOUR RESTRICTIONS.**

(A) All retail licensees shall maintain a schedule of the prices charged for all drinks of alcoholic liquor to be served and consumed on the licensed premises or in any room or part thereof. Whenever a hotel or multi-use establishment which holds a valid retailer's license operates on its premises more than one establishment at which drinks of alcoholic liquor are sold at retail, the hotel or multi-use establishment shall maintain at each such establishment a separate schedule of the prices charged for such drinks at the establishment.

(B) No retail licensee or employee or agent of such licensee shall:

(1) Serve **two (2)** or more drinks of alcoholic liquor at one time to one person for consumption by that one person, except conducting product sampling pursuant to paragraphs (A) and (B) below or selling or delivering wine by the bottle or carafe;

(a) Retailer, distributor, importing distributor, manufacturer and nonresident dealer licensees may conduct product sampling for consumption at a licensed retail location. Up to **three (3)** samples, consisting of no more than (i) **one-fourth (1/4) ounce** of distilled spirits, (ii) **one (1) ounce** of wine, or (iii) **two (2) ounces** of beer may be served to a consumer in **one (1) day**.

(b) Notwithstanding the provisions of subsection (A), an on-premises retail licensee may offer for sale and serve more than **one (1)** drink per person for sampling purposes without violating paragraph (1) of subsection (b) of Section 6-28 or paragraph (6) of subsection (c) of Section 6-28 of this Act, provided the total quantity of the sampling package, regardless of the number of containers

in which the alcoholic liquor is being served, does not exceed **one (1) ounce** of distilled spirits, **four (4) ounces** of wine, or **sixteen (16) ounces** of beer. In any event, all provisions of this Section shall apply to an on-premises retail licensee that conducts product sampling.

- (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 licensed 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 (100) feet** shall be measured to the nearest part of any building used for worship services or educational programs and not to property boundaries.

Nothing in this Section shall prohibit the issuance of a license to a church or private school to sell at retail alcoholic liquor if any such sales are limited to periods when groups are assembled on the premises solely for the promotion of some common object other than the sale or consumption of alcoholic liquors. **(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 **RESTRICTED RESIDENTIAL AREAS.** It shall be unlawful to establish a retail liquor business within the municipality in violation of the restrictions of the Zoning Code. **(See Chapter 40 of the Revised Code)**

21-3-10 **ELECTION DAYS.** All such licensees may sell alcoholic liquor at retail, by the drink or in the original package for consumption either on or off the premises licensed on the day of any national, state, county or municipal election, including primary elections during the hours the polls are open within the political area in which such election is being held and on Sundays; subject to all the remaining terms, conditions and opening hours and closing hours as set forth in this Chapter.

21-3-11 **UNLAWFUL ACTS.** It shall be unlawful for any person to do or commit any of the following acts within the Village, to-wit:

- (A) Drink any alcoholic liquors on any public street, alley, sidewalk, or other public way without special permission granted by the Mayor.
- (B) Drink any alcoholic liquors in any public park, except with the permission of the Mayor.
- (C) Drink any alcoholic liquors on any private property without permission of an owner thereof.
- (D) Appear on or in any public street, alley, sidewalk or other public place, including parks and recreation areas, in an intoxicated condition.

21-3-12 **UNLAWFUL ENTERTAINMENT.** No licensee, his agent, servant or employee shall permit or allow any lewd or lascivious act or any topless and/or bottomless employee and/or employees [**topless being defined as naked and substantially without clothing or covering of the body from the waist to the neckline and bottomless being defined as naked and substantially without clothing or covering of the body from the waist downward**], or entertainment to be performed within the licensed premises by an entertainer employed therein, or by any employee or guest.

Nor shall any licensee, his agent, servant or employee permit or allow any employee or guest or any other person whomever to solicit or encourage the purchasing of any alcoholic liquor or beverage of any description, or the giving of any gratuity or gift by any patron or guest to or for the benefit of such employee or guest.

The following kinds of conduct on premises in this municipality licensed to sell alcoholic liquor are prohibited:

- (A) The performance of acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts;
- (B) The actual or simulated exhibition, touching, caressing, or fondling of the breasts, buttocks, pubic hair, anus, vulva, or genitals;

(C) The actual or simulated displaying of the breasts, buttocks, pubic hair, anus, vulva, or genitals;

(D) The permitting by a licensee of any person to remain in or upon the licensed premises who exposes to view any portion of his or her breasts, buttocks, genitals, vulva, or anus;

(E) The displaying of films or pictures depicting acts, a live performance of which are prohibited by the regulations quoted above.

21-3-13 SANITARY CONDITIONS. All premises used for the retail sale of alcoholic liquor or for the storage of such liquor for such sale shall be kept in a clean and sanitary condition, and shall be kept in full compliance with the codes regulating the condition of the premises used for the storage or sale of food for human consumption. **(See 410 ILCS Sec. 650/1, et seq.)**

21-3-14 DISEASED EMPLOYEES. It shall be unlawful to employ in any premises used for the retail sale of alcoholic liquor, any person who is afflicted with or who is a carrier of any contagious disease, infectious or venereal disease; and it shall be unlawful for any person who is afflicted with or a carrier of any such disease to work in or about any premises or to engage in any way in the handling, preparation or distribution of such liquor. **(See 410 ILCS Sec. 650/10)**

21-3-15 HEALTH PERMIT. Every licensee shall have, at all times, a valid operating permit from the County Health Department which regulates health standards.

21-3-16 PEDDLING. It shall be unlawful to peddle alcoholic liquor in this municipality. **(See 235 ILCS Sec. 5/4-1)**

21-3-17 RESERVED.

21-3-18 DISORDERLY HOUSE. Any person licensed under this Chapter shall not suffer or permit any disorder, drunkenness, quarreling, fighting, unlawful games, or riotous or disorderly conduct in any house or premises kept or occupied by him for the sale of liquor. **(See 235 ILCS Sec. 5/4-1)**

21-3-19 PROHIBITED SALES - GENERALLY. No licensee, nor any officer, associate, member, representative, agent or employee of such licensee shall sell, give or deliver alcoholic liquor to any person under the age of **twenty-one (21) years**, or to any intoxicated person or to any person known by him to be a habitual drunkard, spendthrift, insane, or

mentally ill. No person, after purchasing or otherwise obtaining alcoholic liquor shall sell, give or deliver such alcoholic liquor to another person under the age of **twenty-one (21) years**, except in the performance of a religious ceremony or service. **(See 235 ILCS Sec- 5/6-16)**

21-3-20 PERSONS SELLING LIQUOR. It shall be unlawful for any person under the age of **eighteen (18) years** to attend any bar or to sell, draw, pour or mix any alcoholic liquor in any licensed retail premises. **(See 235 ILCS Sec. 5/4-1)**

21-3-21 UNDERAGED; ENTRY ON LICENSED PREMISES. It shall be unlawful for any person under the age of **eighteen (18) years** to enter upon premises where alcoholic liquors, spirits, beer or wine are sold by the holder of a Class "A" liquor license, unless accompanied by a parent or legal guardian, or any licensed premises which derives its principal business from the sale of services or other commodities other than alcoholic liquor.

No holder of a liquor license, nor any officer, associate, member, representative, agent or employee of such licensee shall permit any person under the age of **eighteen (18) years** not accompanied by a parent or legal guardian to enter the licensed premises. For the purpose of preventing the violation of this Section, any holder of a liquor license or his agent or employee may refuse to permit entry onto the licensed premises of any person under the age of **eighteen (18) years** who is unable to produce adequate written evidence of the fact that the person accompanying such person under the age of **eighteen (18) years** is that person's parent or legal guardian. **(See 235 ILCS Sec- 5/4-1)**

21-3-22 UNLAWFUL PURCHASE OF LIQUOR. Any person to whom the sale, gift or delivery of any alcoholic liquor is prohibited because of age shall not purchase or accept a gift of such alcoholic liquor or have such alcoholic liquor in his possession. **(See 235 ILCS Sec. 5/6-20)**

21-3-23 IDENTIFICATION REQUIRED. If a licensee or his agents or employees believe or have reason to believe that a sale or delivery of any alcoholic liquor is prohibited because of the age of the prospective recipient, he shall, before making such sale or delivery, demand presentation of some form of positive identification, containing proof of age, issued by a public officer in the performance of his official duties.

Proof that the defendant/licensee or his employees or agent demanded, was shown, and reasonably relied upon such written evidence in any transaction forbidden by this section is competent evidence and may be considered in any criminal prosecution therefor or in any proceedings for the suspension or revocation of any license based thereon. **(See 235 ILCS Sec. 5/6-20)**

21-3-24 TRANSFER OF IDENTIFICATION CARD. No person shall transfer, alter or deface such an identification card; use the identification card of another; carry or use a false or forged identification card; or obtain an identification card by means of false information. No person shall purchase, accept delivery, or have possession of alcoholic liquor in violation of this Chapter.

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

21-3-25 POSTING WARNING. In every licensed business where alcoholic liquor is sold, there shall be displayed at all times in a prominent place, a printed card which shall be supplied by the Municipal Clerk, and which shall read as follows:

UNDERAGE LIQUOR WARNING

“YOU ARE SUBJECT TO A FINE UP TO \$750 UNDER THE ORDINANCES OF THIS MUNICIPALITY IF YOU PURCHASE ALCOHOLIC LIQUOR OR MISREPRESENT YOUR AGE FOR THE PURPOSE OF PURCHASING OR OBTAINING ALCOHOLIC LIQUOR.”

21-3-26 EXCLUSIONARY PROVISION. The possession and dispensing or consumption by an underaged person of alcoholic liquor in the performance of a religious service or ceremony, or the consumption by an underaged person under the direct supervision and approval of the parent or parents of such underaged person in the privacy of a home is not prohibited by this Chapter. **(See 235 ILCS Sec. 5/6-20)**

21-3-27 INSPECTIONS. It shall be unlawful to refuse to grant admittance to the premises for which a license has been issued at any time upon the verbal request of the Chief of Police, any police officer, or the Liquor Commissioner for the purpose of making an inspection of such premises or any part thereof. **(See 235 ILCS Sec- 5/4-4)**

21-3-28 BOOKS AND RECORDS---AVAILABLE UPON REASONABLE NOTICE AND MAINTAINED IN STATE RECORDS. It shall be the duty of every retail licensee to make books and records available upon reasonable notice for the purpose of investigation and control by the Mayor having jurisdiction over the licensee. Such books and records need not be maintained on the licensed premises, but must be maintained in the State of Illinois. **(See 235 ILCS Sec. 5/6-10)**

21-3-29 RESTRICTIONS ON LICENSEE. In addition to the restrictions on licensing, the holder of a license is subject to the following restrictions:

(A) It is unlawful for any licensee to accept, receive or borrow money or anything of value directly or indirectly from any manufacturer or distributor of alcoholic liquor. **(See 235 ILCS 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)**

21-3-30 SELLING FALSE IDENTIFICATION. Any person who sells, gives, or furnishes to any person under the age of **twenty-one (21) years** any false or fraudulent written, printed, or photostatic evidence of the age and identity of such person or who sells, gives or furnishes to any person under the age of **twenty-one (21) years** evidence of age and identification of any other person is guilty of violating this Code. **(See 235 ILCS Sec. 5/6-16)**

21-3-31 FALSE IDENTIFICATION. Any person under the age of **twenty-one (21) years** who presents or offers to any licensee, his agent or employee, any written, printed or photostatic evidence of age and identity which is false, fraudulent, or not actually his own for the purpose of ordering, purchasing, attempting to purchase or otherwise procuring or attempting to procure, the serving of any alcoholic beverage, or who has in his possession any false or fraudulent, written, printed, or photostatic evidence of age and identity, is guilty of violating this Code. **(See 235 ILCS Sec. 5/6-16)**

21-3-32 UNDERAGED DRINKING ON STREETS. Any person under the age of **twenty-one (21) years** who has any alcoholic beverage in his possession on any street or highway or in any public place, or in any place open to the public is guilty of violating this Code. This section does not apply to possession by a person under the age of **twenty-one (21) years** making a delivery of an alcoholic beverage in pursuance of the order of his or her parent or in pursuance of his or her employment. **(See 235 ILCS Sec. 5/6-16)**

21-3-33 RESIDENTIAL DRINKING. Any person shall be guilty of a violation of this Code where he or she knowingly permits a gathering at a residence which he or she occupies of **two (2) or more persons** where any one or more of the persons is under **twenty-one (21) years** of age and the following factors also apply:

(A) the person occupying the residence knows that any such person under the age of **twenty-one (21)** is in possession of or is consuming any alcoholic beverage; and

(B) the possession or consumption of the alcohol by the person under **twenty-one (21)** is not otherwise permitted by this Code and

(C) the person occupying the residence knows that the person under the age of **twenty-one (21)** leaves the residence in an intoxicated condition.

For the purposes of this section where the residence has an owner and a tenant or lessee, there is a rebuttable presumption that the residence is occupied only by the tenant or lessee. **(See 235 ILCS Sec. 5/6-16)**

21-3-34 **RENTING HOTEL ROOMS FOR DRINKING.** Any person who rents a hotel or motel room from the proprietor or agent thereof for the purpose of or with the knowledge that such room shall be used for the consumption of alcoholic liquor by persons under the age of **twenty-one (21) years** shall be guilty of violating this Code. **(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 violation of any state law pertaining to the sale of alcoholic liquors by any licensee, his agent, servant or employee.

(B) To suspend or revoke any liquor license if the licensee makes any false statement or misrepresentation in the application for a license.

(C) To enter or to authorize any law enforcing officer to enter at any time upon any premises licensed hereunder to determine whether any of the provisions of this Code or any rules or regulations adopted by him or by the State Commission have been or are being violated, and at such time to examine said premises of said licensee in connection therewith;

(D) To notify the Secretary of State where a club incorporated under the General Not for Profit Corporation Act or a foreign corporation functioning as a club in this State under a certificate of authority issued under that Act has violated this Code by selling or offering for sale at retail alcoholic liquors without a retailer's license;

(E) To receive complaint from any citizen within his jurisdiction that any of the provisions of this Act, or any rules or regulations adopted pursuant hereto, have been or are being violated and to act upon such complaints in the manner hereinafter provided;

(F) The Local Liquor Control Commissioner shall also have the power to levy fines in accordance with **Section 21-4-10** of this Code. **(See 235 ILCS 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 REVOCATION OR SUSPENSION OF LOCAL LICENSE; - NOTICE AND HEARING. The Liquor Commissioner may revoke or suspend any license issued by him if he determines that the licensee has violated any of the provisions of the **Illinois Liquor Act**, any valid ordinance adopted by the municipality, any applicable rule or regulation established by the Liquor Commissioner or the State Commission which is not inconsistent with law.

(A) Fine as Opposed to Suspension or Revocation. In addition to the suspension, the Local Liquor Control Commissioner in any county or municipality may levy a fine on the licensee for such violations. The fine imposed shall not exceed One Thousand Dollars (\$1,000.00) for a first violation within a twelve (12) month period, One Thousand Five Hundred Dollars (\$1,500.00) for a second violation within a twelve (12) month period, and Two Thousand Five Hundred Dollars (\$2,500.00) for a third or subsequent violation within a twelve (12) month period. Each day on which a violation continues shall constitute a separate violation. Not more than Fifteen Thousand Dollars (\$15,000.00) in fines under this Section may be imposed against any licensee during the period of his license. Proceeds from such fines shall be paid into the general corporate fund of the municipal treasury. (See P.A. 89-0063)

(B) Revocation and Suspension: Notice. However, no such license shall be so revoked or suspended and no licensee shall be fined except after a public hearing by the Local Liquor Control Commissioner with a **three (3) day** written notice to the licensee affording the licensee an opportunity to appear and defend. All such hearings shall be open to the public and the Liquor Commissioner shall reduce all evidence to writing and shall maintain an official record of the proceedings. If the Liquor Commissioner has reason to believe that any continued operation of a particular licensed premises will immediately threaten the welfare of the community he may, upon the issuance of a written order stating the reason for such conclusion and without notice or hearing order the licensed premises closed for not more than **seven (7) days**, giving the licensee an opportunity to be heard during that period, except that if such licensee shall also be engaged in the conduct of another business or businesses on the licensed premises such order shall not be applicable to such other business or businesses.

(C) Hearing. The Liquor Commissioner shall, within **five (5) days** after such hearing, if he determines after such hearing that the license should be revoked or suspended, state the reason or reasons for such determination in a written order of revocation or suspension and shall serve a copy of such order within the **five (5) days** upon the 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
SADORUS
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 Sadorus, Illinois to issue the license herein applied for.

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

APPLICANT(S):

CLERK

(SEAL)

CHAPTER 22

MANDATED POLICIES

ARTICLE I – IDENTITY THEFT PROGRAMS

DIVISION I - PREVENTION POLICY

22-1-1 **PROGRAM ADOPTION.** The Village developed this Identity Theft Prevention Program pursuant to the Federal Trade Commission’s Red Flags Rule, which implements Section 114 of the Fair and Accurate Credit Transactions of 2003. 16 C.F.R. § 681.2. This Program was developed with oversight and approval of the Village. After consideration of the size and complexity of the Utility’s operations and account systems, and the nature and scope of the Utility’s activities, the Village Board determined that this Program was appropriate for the Village, and therefore approved this Program on February 9, 2009.

22-1-2 **PROGRAM PURPOSE AND DEFINITIONS.**

(A) **Fulfilling Requirements of the Red Flags Rule.** Under the Red Flag Rule, every financial institution and creditor is required to establish an “Identity Theft Prevention Program” tailored to its size, complexity and the nature of its operation. Each program must contain reasonable policies and procedures to:

- (1) Identify relevant Red Flags for new and existing covered accounts and incorporate those Red Flags into the Program;
- (2) Detect Red Flags that have been incorporated into the Program;
- (3) Respond appropriately to any Red Flags that are detected to prevent and mitigate Identity Theft; and
- (4) Ensure the Program is updated periodically, to reflect changes in risks to customers or to the safety and soundness of the creditor from Identity Theft.

(B) **Red Flags Rule Definitions Used in this Program.** The Red Flags Rule defines “Identity Theft” as “fraud committed using the identifying information of another person” and a “Red Flag” as “a pattern, practice, or specific activity that indicates the possible existence of Identity Theft.”

According to the Rule, a municipal utility is a creditor subject to the Rule requirements. The Rule defines creditors “to include finance companies, automobile dealers, mortgage brokers, utility companies, and telecommunications companies. Where non-profit and government entities defer payment for goods or services, they, too, are to be considered creditors.”

All the Utility’s accounts that are individual utility service accounts held by customers of the utility whether residential, commercial or industrial are covered by the Rule. Under the Rule, a “covered account” is:

- (1) Any account the Utility offers or maintains primarily for personal, family or household purposes, that involves multiple payments or transactions; and
- (2) Any other account the Utility offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the Utility from Identity Theft.

“Identifying information” is defined under the Rules as “any name or number that may be used, alone or in conjunction with any other information, to identify a specific person,” including: name, address, telephone number, social security number, date of birth, government issued driver’s license or identification number, alien registration number, government passport number, employer or taxpayer identification number, unique electronic identification number, computer’s Internet Protocol address, or routing code.

22-1-3 IDENTIFICATION OF RED FLAGS. In order to identify relevant Red Flags, the Utility considers the types of accounts that it offers and maintains, the methods it provides to open its accounts, the methods it provides to access its accounts, and its previous experiences with Identity Theft. The Utility identifies the following red flags, in each of the listed categories:

(A) **Notifications and Warnings From Credit Reporting Agencies; Red Flags.**

- (1) Report of fraud accompanying a credit report;
- (2) Notice or report from a credit agency of a credit freeze on a customer or applicant;
- (3) Notice or report from a credit agency of an active duty alert for an applicant; and
- (4) Indication from a credit report of activity that is inconsistent with a customer’s usual pattern or activity.

(B) **Suspicious Documents; Red Flags.**

- (1) Identification document or card that appears to be forged, altered or inauthentic;
- (2) Identification document or card on which a person’s photograph or physical description is not consistent with the person presenting the document;
- (3) Other document with information that is not consistent with existing customer information (such as if a person’s signature on a check appears forged); and
- (4) Application for service that appears to have been altered or forged.

(C) **Suspicious Personal Identifying Information; Red Flags.**

- (1) Identifying information presented that is inconsistent with other information the customer provides (example: inconsistent birth dates);
- (2) Identifying information presented that is inconsistent with other sources of information (for instance, an address not matching an address on a credit report);
- (3) Identifying information presented that is the same as information shown on other applications that were found to be fraudulent;
- (4) Identifying information presented that is consistent with fraudulent activity (such as an invalid phone number or fictitious billing address);
- (5) Social security number presented that is the same as one given by another customer;
- (6) An address or phone number presented that is the same as that of another person;

- (7) A person fails to provide complete personal identifying information on an application when reminded to do so (however, by law social security numbers must not be required); and
- (8) A person's identifying information is not consistent with the information that is on file for the customer.

(D) **Flags.**

Suspicious Account Activity or Unusual Use of Account; Red

- (1) Change of address for an account followed by a request to change the account holder's name;
- (2) Payments stop on an otherwise consistently up-to-date account;
- (3) Account used in a way that is not consistent with prior use (example: very high activity);
- (4) Mail sent to the account holder is repeatedly returned as undeliverable;
- (5) Notice to the Utility that a customer is not receiving mail sent by the Utility;
- (6) Notice to the Utility that an account has unauthorized activity;
- (7) Breach in the Utility's computer system security; and
- (8) Unauthorized access to or use of customer account information.

(E) **Alerts From Others; Red Flag.**

- (1) Notice to the Utility from a customer, identity theft victim, law enforcement or other person that it has opened or is maintaining a fraudulent account for a person engaged in Identity Theft.

22-1-4 DETECTING RED FLAGS.

(A) **New Accounts.** In order to detect any of the Red Flags identified above associated with the opening of a **new account**, Utility personnel will take the following steps to obtain and verify the identity of the person opening the account:

- (1) Require certain identifying information such as name, date of birth, residential or business address, principal place of business for an entity, driver's license or other identification;
- (2) Verify the customer's identity (for instance, review a driver's license or other identification card);
- (3) Review documentation showing the existence of a business entity; and
- (4) Independently contact the customer.

(B) **Existing Accounts.** In order to detect any of the Red Flags identified above for an **existing account**, Utility personnel will take the following steps to monitor transactions with an account:

- (1) Verify the identification of customers if they request information (in person, via telephone, via facsimile, via email);
- (2) Verify the validity of requests to change billing addresses; and
- (3) Verify changes in banking information given for billing and payment purposes.

22-1-5 PREVENTING AND MITIGATING IDENTITY THEFT.

(A) **Prevent and Mitigate.** In the event Utility personnel detect any identified Red Flags, such personnel shall take one or more of the following steps, depending on the degree of risk posed by the Red Flag:

- (1) Continue to monitor an account for evidence of Identity Theft;
- (2) Contact the customer;
- (3) Change any passwords or other security devices that permit access to accounts;
- (4) Not open a new account;
- (5) Close an existing account;
- (6) Reopen an account with a new number;
- (7) Notify the Program Administrator for determination of the appropriate step(s) to take;
- (8) Notify law enforcement; or
- (9) Determine that no response is warranted under the particular circumstances.

(B) **Protect Customer Identifying Information.** In order to further prevent the likelihood of Identity Theft occurring with respect to Utility accounts, the Utility will take the following steps with respect to its internal operating procedures to protect customer identifying information:

- (1) Ensure that its website is secure or provide clear notice that the website is not secure;
- (2) Ensure complete and secure destruction of paper documents and computer files containing customer information;
- (3) Ensure that office computers are password protected and that computer screens lock after a set period of time;
- (4) Keep offices clear of papers containing customer information;
- (5) Request only the last 4 digits of social security numbers (if any);
- (6) Ensure computer virus protection is up to date; and
- (7) Require and keep only the kinds of customer information that are necessary for utility purposes.

22-1-6 PROGRAM UPDATES. The Program Administrator will periodically review and update this Program to reflect changes in risks to customers and the soundness of the Utility from Identity Theft. In doing so, the Program Administrator will consider the Utility's experiences with Identity Theft situations, changes in Identity Theft methods, changes in Identity Theft detection and prevention methods, and changes in the Utility's business arrangements with other entities. After considering these factors, the Program Administrator will determine whether changes to the Program, including the listing of Red Flags, are warranted. If warranted, the Program Administrator will update the Program or present the Village Board with his or her recommended changes and the Village Board will make a determination of whether to accept, modify or reject those changes to the Program.

22-1-7 PROGRAM ADMINISTRATION.

(A) **Oversight.** Responsibility for developing, implementing and updating this Program lies with an Identity Theft Committee for the Utility. The Committee is headed by a Program Administrator who may be the head of the Utility or his or her appointee. Two or

more other individuals appointed by the head of the Utility or the Program Administrator comprise the remainder of the committee membership. The Program Administrator will be responsible for the Program administration, for ensuring appropriate training of Utility staff on the Program, for reviewing any staff reports regarding the detection of Red Flags and the steps for preventing and mitigating Identity Theft, determining which steps of prevention and mitigation should be taken in particular circumstances and considering periodic changes to the Program.

(B) **Staff Training and Reports.** Utility staff responsible for implementing the Program shall be trained either by or under the direction of the Program Administrator in the detection of Red Flags, and the responsive steps to be taken when a Red Flag is detected.

(C) **Service Provider Arrangements.** In the event the Utility engages a service provider to perform an activity in connection with one or more accounts, the Utility will take the following steps to ensure the service provider performs its activity in accordance with reasonable policies and procedures designed to detect, prevent, and mitigate the risk of Identity Theft.

- (1) Require, by contract, that service providers have such policies and procedures in place; and
- (2) Require, by contract, that service providers review the Utility's Program and report any Red Flags to the Program Administrator.

(D) **Non-Disclosure of Specific Practices.** For the effectiveness of this Identity Theft Prevention Program, knowledge about specific Red Flag identification, detection, mitigation and prevention practices must be limited to the Identity Theft Committee who developed this Program and to those employees with a need to know them. Any documents that may have been produced or are produced in order to develop or implement this program that list or describe such specific practices and the information those documents contain are considered "security information" as defined in Minnesota Statutes Section 13.37 and are unavailable to the public because disclosure of them would be likely to substantially jeopardized the security of information against improper use, that use being to circumvent the Utility's Identity Theft prevention efforts in order to facilitate the commission of Identity Theft.

22-1-8 - 22-1-10

RESERVED.

DIVISION II - USE OF SOCIAL SECURITY NUMBERS

22-1-11 DEFINITIONS.

"Person" means any individual in the employ of the Village.

"Policy" or "Privacy Policy" means this document, as now or hereafter amended.

"Publicly post" or "publicly display" means to intentionally communicate or otherwise intentionally make available to the general public.

"Social Security Number" means the nine (9) digit number assigned to an individual by the United States Social Security Administration for the purposes authorized or required under the United States Social Security Act of August 14, 1935, as amended (Public Law 74-271).

22-1-12 PROHIBITED ACTIVITIES.

(A) No officer or employee of the Village shall do any of the following:

- (1) Publicly post or publicly display in any manner an individual's Social Security Number.
- (2) Print an individual's Social Security Number on any card required for the individual to access products or services provided by the person or entity.
- (3) Require an individual to transmit his or her Social Security Number over the Internet, unless the connection is secure or the Social Security Number is encrypted.
- (4) Print an individual's Social Security Number on any materials that are mailed to the individual, through the United States Postal Service, any private mail service, electronic mail, or a similar method of delivery, unless Illinois or federal law requires the Social Security Number to be on the document to be mailed. Notwithstanding any provision in this Section to the contrary, Social Security Numbers may be included in applications and forms sent by mail, including, but not limited to, any material mailed in connection with the administration of the Illinois Unemployment Insurance Act, any material mailed in connection with any tax administered by the Illinois Department of Revenue, and documents sent as part of an application or enrollment process or to establish, amend, or terminate an account, contract, or policy or to confirm the accuracy of the Social Security Number. A Social Security Number that may permissibly be mailed under this Section may not be printed, in whole or in part, on a postcard or other mailer that does not require an envelope or be visible on an envelope without the envelope having been opened.

(B) Except as otherwise provided in this policy, beginning immediately on the effective date of the Village's authorizing Ordinance, no officer or employee of the Village shall do any of the following:

- (1) Collect, use, or disclose a Social Security number from an individual, unless (i) required to do so under State or Federal law, rules, or regulations, or the collection, use, or disclosure of the Social Security Number is otherwise necessary for the

performance of that agency's duties and responsibilities; (ii) the need and purpose for the Social Security Number is documented before collection of the Social Security Number; and (iii) the Social Security Number collected is relevant to the documented need and purpose.

- (2) Require an individual to use his or her Social Security Number to access an Internet website.
- (3) Use the Social Security Number for any purpose other than the purpose for which it was collected.

(C) The prohibitions in subsection (B) do not apply in the following circumstances:

- (1) The disclosure of Social Security Numbers to agents, employees, contractors, or subcontractors of the Village or disclosure to another governmental entity or its agents, employees, contractors, or subcontractors if disclosure is necessary in order for the entity to perform its duties and responsibilities; and, if disclosing to a contractor or subcontractor, prior to such disclosure, the officer or employee of the Village must first receive from the contractor or subcontractor a copy of the contractor's or subcontractor's policy that sets forth how the requirements imposed under this Policy on the Village to protect an individual's Social Security Number will be achieved.
- (2) The disclosure of Social Security Numbers pursuant to a court order, warrant, or subpoena.
- (3) The collection, use, or disclosure of Social Security Numbers in order to ensure the safety of: Village employees; persons committed to correctional facilities, local jails, and other law enforcement facilities or retention centers; wards of the State; and all persons working in or visiting a Village facility.
- (4) The collection, use, or disclosure of Social Security Numbers for Internal verification or administrative purposes.
- (5) The collection or use of Social Security Numbers to investigate or prevent fraud, to conduct background checks, to collect a debt, to obtain a credit report from a consumer reporting agency under the federal Fair Credit Reporting Act, to undertake any permissible purpose that is enumerated under the federal Gramm Leach Bliley Act, or to locate a missing person, a lost relative, or a person who is due a benefit such as a pension benefit or an unclaimed property benefit.

(D) Any standards of the Village for the collection, use, or disclosure of Social Security Numbers that are stricter than the standards under this Policy with respect to the protection of those Social Security Numbers, then, in the event of any conflict with the provisions of this Policy, the stricter standards adopted by the Village shall control.

22-1-13 PUBLIC INSPECTION AND COPYING OF DOCUMENTS.

Notwithstanding any other provision of this policy to the contrary, all officers and employees of the Village must comply with the provisions of any other State law with respect to allowing the public inspection and copying of information or documents containing all or any portion of an

individual's Social Security Number. All officers and employees of the Village must redact Social Security Numbers from the information or documents before allowing the public inspection or copying of the information or documents.

22-1-14 APPLICABILITY.

(A) This policy does not apply to the collection, use, or disclosure of a Social Security Number as required by State or Federal law, rule, or regulation.

(B) This policy does not apply to documents that are required to be open to the public under any State or Federal law, rule, or regulation, applicable case law, Supreme Court Rule, or the Constitution of the State of Illinois.

22-1-15 COMPLIANCE WITH FEDERAL LAW. If a federal law takes effect requiring any federal agency to establish a national unique patient health identifier program, the Village shall follow that law.

22-1-16 EMBEDDED SOCIAL SECURITY NUMBERS. Beginning immediately on the effective date of the Village's authorizing Ordinance, no officer or employee of the Village may encode or embed a Social Security Number in or on a card or document, including, but not limited to, using a bar code, chip, magnetic strip, RFID technology, or other technology, in place of removing the Social Security Number as required by this Policy.

22-1-17 IDENTITY--PROTECTION REQUIREMENTS.

(A) All officers, employees and agents of the Village identified as having access to Social Security Numbers in the course of performing their duties to be trained to protect the confidentiality of all Social Security Numbers. Training shall include instructions on the proper handling of information that contains Social Security Numbers from the time of collection through the destruction of the information.

(B) Only employees who are required to use or handle information or documents that contain Social Security Numbers have access to such information or documents.

(C) Social Security Numbers requested from an individual shall be provided in a manner that makes the Social Security Number easily redacted if required to be released as part of a public records' request.

(D) When collecting a Social Security Number or upon request by the individual, a statement of the purpose or purposes for which the Village is collecting and using the Social Security Number be provided.

(E) A written copy of this Privacy Policy, and any amendment thereto, shall be filed with the Village Board within **thirty (30) days** after approval of this Policy or any amendment thereto.

(F) The Village shall advise its employees of the existence of the Policy and make a copy of this Policy available to each employee, and shall also make this Privacy Policy available to any member of the public, upon request and at no charge for a single copy of this Privacy Policy. If the Village amends this Privacy Policy, then the Village shall also advise its employees of the existence of the amended Policy and make a copy of the amended Policy available to each employee.

22-1-18 **PENALTY.** Any person who violates any portion of this Article, as now or hereafter amended, shall be subject to a fine of not less than **One Hundred Dollars (\$100.00)** for the first such violation and a fine of not less than **Seven Hundred Fifty Dollars (\$750.00)** for each violation thereafter.

22-1-19 **AMENDMENT OF PRIVACY POLICY.** The Privacy Policy adopted in this Division and Chapter shall be subject to amendment from time to time by the Village Board as the Village Board shall deem necessary in its sole discretion in order to maintain the Village's compliance with the Illinois Identity Protection Act as now or hereafter amended.

22-1-20 **CONFLICT WITH STRICTER LAWS.** This Policy does not supersede any more restrictive law, rule, or regulation regarding the collection, use, or disclosure of Social Security Numbers.

[NOTE: This Policy is to comply with Public Act 096-9874 of the State of Illinois, cited as the Identity Protection Act, and codified as Title 30, Act 5, Section 1, et seq., as now or hereafter amended.]

ARTICLE II - FREEDOM OF INFORMATION POLICY

22-2-1 PUBLIC RECORDS AVAILABLE. To the extent required by the Freedom of Information Act, **5 ILCS 140-1 et seq.** the Village shall make available to any person for inspection or copying all public records, except as otherwise provided in Section 7 of the Freedom of Information Act, **5 ILCSA 140/7.**

22-2-2 DESIGNATION, DUTIES AND TRAINING OF FREEDOM OF INFORMATION ACT OFFICERS.

(A) The Village Administrative Assistant is hereby designated to act as Freedom of Information Officer. The Officer shall receive requests submitted to the Village under the Freedom of Information Act, insure that the Village responds to requests in a timely fashion, and issue responses under the Freedom of Information Act. The Freedom of Information officer shall develop a list of documents or categories of records that the Village shall immediately disclose upon request.

(B) Upon receiving a request for a public record, the Freedom of Information Officer shall:

- (1) Note the date the Village receives the written request;
- (2) Compute the date on which the period for response will expire and make a notation of that date on the written request;
- (3) Maintain an electronic or paper copy of the written request including all documents submitted with the request until the request has been complied with or denied; and
- (4) Create a file for the retention of the original request, a copy of the response, a record of written communications with the person making the request, and a copy of other communications regarding the request.

(C) The Freedom of Information Act officers shall successfully complete an electronic training curriculum to be developed by the Public Access Counselor in the office of the Attorney General of the State of Illinois and thereafter successfully complete an annual training program. Thereafter when a new Freedom of Information officer is designated by the Village, that person shall successfully complete the electronic training curriculum within **thirty (30) days** after assuming the position. Successful completion of the required training curriculum within the periods provided shall be a prerequisite to continue serving as a Freedom of Information officer.

22-2-3 PROCEDURES. The Village shall prominently display at the Village Clerk's office, display on its website, make available for inspection and copying, and send through the mail as requested, each of the following:

(A) A brief description of the Village, which will include, but not be limited to a block diagram giving its functional departments, the total amount of its operating budget, the number and location of all of its separate offices, the approximate number of full and part-time employees and the identification and membership of any board, commission, committee or council which operates in an advisory capacity relative to the operation of the Village, or which exercises control over its policies or procedures; and

(B) A brief description of the methods whereby the public may request information and public records, a directory designating the Freedom of Information officers, the address where request for public records should be directed, and the fees relating thereto.

22-2-4 REQUESTS TO INSPECT OR COPY. All requests to inspect or copy records or documents prepared, maintained or under the control of the Village shall be made in the following manner:

(A) All requests shall be in writing, shall state with reasonable particularity what records are to be inspected or copied, shall state whether the records are requested for a commercial purpose, and shall be signed by the person making the request. The request may be, but is not required to be, submitted on a form provided by the Village.

(B) The written request shall be submitted to the Village Clerk or to the Mayor. If neither the Village Clerk nor the Mayor is available, the request shall be submitted to any employee of the Village acting under the direction of the Village Clerk.

(C) The Officer receiving the request shall date stamp the request and indicate the date by which a response to the request must be made.

(D) Each request for other than commercial purposes shall be granted or denied in writing within **five (5) business days** after its receipt by the Village, except as hereafter stated. The failure to grant or deny a request within **five (5) business days** shall operate as a denial, except as provided hereinbelow.

(E) The time limit set forth hereinabove may be extended for an additional **five (5) business days** by notice in writing to the person making the request of the **five (5) business days** extension. The notification shall state the reason(s) for the **five (5) business day's** extension and contain a date certain on which the requested record(s) will be available. The failure to grant or deny a request within the additional **five (5) business days** shall operate as a denial. The person making the request and the Village may agree in writing to extend the time for compliance for a period to be determined by the parties. If the person making the request and the Village agree to extend the period for compliance, a failure by the Village to comply with any previous deadlines shall not be treated as a denial of the request for the records.

(F) Charges for copies of records and/or documents shall be imposed in accordance with the following:

- (1) No fees shall be charged for the first **fifty (50) pages** of black and white, letter or legal sized copies requested.
- (2) **Fifteen Cents (\$0.15)** for one-sided page for each black and white, letter, legal sized or 11" x 17" copy requested.
- (3) **One Dollar (\$1.00)** for each certified copy requested.
- (4) **Ten Cents (\$0.10)** for each audio recording.

(G) It shall be the responsibility of the person making the request to pick up the requested documents at Village Hall. If the person making the request asks the Village to mail the documents, he or she shall provide the Village with his/her correct mailing address so as to efficiently process all requests. Copies of records requested to be mailed will be forwarded United States Certified Mail to the address provided. Pre-payment of **Two Dollars Fifty Cents (\$2.50)** per ounce shall be required.

(H) When a person requests a copy of a record maintained in an electronic format, the Village shall furnish it in the electronic format specified by the person making the request, if feasible. If it is not feasible to furnish the public records in the specified electronic format, then the Village shall furnish it in the format in which it is maintained by the Village, or in paper format at the option of the person making the request.

22-2-5 REQUEST FOR COMMERCIAL PURPOSES. The Village shall respond to a request for records to be used for a commercial purpose within **twenty-one (21) working days** after receipt. The response shall (1) provide to the person making the request an estimate of the time required by the Village to provide the records requested and an estimate of the fees to be charged, which the Village may require the person to pay in full before copying the requested documents, (2) deny the request pursuant to **one (1)** or more of the exemptions set out in the Freedom of Information Act, **5 ILCS 140/1 et seq.**, (3) notify the person making the request that the request is unduly burdensome and extend an opportunity to the person making the request to attempt to reduce the request to manageable portions, or (4) provide the records requested.

Unless the records are exempt from disclosure, the Village shall comply with a commercial request within a reasonable period considering the size and complexity of the request, and giving priority to records requested for non-commercial purposes.

It is unlawful for a person to knowingly obtain a public record for a commercial purpose within disclosing that it is for a commercial purpose, and any person obtaining a public record for commercial purpose without disclosing that it is for a commercial purpose shall be fined in accordance with the Village Code.

22-2-6 FEES. The Village Clerk shall determine when the established fees are subject to waiver or reduction because the release of the requested information is in the public interest.

22-2-7 PUBLIC FILE. The Village Clerk shall establish and maintain a central file, open to the public, of all denials of requests for records which shall be indexed according to the exemption utilized to deny a request for records, and to the extent possible, according to the types of records requested.

22-2-8 GRANTING OR DENIAL OF REQUESTS. A request for all records within a category shall be granted unless the request constitutes an undue burden upon the Village. Prior to denying a request based upon the burdensome nature of the request, an opportunity to narrow the request to manageable proportions shall be provided. If the attempt to narrow the request fails, the request may be denied because compliance will unduly burden the operations of the Village and the burden outweighs the public interest in the information. The denial shall be in writing, specifying the reasons why compliance will be unduly burdensome and the extent to which compliance will so burden the operations of the Village. Repeated requests from the same person for the same records that are unchanged or identical to records previously provided are properly denied under the Freedom of Information Act shall be deemed unduly burdensome under this Section.

22-2-9 **CERTAIN INFORMATION EXEMPT FROM INSPECTION AND COPYING.** If any record exempt from disclosure contains material which is not exempt, the information which is exempt shall be deleted and the remaining information shall be available for inspection and copying.

22-2-10 **NOTICE OF DENIAL OF REQUEST; APPEALS.**

(A) If the Village denies the request, the Village shall notify the person making the request in writing of:

- (1) the decision to deny the request;
- (2) the reasons for the denial, including a detailed factual basis for the application of any exemption claim;
- (3) the names and titles or positions of each person responsible for the denial;
- (4) the right to review by the Public Access Counselor and the address and phone number for the Public Access Counselor; and
- (5) the right to judicial review.

If an exemption is claimed, then the denial must include the specific reasons for the denial, including a detailed factual basis and a citation to support a legal authority.

(B) If the Village asserts an exemption under Subsection (1)(c) or (1)(f) of Section 7 of the Freedom of Information Act, it shall, within the time periods provided for Respondent to request, provide written notice to the person making the request and the Public Access Counselor of its intent to deny the request in whole or in part. The notice shall include:

- (1) a copy of the request for access to records;
- (2) the proposed response from the Village;
- (3) a detailed summary of the Village's basis for asserting its exemption.

If the Public Access Counselor determines that further inquiry is warranted, the procedures set forth in the Freedom of Information Act, as amended from time to time, regarding the review of denials shall be applicable. Times for response compliance by the Village to the request shall be tolled until the Public Access Counselor concludes his or her inquiry.

ARTICLE III - FAIR HOUSING CODE

22-3-1 **DECLARATION OF POLICY.**

(A) In furthering the policy of the State of Illinois as expressed in its Constitution and other laws; in order that the safety and general welfare, peace and health of all the inhabitants of the Village may be ensured, it is hereby declared the policy of the Village to assure equal opportunity to all residents, regardless of race, color, religion, national origin or ancestry, sex, creed, or physical disability to live in decent, sanitary, healthful, standard living quarters.

(B) It is the policy of the Village that no owner, lessee, sub-lessee, assignee, managing agent, or other person, firm or corporation having the right to sell, rent, lease (or otherwise control) any housing accommodation and/or real property within the Village, or any agent of these shall refuse to sell, rent, lease, or otherwise deny to or withhold from any person or group of persons such housing accommodations and/or real property because of race, color, religion, national origin or ancestry, sex, creed, or disability of such person or persons or discriminate against any person or persons because of race, color, religion, national origin or ancestry, sex, creed, or disability in the conditions, terms, privileges of the sale, rental or lease of any housing accommodation and/or real property or in the furnishing of facilities and/or services in connection therewith.

(C) Relocation shall be carried out in a manner that will promote maximum choice within the community's total housing supply; lessen racial, ethnic, and economic concentrations; and facilitate desegregation and racially inclusive patterns of occupancy and use of public and private facilities.

22-3-2 **DEFINITIONS.** Unless a different meaning clearly appears from the context, the following terms shall have the meaning as described in this Section and as used in this Code:

(A) **"Decent, Sanitary, Healthful Standard Living Quarters"**. "Decent, sanitary, healthful standard living quarters" is housing which is in sound, clean, and weather tight condition in conformance with applicable local, state, and national codes.

(B) **"Discriminate"**. The terms "discriminate" or "discrimination" mean any difference expressed in any way toward a person or persons in the terms of the sale, exchange, lease, rental or financing for housing accommodation and/or real property in regard to such sale, exchange, rental, lease or finance because of race, color, religion, national origin or ancestry, sex, creed, or disability of such person.

(C) **"Financial Institution"**. The term "financial institution" means any person, institution or business entity of any kind which loans money to persons and receives as security for said loans a secured interest of any kind in the real property of the borrower.

(D) **"Housing Accommodation"**. The term "housing accommodation" includes any building, structure, or portion thereof which is used or occupied, maintained, arranged or designed to be used or occupied as a home, residence or sleeping place of **one (1)** or more human beings, or any real estate so used, designed or intended for such use.

(E) **"Owner"**. An "owner" means any person/persons who hold legal or equitable title to, or own any beneficial interest in any real property or who hold legal or equitable title to shares of, or hold any beneficial interest in any real estate cooperative which owns any real property and/or housing accommodations.

(F) **"Real Estate Broker"**. The term "real estate broker" means any person, partnership, association, corporation and/or agent thereof, who for a fee or other valuable consideration offers, sells, purchases, exchanges or rents, or negotiates for the sale, purchase, exchange or rental of a housing accommodation and/or real property of another, or collects rental for the use of housing accommodation and/or real property of another.

(G) **"Real Property"**. The term "real property" means any real estate, vacant land, building, structure or housing accommodations within the corporate limits of the Village.

22-3-3 PROHIBITED ACTS. It shall be unlawful for any owner of real estate, lessee, sub-lessee, real estate broker or salesman, financial institution or employee of the financial institution, advertiser, or agent of any or all of the foregoing, to discriminate against any person or persons because of their race, color, religion, national origin or ancestry, sex, creed, or disability with regard to the sale, exchange or rental, or any dealing concerning any housing accommodation and/or real property.

In addition to the foregoing, it shall also be unlawful for any real estate broker or employee thereof, owner or other person, or financial institution dealing with housing or real property of the Village:

(A) To discriminate against any person in the availability of or the price, terms, conditions, or privileges of any kind relating to the sale, rental, lease, or occupancy of any housing accommodation or real property in the Village or in furnishing of any facilities or services in connection therewith.

(B) To publish or circulate, or cause to be published or circulated, any notice, statement or advertisement, or to announce a policy, or to use any form of application, for the purchase, lease, rental or financing of real property, or to make any record of inquiry in connection with the prospective purchase, rental or lease of such real estate, which expresses directly or indirectly any discrimination as to race, color, religion, national origin or ancestry, sex, creed or disability of any person.

(C) To discriminate in connection with lending money, guaranteeing loans, accepting mortgages or otherwise obtaining or making available funds for the purchase, acquisition, construction, rehabilitation, repair or maintenance of any housing accommodation and/or real property.

(D) To solicit for sale, lease, or listing for the sale or lease, of any housing accommodation and/or real property on the grounds of loss of value because of the present or prospective entry into any neighborhood of any person or persons of any particular race, color, religion, national origin or ancestry, sex, creed, or disability.

(E) To distribute or cause to be distributed, written material or statements designed to induce any owner of any housing accommodation and/or real property to sell or lease his or her property because of any present or prospective change in the race, color, religion, national origin or ancestry, sex, creed, or disability of persons in the neighborhood.

(F) To make any misrepresentations concerning the listing for sale or the anticipated listing for sale or the sale of any housing accommodation and/or real property for the purpose of inducing or attempting to induce the sale or listing for sale of any housing accommodation and/or real property by representing that the presence or anticipated presence of persons of any particular race, color, religion, national origin or ancestry, sex, creed, or disability in the area will or may result in the lowering of property values in the block, neighborhood or area in which the property is located.

(G) For an owner to solicit any real estate broker to sell, rent or otherwise deal with such owner's housing accommodations and/or real property with any limitation on its sale based on race, color, religion, national origin or ancestry, sex, creed or disability.

(H) For an owner to refuse to sell, rent, or otherwise deal with any housing accommodation and/or real property because of race, color, religion, national origin or ancestry, sex, creed, or disability of the proposed buyer or tenant.

22-3-4 PENALTY. Any person convicted of violating any of the provisions of this Code shall be punished by a fine of not less than **One Hundred Dollars (\$100.00)** nor more than **Seven Hundred Fifty Dollars (\$750.00)**. Each day a violation continues shall constitute a separate violation. This Section shall in no way abrogate or impair the right of the Village to specifically enforce, by any legal means, any of the provisions of this Code.

ARTICLE IV – INVESTMENT POLICY

22-4-1 **INVESTMENT POLICY.** It is the policy of the Village to invest public funds in a manner which will provide the highest investment return with the maximum security while meeting the daily cash flow demands of the Village and conforming to all State and local statutes governing the investment of public funds.

22-4-2 **SCOPE.** This policy includes all public funds of the Village.

22-4-3 **PRUDENCE.** Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital, as well as the probable income to be derived.

The standard of prudence to be used by investment officials shall be the “prudent person” standard and shall be applied in the context of managing an overall portfolio.

22-4-4 **OBJECTIVE.** The primary objective, in order of priority, shall be:
(A) **Legality.** Conformance with federal, state and other legal requirements.
(B) **Safety.** Preservation of capital and protection of investment principal.
(C) **Liquidity.** Maintenance of sufficient liquidity to meet operating requirements.
(D) **Yield.** Attainment of market rates of return.

The portfolio should be reviewed periodically as to its effectiveness in meeting the Village’s needs for safety, liquidity, rate of return, diversification and its general performance.

22-4-5 **DELEGATION OF AUTHORITY.** Management and administrative responsibility for the investment program is hereby delegated to the Treasurer who may establish written procedures for the operation of the investment program.

22-4-6 **ETHICS AND CONFLICTS OF INTEREST.** Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions.

22-4-7 **AUTHORIZED FINANCIAL DEALERS AND INSTITUTIONS.** The Treasurer will maintain a list of financial institutions authorized to provide investment services. In addition, a list will also be maintained of approved security brokers/dealers selected by creditworthiness.

22-4-8 AUTHORIZED AND SUITABLE INVESTMENTS. Investments may be made in any type of security allowed for in Illinois statutes regarding the investment of public funds. Investments shall be made that reflect the cash flow needs of the fund type being invested.

22-4-9 COLLATERALIZATION. Collateralization may be required, at the discretion of the Village, on all funds held in banks or savings and loans above the insured limits provided by the FDIC or FSLIC. In order to anticipate market changes and provide a level of security for all funds, the collateralization level will be a minimum of **one hundred two percent (102%)** of market value of principal and accrued interest.

22-4-10 SAFEKEEPING AND CUSTODY. All security transactions, including collateral for repurchase agreements, entered into by the Village, shall be conducted on a delivery-versus-payment (DVP) basis. Securities will be held by an independent third party custodian designated by the Treasurer and evidenced by safekeeping receipts and a written custodial agreement.

22-4-11 DIVERSIFICATION. The Village shall diversify its investments to the best of its ability based on the type of funds invested and the cash flow needs of those funds. Diversification can be by type of investment, number of institutions invested in, and length of maturity.

22-4-12 MAXIMUM MATURITIES. To the extent possible, the Village shall attempt to match its investments with anticipated cash flow requirements. Unless matched to a specific cash flow, the Village will not directly invest in securities maturing more than **two (2) years** from the date of purchase.

Reserve funds may be invested in securities exceeding **two (2) years** if the maturity of such investments are made to coincide as nearly as practicable with the expected use of the funds.

22-4-13 INTERNAL CONTROL. The Treasurer is responsible for establishing and maintaining an internal control structure designed to insure that the assets of the Village are protected from loss, theft or misuse. The internal control structure shall be designed to provide reasonable assurance that these objectives are met. The internal controls shall address the following points:

- (A) Control of collusion.
- (B) Separation of transaction authority from accounting.
- (C) Custodial safekeeping.
- (D) Written confirmation of telephone transactions for investments and wire transfers.

22-4-14 **PERFORMANCE STANDARDS.** The investment portfolio will be managed in accordance with the parameters specified within this policy. The portfolio should obtain a comparable rate of return during a market/economic environment of stable interest rates. Portfolio performance should be compared to benchmarks with similar maturity, liquidity and credit quality as the portfolio maintained by the Illinois Public Treasurer's Investment Pool (IPTIP).

22-4-15 **REPORTING.** The Treasurer shall prepare an investment report at least monthly. The report should be provided to the Village Board and available upon request. The report should be in a format suitable for review by the general public. An annual report should also be provided to the Village Board. A statement of the market value of the portfolio shall be issued to the Village Board quarterly.

22-4-16 **INVESTMENT POLICY ADOPTION AND MODIFICATION.** The investment policy has been adopted by ordinance. The policy shall be reviewed on an annual basis by the Treasurer, and any modifications made thereto shall be made by ordinance.

ARTICLE V – ETHICS CODE

22-5-1 STATE OFFICIALS AND EMPLOYEES ETHICS ACT.

(A) The regulations of Sections 5-15 (**5 ILCS 430/5-15**) and Article 10 (**5 ILCS 430/10-10 through 10-40**) of the State Officials and Employees Ethics Act, **5 ILCS 430/1-1 et seq.**, (hereinafter referred to as the “Act” in this Section) are hereby adopted by reference and made applicable to the officers and employees of the Village to the extent required by **5 ILCS 430/70-5**.

(B) The solicitation or acceptance of gifts prohibited to be solicited or accepted under the Act, by any officer or any employee of the Village, is hereby prohibited.

(C) The offering or making of gifts prohibited to be offered or made to an officer or employee of the Village, is hereby prohibited.

(D) The participation in political activities prohibited under the Act, by any officer or employee of the Village, is hereby prohibited.

(E) For the purposes of this Section, the terms “officer” and “employee” shall be defined as set forth in **5 ILCS 430/70-5(c)**.

(F) The penalties for violations of this Section shall be the same as those penalties set forth in **5 ILCS 430/50-5** for similar violations of the Act.

(G) This Section does not repeal or otherwise amend or modify any existing ordinances or policies which regulate the conduct of Village officers and employees. To the extent that any such existing ordinances or policies are less restrictive than this Section, however, the provisions of this Section shall prevail in accordance with the provisions of **5 ILCS 430/70-5(a)**.

(H) Any amendment to the Act that becomes effective after the effective date of this Section shall be incorporated into this Section by reference and shall be applicable to the solicitation, acceptance, offering and making of gifts and to prohibited political activities. However, any amendment that makes its provisions optional for adoption by municipalities shall not be incorporated into this Section by reference without formal action by the corporate authorities of the Village.

(I) If the Illinois Supreme Court declares the Act unconstitutional in its entirety, then this Section shall be repealed as of the date that the Illinois Supreme Court’s decision becomes final and not subject to any further appeals or rehearings. This Section shall be deemed repealed without further action by the Corporate Authorities of the Village if the Act is found unconstitutional by the Illinois Supreme Court.

(J) If the Illinois Supreme Court declares part of the Act unconstitutional but upholds the constitutionality of the remainder of the Act, or does not address the remainder of the Act, then the remainder of the Act as adopted by this Section shall remain in full force and effect; however, that part of this Section relating to the part of the Act found unconstitutional shall be deemed repealed without further action by the Corporate Authorities of the Village.

ARTICLE VI – TRAVEL/REIMBURSEMENT

22-6-1 **INTERPRETATION.** This Article shall be interpreted to be consistent with the Local Government Travel Expense Control Act, **50 ILCS 150.**

22-6-2 **DEFINITIONS.** For the purpose of this Section, the following words are defined as set forth herein:

(A) "Entertainment" includes, but is not limited to, shows, amusements, theaters, circuses, sporting events, or any other place of public or private entertainment or amusement, unless ancillary to the purpose of the program or event.

(B) "Travel Expense" means any expenditure directly incident to official travel by employees and officers of the Village or direct payment to private agencies providing transportation or related services.

22-6-3 **OFFICIAL BUSINESS REQUIRING EXPENSES.** Travel, meal, and lodging expenses will only be allowed for official business of the Village which is necessary to the functioning or improvement of the Village. Official business includes: education conferences related to the duties of the employee or officer of the Village; site visits to current or potential vendors of the Village; or out-of-town meetings related to the official duties of the employee or officer of the Village.

22-6-4 **ENTERTAINMENT EXPENSES.** No entertainment expenses incurred by any employee or official may be reimbursed.

22-6-5 **MAXIMUM ALLOWABLE REIMBURSEMENT.** Unless otherwise excepted herein, the maximum allowable reimbursement for an employee or officer of the Village shall be those rates set by the Federal Travel Regulation and maintained by the United States General Services Administration for travel per diem, meals, and incidental expense in effect at the time the expense was incurred.

22-6-6 **APPROVAL OF EXPENSES.** The Board of Trustees must approve the following reimbursements for travel expense, including meals, transportation and/or lodging, by a roll call vote at an open meeting of the Board of Trustees:

(A) Any expense of any officer or employee that exceeds the maximum permitted under paragraph (F) below; or

(B) Any expense of any member of the corporate authorities of the Village.

(C) The cost of travel including the allowable automobile expense allowed by the IRS for business travel, rental car, airplane, ride share, cab, private car, train and/or bus. In the event that there is a choice of class, only coach or economy class or similar shall be approved. Any upgrades to the equivalent of first and/or business class may only be done at the additional expense of the traveler.

(D) The cost of lodging which shall be reasonable and customary for the location and time of the area where the traveler is staying.

(E) The customary cost of conference fees, class fees, supplies, books, software, and computer materials for educational purposes is allowed.

(F) The Board President or his/her designee shall be authorized to approve such travel without preapproval of the Board so long as the total cost of reimbursement is less than **Five Hundred Dollars (\$500.00)**.

22-6-7 **DOCUMENTATION OF EXPENSES.** Before any reimbursement for travel, meals or lodging may be approved pursuant to Section 22-6-6 above, a standardized form for submission of such expenses shall first be submitted to the Board of Trustees. This form shall include, at a minimum, the name and title of the requestor, a cost estimate of expenses not yet incurred or a receipt if expenses have been incurred, and the date or dates and the nature of the official business wherein the expenses were or will be incurred.

(Ord. No. 2017-02; 02-15-17)

ARTICLE VII – POLICY PROHIBITING SEXUAL HARASSMENT

22-7-1 PROHIBITION ON SEXUAL HARASSMENT. It is unlawful to harass a person because of that person's sex. The courts have determined that sexual harassment is a form of discrimination under Title VII of the U.S. Civil Rights Act of 1964, as amended in 1991. All persons have a right to work in an environment free from sexual harassment. Sexual harassment is unacceptable misconduct which affects individuals of all genders and sexual orientations. It is a policy of this Village to prohibit harassment of any person by any municipal official, municipal agent, municipal employee or municipal agency or office on the basis of sex or gender. All municipal officials, municipal agents, municipal employees and municipal agencies or offices are prohibited from sexually harassing any person, regardless of any employment relationship or lack thereof.

22-7-2 DEFINITION OF SEXUAL HARASSMENT. This policy adopts the definition of sexual harassment as stated in the Illinois Human Rights Act, which currently defines sexual harassment as:

(A) Any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when:

- (1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment,
- (2) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- (3) Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

(B) Conduct which may constitute sexual harassment includes:

- (1) **Verbal.** Sexual innuendoes, suggestive comments, insults, humor, and jokes about sex, anatomy or gender-specific traits, sexual propositions, threats, repeated requests for dates, or statements about other employees, even outside their presence, of a sexual nature.
- (2) **Non-verbal.** Suggestive or insulting sounds (whistling), leering, obscene gestures, sexually suggestive bodily gestures, "catcalls", "smacking" or "kissing" noises.
- (3) **Visual.** Posters, signs, pin-ups or slogans of a sexual nature, viewing pornographic material or websites.
- (4) **Physical.** Touching, unwelcome hugging or kissing, pinching, brushing the body, any coerced sexual act or actual assault.
- (5) **Textual/Electronic.** "Sexting" (electronically sending messages with sexual content, including pictures and video), the use of sexually explicit language, harassment, cyber stalking or threats via all forms of electronic communication (e-mail, text/picture/video messages, intranet/on-line postings, blogs, instant messages and social network websites like Facebook and Twitter).

(C) The most severe and overt forms of sexual harassment are easier to determine. On the other end of the spectrum, some sexual harassment is more subtle and depends, to some extent, on individual perception and interpretation. The courts will assess sexual harassment by a standard of what would offend a "reasonable person."

22-7-3 **PROCEDURE FOR REPORTING AN ALLEGATION OF SEXUAL HARASSMENT.**

(A) An employee who either observes sexual harassment or believes herself/himself to be the object of sexual harassment should deal with the incident(s) as directly and firmly as possible by clearly communicating his/her position to the offending employee, and his/her immediate supervisor. It is not necessary for sexual harassment to be directed at the person making the report.

(B) Any employee may report conduct which is believed to be sexual harassment, including the following:

- (1) **Electronic/Direct Communication.** If there is sexual harassing behavior in the workplace, the harassed employee should directly and clearly express his/her objection that the conduct is unwelcome and request that the offending behavior stop. The initial message may be verbal. If subsequent messages are needed, they should be put in writing in a note or a memo.
- (2) **Contact with Supervisory Personnel.** At the same time direct communication is undertaken, or in the event the employee feels threatened or intimidated by the situation, the problem must be promptly reported to the immediate supervisor of the person making the report, a department head, a director of human resources, an ethics officer, the village manager or administrator, or the chief executive officer of the Municipality. The employee experiencing what he or she believes to be sexual harassment must not assume that the employer is aware of the conduct. If there are no witnesses and the victim fails to notify a supervisor or other responsible officer, the Municipality will not be presumed to have knowledge of the harassment.
- (3) **Resolution Outside Municipality.** The purpose of this policy is to establish prompt, thorough and effective procedures for responding to every report and incident so that problems can be identified and remedied by the Municipality. However, all municipal employees have the right to contact the Illinois Department of Human Rights (IDHR) or the Equal Employment Opportunity Commission (EEOC) for information regarding filing a formal complaint with those entities. An IDHR complaint must be filed within **three hundred (300) days** of the alleged incident(s) unless it is a continuing offense. A complaint with the EEOC must also be filed within **three hundred (300) days**.

(C) Documentation of any incident may be submitted with any report (what was said or done, the date, the time and the place), including, but not limited to, written records such as letters, notes, memos and telephone messages.

(D) All allegations, including anonymous reports, will be accepted and investigated regardless of how the matter comes to the attention of the Municipality. However, because of the serious implications of sexual harassment charges and the difficulties associated with their investigation and the questions of credibility involved, the claimant's willing cooperation is a vital component of an effective inquiry and an appropriate outcome.

22-7-4 PROHIBITION ON RETALIATION FOR REPORTING SEXUAL HARASSMENT ALLEGATIONS.

(A) No municipal official, municipal agency, municipal employee or municipal agency or office shall take any retaliatory action against any municipal employee due to a municipal employee's:

- (1) Disclosure or threatened disclosure of any violation of this policy,
- (2) The provision of information related to or testimony before any public body conducting an investigation, hearing or inquiry into any violation of this policy, or
- (3) Assistance or participation in a proceeding to enforce the provisions of this policy.

(B) For the purposes of this policy, retaliatory action means the reprimand, discharge, suspension, demotion, denial of promotion or transfer, or change in the terms or conditions of employment of any municipal employee that is taken in retaliation for a municipal employee's involvement in protected activity pursuant to this policy.

(C) No individual making a report will be retaliated against even if a report made in good faith is not substantiated. In addition, any witness will be protected from retaliation.

(D) Similar to the prohibition against retaliation contained herein, the State Officials and Employees Ethics Act (**5 ILCS 430/15-10**) provides whistleblower protection from retaliatory action such as reprimand, discharge, suspension, demotion, or denial of promotion or transfer that occurs in retaliation for an employee who does any of the following:

- (1) Discloses or threatens to disclose to a supervisor or to a public body an activity, policy, or practice of any officer, member, State agency, or other State employee that the State employee reasonably believes is in violation of a law, rule, or regulation;
- (2) Provides information to or testifies before any public body conducting an investigation, hearing, or inquiry into any violation of a law, rule, or regulation by any officer, member, State agency or other State employee; or
- (3) Assists or participates in a proceeding to enforce the provisions of the State Officials and Employees Ethics Act.

(E) Pursuant to the Whistleblower Act (**740 ILCS 174/15(a)**), an employer may not retaliate against an employee who discloses information in a court, an administrative hearing, or before a legislative commission or committee, or in any other proceeding, where the employee has reasonable cause to believe that the information discloses a violation of a State or federal law, rule, or regulation. In addition, an employer may not retaliate against an employee for disclosing information to a government or law enforcement agency, where the employee has reasonable cause to believe that the information discloses a violation of a State or federal law, rule, or regulation. (**740 ILCS 174/15(b)**).

(F) According to the Illinois Human Rights Act (**775 ILCS 5/6-101**), it is a civil rights violation for a person, or for two or more people to conspire, to retaliate against a

person because he/she has opposed that which he/she reasonably and in good faith believes to be sexual harassment in employment, because he/she has made a charge, filed a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing under the Illinois Human Rights Act.

(G) An employee who is suddenly transferred to a lower paying job or passed over for a promotion after filing a complaint with IDHR or EEOC, may file a retaliation charge – either due within **three hundred (300) days** of the alleged retaliation.

22-7-5 CONSEQUENCES OF A VIOLATION OF THE PROHIBITION ON SEXUAL HARASSMENT. In addition to any and all other discipline that may be applicable pursuant to municipal policies, employment agreements, procedures, employee handbooks and/or collective bargaining agreement, any person who violates this policy or the Prohibition on Sexual Harassment contained in **5 ILCS 430/5-65**, may be subject to a fine of up to **Five Thousand Dollars (\$5,000.00)** per offense, applicable discipline or discharge by the Municipality and any applicable fines and penalties established pursuant to local ordinance, State law or Federal law. Each violation may constitute a separate offense. Any discipline imposed by the Municipality shall be separate and distinct from any penalty imposed by an ethics commission and any fines or penalties imposed by a court of law or a State or Federal agency.

22-7-6 CONSEQUENCES FOR KNOWINGLY MAKING A FALSE REPORT. A false report is a report of sexual harassment made by an accuser using the sexual harassment report to accomplish some end other than stopping sexual harassment or retaliation for reporting sexual harassment. A false report is not a report made in good faith which cannot be proven. Given the seriousness of the consequences for the accused, a false or frivolous report is a severe offense that can itself result in disciplinary action. Any person who intentionally makes a false report alleging a violation of any provision of this policy shall be subject to discipline or discharge pursuant to applicable municipal policies, employment agreements, procedures, employee handbooks and/or collective bargaining agreements.

In addition, any person who intentionally makes a false report alleging a violation of any provision of the State Officials and Employees Ethics Act to an ethics commission, an inspector general, the State Police, a State’s Attorney, the Attorney General, or any other law enforcement official is guilty of a Class A misdemeanor. An ethics commission may levy an administrative fine of up to **Five Thousand Dollars (\$5,000.00)** against any person who intentionally makes a false, frivolous or bad faith allegation.

(Ord. No. 2018-07; 12-19-18)

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 LAW ENFORCEMENT.** Law enforcement 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 law enforcement.

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

24-2-4 **UNAUTHORIZED SIGNS.** No person shall place, maintain or display upon or in view of any street, any unauthorized sign, signal, marking, light, reflector or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, nor shall any person

or place, maintain or display upon or in view of any street, any other sign which hides from view or interferes with the movement of traffic or effectiveness of any traffic-control device or any railroad sign or signal, and no person shall place or maintain, nor shall any public authority permit upon any highway, any traffic sign or signal bearing thereon any commercial advertising. No tree, bush or foliage of any kind shall be so placed, maintained, allowed to remain, or be displayed upon either public or private property in such a manner as to hide from view or interfere with the movement of traffic or the effectiveness of any traffic-control device, sign or signal.

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

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

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

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

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

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

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

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

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 - PARKING RULES

24-4-1 **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.

24-4-2 **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.

24-4-3 **PRIVATE PROPERTY.** It shall be unlawful to park any motor vehicle on any private property without the consent of the owner of the property.

24-4-4 **STOPPING, STANDING OR PARKING PROHIBITED IN SPECIFIED PLACES.**

(A) Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic-control devices, no person shall:

- (1) **Stop, Stand or Park a Vehicle:**
 - (a) On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
 - (b) On a sidewalk.
 - (c) Within an intersection.
 - (d) On a crosswalk.
 - (e) Between a safety zone and the adjacent curb or within **thirty (30) feet** of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings.
 - (f) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic.
 - (g) Upon any bridge or other elevated structure upon a highway or within a highway tunnel.
 - (h) On any railroad tracks.
 - (i) At any place where official signs prohibit stopping.
 - (j) On any controlled-access highway.
 - (k) In the area between roadways of a divided highway, including crossovers.
 - (l) In any alley that is open and maintained.
- (2) **Stand or Park a Vehicle** (whether occupied or not, except momentarily to pick up or discharge passengers):
 - (a) In front of a public or private driveway.
 - (b) Within **fifteen (15) feet** of a fire hydrant.

- (c) Within **twenty (20) feet** of a crosswalk at an intersection.
 - (d) Within **thirty (30) feet** upon the approach to any flashing signal, stop sign, yield sign or traffic-control signal located at the side of the roadway.
 - (e) Within **twenty (20) feet** of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within **seventy-five (75) feet** of such entrance (when properly sign-posted).
 - (f) At any place where official signs prohibit standing or parking.
- (3) **Parking a Vehicle** (whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading property or passengers):
- (a) within **fifty (50) feet** of the nearest rail of a railroad crossing;
 - (b) at any place where official signs prohibit parking;
 - (c) in yellow zones.
- (B) No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful.
- (C) Schedules "E", "F" and "G" shall list all applicable no-parking zones.
- (D) **Truck Parking Prohibitions.**
- (1) No person shall park a semitrailer truck or tractor on either public or private property in a residential zone except when said truck or tractor is actually delivering, unloading or loading personal property to and from premises in such zone, and except any such truck or tractor which is restricted wholly to the interior confines of a private garage.
 - (2) It shall be unlawful for any person to park any trailer or semitrailer detached from a vehicle on any public street within the Village except for emergency purposes or as set forth in paragraph (4) of this Section. Whenever trailers or semitrailers are parked in emergency situations, all requirements regarding flares or other warning devices shall be complied with. In addition, the Village Board or its designated representative shall be notified as soon as possible of the emergency situation.
 - (3) It shall be unlawful to park an unattached trailer on any public right of way, street, parkway or sidewalk within the Village, except as set forth in paragraph (4) of this Section. No vehicle with an attached trailer shall park overnight on any public right of way, street, parkway or sidewalk within the Village, except as set forth in paragraph (4) of this Section.
 - (4) Residents may park a travel trailer, camper, recreational vehicle, boat, or moving trailer on a public street directly in front of the dwelling, or public parkway for purposes of loading or unloading for a period no longer than **forty-eighty (48) hours**, unless said parking will cause a danger to public safety. Notification must be given to the Village Board or its designated representative prior to parking the travel trailer, camper, recreational vehicle, boat, or moving trailer on a public street or parkway.
 - (5) Trailers may be stored or parked on private property not in contravention with any other provisions of the Village Code.
- (Ord. No. 2022-02; 07-20-22)**

24-4-5 PARKING FOR THE HANDICAPPED.

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

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

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

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

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

24-4-6 LOAD LIMITS.

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

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

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

24-4-7 TOWING CARS AWAY. Law enforcement officers 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).

24-4-8 PARKING VIOLATIONS. Any person accused of a violation of an ordinance prohibiting parking a vehicle in a designated area or restricting the length of time a vehicle may be there parked, may settle and compromise the claim against him or her for such illegal parking by paying to the Village **Fifteen Dollars (\$15.00)** for each such offense and **Fifty Dollars (\$50.00)** for the second offense within **six (6) months**. Such payment may be made at the Village Hall and a receipt shall be issued for all money so received and such money shall be promptly turned over to the Treasurer to be credited to the General Fund. The members of all Law Enforcement Agencies are hereby authorized to refrain from instituting a prosecution for the alleged offense involved for at least **five (5) days**.

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

(A) **Removal - Time Limit.** Any vehicle illegally parked for a period in excess of **twenty-four (24) hours** may be removed by a towing service authorized by law enforcement. In any emergency, any vehicle may be removed by any means when authorized by law enforcement.

(B) **Village Parking Lots.** No person shall park a motor vehicle on a Village parking lot unattended for more than **five (5) consecutive days**.

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

24-4-9 PRIMA FACIE PROOF. The fact that a vehicle which is illegally parked or operated is registered in the name of a person shall be considered prima facie proof that such person was in control of the vehicle at the time of such violation.

24-4-10 SNOW ROUTES. It shall be unlawful to park a vehicle on the following designated streets at any time within **eighteen (18) hours** after a snowfall of **three (3) inches** or more, unless the street has been cleared of snow.

24-4-11 PARKING TICKETS - STATE STATUTE. The Village Board intends to utilize **Illinois Compiled Statutes, Chapter 625; Section 5/6-306.5** and the procedure set forth therein.

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

ARTICLE V – ABANDONED AND INOPERABLE VEHICLES

24-5-1 DEFINITIONS. The following definitions shall apply in the interpretation and enforcement of this Chapter.

“ABANDONED VEHICLE”: Any vehicle that is left at any place for such time and under such circumstances as to cause such vehicle reasonably to appear to have been abandoned.

“DAMAGED VEHICLE”: Any motor vehicle or non-motor vehicle that has been wrecked, stripped, junked, or disabled. “Damaged vehicle” shall not include:

(A) a motor vehicle which has been rendered temporarily incapable of being driven under its own power in order to perform ordinary service or repair operations not to exceed **thirty (30) days**;

(B) a vehicle that is kept within a completely enclosed building when not in use;

(C) operable and licensed historic vehicles over **twenty-five (25) years** of age;

(D) a vehicle on the premises of a place of business engaged in wrecking, salvage, or junking of vehicles and such premises is properly zoned and duly licensed and operating such place of business;

(E) a motor or non-motor vehicle on the premises which is properly zoned to permit, and which is regularly and customarily engaged in a commercial business involving the commercial sale or repair of vehicles;

(F) one unlicensed operable vehicle with a “For Sale” sign affixed thereto, for a period not to exceed **thirty (30) days** in any **twelve (12) calendar month** period; and

(G) any stationary vehicle used for advertising purposes which is located on commercially zoned property and which advertisement on such vehicle solely advertises the business property being operated on such commercially zoned property; provided, the owner of such property obtains a permit from the Village to locate such vehicle on such property for such purpose, which permit may be denied in the Village’s sole discretion.

“INOPERABLE VEHICLE”: Any motor vehicle from 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; or any non-motor vehicle from which, for a period of at least **seven (7) days**, the wheels or other parts have been removed or so altered, damaged, or otherwise treated that such vehicle is incapable of being moved in its ordinary mode of travel. “Inoperable vehicle” shall not include:

(A) a motor vehicle which has been rendered temporarily incapable of being driven under its own power in order to perform ordinary service or repair operations not to exceed **thirty (30) days**;

(B) any motor or non-motor vehicle that is kept within a completely enclosed building when not in use;

(C) operable and licensed historic vehicles over **twenty-five (25) years** of age;

(D) a vehicle on the premises of a place of business engaged in wrecking, salvage, or junking of vehicles and such premises is properly zoned and duly licensed and operating such place of business;

(E) a motor or non-motor vehicle on the premises which is properly zoned to permit, and which is regularly and customarily engaged in a commercial business involving the commercial sale or repair of vehicles; and

(F) one unlicensed operable vehicle with a "For Sale" sign affixed thereto, for a period not to exceed **thirty (30) days** in any **twelve (12) calendar month** period.

"MOTOR VEHICLE": A machine propelled by power, other than human power, designed to travel along the ground by use of wheels, treads, runners or slides and transport persons or property or pull machinery and shall include, without limitation, automobile, truck, trailer, motorcycle, tractor, buggy and wagon.

"OCCUPANT": Any adult person occupying the private property where any motor or non-motor vehicle is found.

"OWNER": Any person, or persons, who is an owner, lessee, bailee or possessor of any motor or non-motor vehicle.

"PERSON": Any person, firm, partnership, association, corporation, company, organization or entity of any kind, nature, or extent whatsoever.

"PRIVATE PROPERTY": Any real private property within the corporate limits of the Village.

"PUBLIC PROPERTY": Any real public property within the corporate limits of the Village.

"UNLICENSED MOTOR VEHICLE": Any motor vehicle which does not have a current Illinois license and registration sticker affixed to same.

24-5-2 ABANDONMENT OF VEHICLES. No person shall abandon any vehicle within the Village on public or private property, and no person shall leave any vehicle at any place within the Village on public or private property for such time and under such circumstances as to cause such vehicle reasonably to appear to have been abandoned. All said abandoned vehicles are hereby declared a nuisance.

24-5-3 MAINTENANCE OR STORAGE DECLARED NUISANCE.

(A) No person shall maintain, store, or permit the storage on any public property for a period of **seven (7)** or more days, of any unlicensed motor vehicle or damaged vehicle or abandoned vehicle or inoperable vehicle. Such maintenance or storage is hereby declared a nuisance.

(B) No person shall maintain, store, or permit the storage on any private property, for a period of **fifteen (15)** or more days, of any unlicensed motor vehicle or damaged vehicle or abandoned vehicle or inoperable vehicle. Such maintenance or storage is hereby declared a nuisance.

24-5-4 OWNER(S) REQUIRED TO ABATE NUISANCE.

(A) **Nuisance Found on Private Property.** Whenever the Village's Zoning Officer or the Village Board's designated person, from time to time, finds any inoperable vehicle, damaged vehicle or unlicensed vehicle or abandoned vehicle on private property, he or she shall issue a written order to the "known" or "unknown" owner of such vehicle directing such owner to abate such nuisance, within **ten (10) days**, in one of the following ways:

- (1) transfer to and store such vehicle in a completely enclosed building; or
- (2) permanently remove said vehicle to a location outside the corporate limits of the Village.

This order shall include the vehicle's vehicle identification number (VIN) to the extent it is ascertainable from the vehicle by the officer; the date of the notice; the date by which the vehicle must be removed or enclosed; and the possible penalties for failing to abate the nuisance. The order shall be effective until said vehicle is placed within a completely enclosed building or removed from the Village's corporate limits. Notice of such order shall be placed on such vehicle, and copies of the notice shall be served on any adult occupancy of the private property on which such vehicle is located, and also on the owner of the vehicle, if his or her name and whereabouts be known. If no occupant of such private property or owner of such vehicle can be found, such notice affixed to any building on such private property shall constitute notice to the owner and occupant of such private property and notice to the owner of such vehicle. If there is no building on such private property, the notice may be affixed elsewhere on such private property and same shall constitute the notice to the occupant of such private property and notice to the owner of such vehicle. If such vehicle is not removed within **ten (10) days** pursuant to the order and notice, and if the order is not stayed by the issuing officer pursuant to a written request showing good cause for a permanent or temporary stay, Village's Zoning Officer or the Village Board's designated person, shall cause such vehicle to be removed by a junk or salvage yard or wrecker service; and all costs and expenses of the removal of said vehicle, the storage of said vehicle, and the disposal and/or sales charges shall be paid by and recoverable from the owner(s) of said vehicle, jointly and severally, in a suit at law. The vehicle shall not be removed from private property without a warrant issued by a court of competent jurisdiction.

(B) **Nuisance Found on Public Property.** Whenever Village's Zoning Officer or the Village Board's designated person finds any inoperable vehicle, damaged vehicle or unlicensed vehicle or abandoned vehicle on public property, he or she shall issue a written order to the "known" or "unknown" owner of such vehicle directing such owner to abate such nuisance, within **seven (7) days**, in one of the following ways:

- (1) transfer to and store such vehicle in a completely enclosed building; or
- (2) permanently remove said vehicle to a location outside the corporate limits of the Village.

This order shall include the vehicle's vehicle identification number (VIN) to the extent it is ascertainable from the vehicle by the officer; the date of the notice; the date by which the vehicle must be removed or enclosed; and the possible penalties for failing to abate the nuisance. Notice of such order shall be placed on said vehicle. If said vehicle is not removed within **seven (7) days** pursuant to the order and notice, Village's Zoning Officer or the Village Board's designated person, shall cause said vehicle to be removed by a junk or salvage yard or wrecker service; and costs and expenses of the removal of said vehicle, the storage of said vehicle and the disposal and/or sales charges shall be paid by and recoverable from the owner(s) of said vehicle, jointly and severally, in a suit at law.

24-5-5 PROSECUTION OF VIOLATORS. If the owner(s) of an inoperable vehicle or damaged vehicle or unlicensed vehicle or abandoned vehicle fails to abate the nuisance after having been served with a written order pursuant to **Section 24-5-4** of this Chapter then the Village may file a complaint with a court of competent jurisdiction seeking an order granting the following relief:

(A) The issuance of an administrative search and seizure warrant to remove the vehicle from the property where it may be located.

(B) A declaration that the owner(s) of the inoperable vehicle or damaged vehicle or unlicensed vehicle or abandoned vehicle is in violation of **Section 24-5-2** and/or **24-5-3** and/or **24-5-4** of this Chapter.

(C) A declaration that any search and seizure of an inoperable vehicle or damaged vehicle or unlicensed vehicle or abandoned vehicle performed pursuant to an administrative search and seizure warrant was proper and in compliance with all applicable laws.

(D) A fine for the owner(s) of any inoperable vehicle or damaged vehicle or unlicensed vehicle or abandoned vehicle pursuant to **Section 24-5-6** of this Chapter and **Section 1-1-20** of this Code.

(E) Authorizing the sale of the inoperable vehicle or damaged vehicle or unlicensed vehicle or abandoned vehicle pursuant to **Section 24-5-6** of this Chapter unless the owner(s) pays all towing, removal, and storage charges.

(F) Requiring the Illinois secretary of state to issue a certificate of title for the vehicle to the purchaser of the inoperable vehicle or damaged vehicle or unlicensed vehicle or abandoned vehicle.

(G) For such other, further or different relief favorable to the Village.

24-5-6 SALE OF VEHICLE. In the event said inoperable vehicle or damaged vehicle or unlicensed vehicle or abandoned vehicle is removed from private property of the owner(s) of the vehicle and placed in storage by, on behalf of, or at the direction of the Village's Zoning Officer or the Village Board's designated person, the Village shall send notice to the owner(s) containing the following:

(A) The date of the towing.

(B) The name, address and telephone number of the entity that towed the vehicle.

(C) The address where the vehicle is being stored.

(D) The amount of the towing, removal, and storage charges, including any per diem charges.

(E) A statement that the vehicle shall be sold by private or public sale or may be sold to the entity that towed said vehicle for the amount of the towing, removal, and storage charges, as the Village shall decide in its sole discretion unless the owner(s) pays all applicable towing, removal, and storage charges within **fifteen (15) days** from the date the notice is mailed to the last known address of the owner(s).

Said notice shall be mailed by U.S. mail, postage prepaid, to the last known address of the owner(s) of the vehicle. If the owner(s) of the vehicle does not pay all applicable towing, removal, and storage charges within **fifteen (15) days** after the date the notice is mailed, then said vehicle may be sold by the Village at any time thereafter at public or private sale or may be sold to the entity that towed said vehicle for the cost of the towing, removal, and any applicable storage charges, as the Village shall determine in its sole discretion. If the sale

proceeds are insufficient to pay the costs of sale, removal and storage expenses, then the owner(s) of said vehicle shall be jointly and severally liable to the Village for the balance of such costs and expenses and to be recoverable in a suit at law. If the sale proceeds are sufficient to pay said costs of sale, towing, removal, storage expenses, ordinance violation fines, court costs, and/or expenses then the balance shall be deposited with the Village Treasurer and shall be paid to any one or more of the owner(s) of such vehicle, if known and located as the Village shall determine. The Village shall have the right to deduct from said balance an amount equal to any ordinance violation fine(s), court costs and/or expenses assessed against the previous owner(s) of said inoperable vehicle or damaged vehicle or unlicensed vehicle or abandoned vehicle before making a distribution to said former owner(s) of said vehicle.

If the said inoperable vehicle or damaged vehicle or unlicensed vehicle or abandoned vehicle is removed from public property or from private property of some person or entity other than the owner(s) of said vehicle, then said vehicle shall be disposed of by the entity that towed the vehicle pursuant to Article II of Chapter 4 of the Illinois Vehicle Code as now enacted or hereafter amended or pursuant to any subsequent statutory provisions.

24-5-7 NONLIABILITY OF VILLAGE, ETC. The Village, its elected and/or appointed officers, agents, employees, mayor, village board, law enforcement and the members thereof, the Village's health, zoning and building officer and the towing service owner or storage service owner, operator, agent or employee shall not be liable for damages in any action brought by any owner or former owner or the owner's legal and/or personal representative, successors or assigns, lien holder or any other person legally entitled to the possession of any vehicle when said vehicle was processed or disposed of according to this Chapter.

24-5-8 PENALTIES. In addition to and not in lieu of any of the other penalties or provisions set forth in this Chapter, any person violating any of the provisions of this Chapter shall, upon conviction, be fined as provided in **Section 1-1-20** of this Code for each separate offense, and a separate offense shall be deemed to occur on each day on or during which a violation is deemed to exist or continues.

CITATION FORM

NO. _____

DATE _____ TIME _____

LICENSE NO. _____ STATE _____

LICENSE EXPIRES _____ MAKE OF VEHICLE _____

METER NUMBER _____ OFFICER _____

YOU ARE CHARGED WITH THE VIOLATION MARKED BELOW:

- | | | |
|----|-------------------------------------|-------------|
| 1. | Overparked, Two Hour Zone | \$15.00 [] |
| 2. | Double Parked | \$15.00 [] |
| 3. | Parked at Fire Plug | \$15.00 [] |
| 4. | Blocking Driveway or Alley | \$15.00 [] |
| 5. | Parked Where Official Signs Erected | \$15.00 [] |
| 6. | Improper Parking | \$15.00 [] |
| 7. | Yellow Line | \$15.00 [] |
| 8. | Each Additional Hour Violation | \$15.00 [] |
| 9. | Parking on Sidewalk | \$15.00 [] |

NAME _____

ADDRESS _____

VILLAGE _____ STATE _____ ZIP CODE _____

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

FOR YOUR CONVENIENCE

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

CHAPTER 25

NUISANCES

ARTICLE I - GENERALLY

25-1-1 **SPECIFIC NUISANCES ENUMERATED.** It is hereby declared to be a nuisance and to be against the health, peace and comfort of the Village, for any person, firm or corporation within the limits of the Village to permit the following; but the enumeration of the following nuisances shall not be deemed to be exclusive:

(A) **Filth.** To cause or suffer the carcass of any animal or any offal, filth or noisome substance to be collected, deposited or to remain in any place, to the prejudice of others.

(B) **Deposit of Offensive Materials.** To throw or deposit any offal or other offensive matter, or the carcass of any dead animal in any water course, lake, pond, spring, well or common sewer, street or public highway.

(C) **Corruption of Water.** To corrupt or render unwholesome, or impure, the water of any spring, river, stream, pond or lake, well, public or private, to the injury or prejudice of others.

(D) **Highway Encroachment.** To obstruct or encroach upon public highways, private ways, streets, alleys, commons, landing places, and ways to burying places.

(E) **Manufacturing Gunpowder.** To carry on the business of manufacturing gunpowder, nitroglycerine, or other highly explosive substances, or mixing or grinding the materials therefore, in any building within **three hundred (300) feet** of any valuable building erected at the time such business may be commenced.

(F) **Powder Magazines.** To establish powder magazines near incorporated towns, at a point different from that appointed according to law by the corporate authorities of the town, or within **eight hundred (800) feet** of any occupied dwelling house.

(G) **Noxious Odors.** To erect, continue or use any building or other place for the exercise of any trade, employment or manufacture, which, by occasioning noxious exhalations, offensive smells or otherwise, is offensive or dangerous to the health of individuals, or of the public.

(H) **Unlawful Advertising.** To advertise wares or occupations by painting notices of the same on, or affixing them to fences or other private property, or on rocks or other natural objects without the consent of the owner, or if in the highway or other public place, without permission of the proper authorities.

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

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

(K) **Discarded Materials.** To permit concrete bases, discarded machinery and materials to remain around any oil or gas well or to fail to fill any holes, cellars, slush pits and other excavations made in connection with any such well or to restore the surface of the

lands surrounding any such well to its condition before the drilling of any such well, upon abandonment of any such oil or gas well.

(L) **Underground Wells.** To permit any salt water, oil, gas or other wastes from any well drilled for oil, gas or exploratory purposes to escape to the surface, or into a mine or coal seam, or into any underground fresh water supply or from one underground stratum to another.

(M) **Harassment.** To harass, intimidate or threaten any person who is about to sell or lease or has sold or leased a residence or other real property, or is about to buy or lease, or has bought or leased a residence or other real property, when the harassment, intimidation, or threat relates to a person's attempt to sell, buy or lease a residence, or other real property, or refers to a person's sale, purchase or lease of a residence or other real property.

(N) **Business.** To establish, maintain, and carry on any offensive or unwholesome business or establishment within the limits of the Village or within **one and one-half (1 ½) miles** of the Village limits.

(O) **Filthy Premise Conditions.** To keep or suffer to be kept any chicken coop, cow barn, stable, cellar, vault, drain, privy, sewer or sink upon any premises belonging to or occupied by any person, or any railroad car, building, yard, grounds, and premises belonging to or occupied by any person.

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

(Q) **Litter on Streets.** It shall be unlawful for any person to deposit upon or allow trash, paper, cardboard, wire, dirt, rock, stone, glass, brick, lumber, wood or litter of material objects of any size or description to fall upon the streets of the Village from any moving vehicle, or to be thrown from a moving vehicle, or to throw from a moving vehicle and to remain thereon.

(R) **Accumulation of Junk And Trash.** To deposit or pile up any rags, old rope, paper, iron, brass, copper, tin, aluminum, used lumber, derelict truck trailers, camping trailers, or boats, appliances, construction materials, demolition debris, ashes, garbage, refuse, plastic, brush, litter, weeds, slush, lead, glass bottles or broken glass upon any residential home lot, piece or parcel of land or upon any public or private alley, street or public way within the Village.

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

(T) **Bringing Nuisances into the Village.** To bring into the Village or keep therein for sale or otherwise, either for food or for any other purpose, any dead or live animal or any matter, substance, or thing which shall be a nuisance or which shall occasion a nuisance in the Village, or which may or shall be dangerous or detrimental to health.

(U) **Offensive Liquids.** To keep nauseous, foul or putrid liquid or substance or any liquid or substance likely to become nauseous, foul, offensive, or putrid, nor permit any such liquid to be discharged, placed, thrown, or to flow from or out of any premise into or upon any adjacent premises or any public street or alley, nor permit the same to be done by any person connected with the premises.

(V) **Dense or Offensive Smoke.** To cause or permit the emission of dense smoke from any fire, chimney, engine, oil burner or any other agency in the Village so as to cause annoyance or discomfort to the residents thereof.

(W) **Scrap Tires, Both Mounted and Dismounted.** To keep any scrap tires, either mounted or dismounted, in open view, or so as to allow such tires to accumulate stagnant water so as to provide a breeding ground for mosquitoes and other pests.

(X) **Motor Transport Engines.** To operate motor vehicle transport engines in the nighttime between the hours of **eight (8:00) o'clock P.M.** and **six (6:00) o'clock A.M.**, in any place in which a majority of the buildings, within a radius of **four hundred (400) feet** are used exclusively for residence purposes, excluding state and federal highways.

(Y) **Accumulation of Debris.** To store, dump or permit the accumulation of debris, refuse, garbage, trash, tires, buckets, cans, wheelbarrows, garbage cans or other containers in a manner that may harbor mosquitoes, flies, insects, rodents, nuisance birds or other animal pests that are offensive, injurious or dangerous to the health of individuals or the public.

(Z) **Generally.** To commit any act which is a nuisance according to the common law of the land or made such by statute of the State. **(See 740 ILCS 55/221 – 55/222)**

Nothing in this Section shall be construed to prevent the corporate authorities of this Village from declaring what shall be nuisances, and abating them within the Village limits.

25-1-2 NUISANCES DETRIMENTAL TO HEALTH GENERALLY. No building, vehicle, structure, receptacle, yard, lot, premise, or part thereof shall be made, used, kept, maintained or operated in the Village if such use, keeping or maintaining shall be dangerous or detrimental to health.

25-1-3 NOTICE TO ABATE. Whenever the Village Board or the Mayor finds that a nuisance exists, he shall direct the Village Clerk to mail (certified) to the party responsible for the nuisance and to the party on whose property the nuisance exists a written notice ordering that the nuisance be abated within a reasonable time. The notice to abate shall contain:

- (A) A description of what constitutes the nuisance;
- (B) The location of the nuisance;
- (C) A statement of what condition or state of affairs must be achieved in order for the nuisance to be deemed abated;
- (D) The date by which abatement must be completed;
- (E) The date by which a request for a hearing must be filed and a statement of the procedure for so filing;
- (F) A statement that the responsible party has a right to appeal the abatement order to the Village Board of Trustees.
- (G) A statement indicating that if the nuisance is not abated by the date prescribed and/or if no request for hearing is made within the time prescribed, this Village will abate the nuisance and assess the costs against the property and/or impose a fine.

25-1-4 ABATEMENT BY VILLAGE. If the person ordered to abate a nuisance fails to do so, or if the nuisance poses an emergency, this Village may perform the required action to abate. Any Village official who is authorized to abate any nuisance as defined in this Article shall have authority to engage the necessary assistance and to incur the necessary

expenses therefor. The official who abates a nuisance shall keep an accurate account of the expenses incurred. The itemized expense shall be filed with the Village Clerk who shall pay such expenses on behalf of this Village. **(See 65 ILCS 5/11-60-2)**

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 5/11-60-2 and 720 ILCS 5/47-5; 5/47-10 and 5/47-15)

ARTICLE II - WEEDS

25-2-1 **DEFINITION.** "Weeds" as used in this Code shall include, but not be limited to the following:

Burdock, Rag Weed (giant), Rag Weed (Common), Thistle, Cocklebur, Jimson, Blue Vervain, Common Milk Weed, Wild Carrot, Poison Ivy, Wild Mustard, Rough Pigweed, Lambsquarter, Wild Lettuce, Curled Dock, Smartweeds (all varieties), Poison Hemlock, Wild Hemp, Johnson Grass, grass and all other noxious weeds as defined by the statutes of the State of Illinois.

25-2-2 **HEIGHT.** It shall be unlawful for anyone to permit any weeds, grass, or plants, other than trees, bushes, flowers or other ornamental plants, to grow to a height exceeding **eight (8) inches** anywhere in the Village. Any such plants, weeds, or grass exceeding such height are hereby declared to be a nuisance.

25-2-3 **NOTICE.** The Mayor or the Village Board may issue a written notice for removal of weeds or grass. Such weeds or grass shall be cut by the owner or occupant within **five (5) days** after such notice has been duly served.

25-2-4 **SERVICE OF NOTICE.** Service of the notice provided for herein may be effected by handing the same to the owner, occupant or lessee of the premises, or to any member of his household of the age of **seventeen (17) years** or older found on the premises or by mailing such notice to the last known residence address of the owner; provided, that if the premises are unoccupied and the owner's address cannot be obtained, then the notice may be served by posting the same upon the premises.

25-2-5 **ABATEMENT.** If the person so served does not abate the nuisance within **five (5) days**, the Mayor or a designated representative may proceed to abate such nuisance, keeping an account of the expense of the abatement, and such expense shall be charged and paid by such owner or occupant.

25-2-6 **LIEN.** Charges for such weed or grass removal shall be a lien upon the premises. A bill representing the cost and expense incurred or payable for the service shall be presented to the owner. If this bill is not paid within **thirty (30) days** of submission of the bill, a notice of lien of the cost and expenses thereof incurred by the Village shall be recorded in the following manner:

- (A) A description of the real estate sufficient for identification thereof.
- (B) The amount of money representing the cost and expense incurred or payable for the service.
- (C) The date or dates when said cost and expense was incurred by the Village and shall be filed within **sixty (60) days** after the cost and expense is incurred.

25-2-7 **PAYMENT.** Notice of such lien claim shall be mailed to the owner of the premises if his address is known. Upon payment of the cost and expense after notice of lien has been filed, the lien shall be released by the Village or person in whose name the lien has been filed and the release shall be filed of record in the same manner as filing notice of the lien. All lien and release filing fees shall be paid by the owner of the property.

25-2-8 **FORECLOSURE OF LIEN.** Property subject to a lien for unpaid weed cutting charges shall be sold for non-payment of the same and the proceeds of such sale shall be applied to pay the charges after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be in the name of the Village after the lien is in effect for **sixty (60) days.**

(See 65 ILCS 5/11-20-6 and 5/11-20-7)

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 Mayor or a designated representative may issue a written notice for removal of garbage or debris. Such garbage or debris shall be removed by the owner or occupant within **five (5) days** after such notice has been duly served.

25-3-3 **SERVICE OF NOTICE.** Service of notice provided for herein may be effected by handing of the same to the owner, occupant, or lessee of the premises, or to any member of his household of the age of **fifteen (15) years** or older found on the premises or by mailing such notice to the last known residence address of the owner; provided that if the premises are unoccupied and the owner’s address cannot be obtained, then the notice may be served by posting the same upon the premises.

25-3-4 **ABATEMENT.** If the person so served does not abate the nuisance within **five (5) days**, the Mayor or a designated representative may proceed to abate such nuisance, keeping an account of the expense of the abatement and such expense shall be charged and paid by such owner or occupant.

25-3-5 **LIEN.** Charges for such removal shall be a lien upon the premises. A bill representing the cost and expense incurred or payable for the service shall be presented to the owner. If this bill is not paid within **thirty (30) days** of submission of the bill, a notice of lien of the cost and expenses thereof incurred by the Village shall be recorded in the following manner:

- (A) A description of the real estate sufficient for identification thereof.
- (B) The amount of money representing the cost and expense incurred or payable for the service.
- (C) The date or dates when said cost and expense was incurred by the Village and shall be filed within **sixty (60) days** after the cost and expense is incurred.

25-3-6 **PAYMENT.** Notice of such lien claim shall be mailed to the owner of the premises if his address is known. Upon payment of the cost and expense after notice of lien has been filed, the lien shall be released by the Village or person in whose name the lien has been filed and the release shall be filed of record in the same manner as filing notice of the lien.

25-3-7 FORECLOSURE OF LIEN. Property subject to a lien for unpaid charges shall be sold non-payment of the same, and the proceeds of such sale shall be applied to pay the charges after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be in the name of the Village, after lien is in effect for **sixty (60) days**. Suit to foreclose this lien shall be commenced within **two (2) years** after the date of filing notice of lien.

(See 65 ILCS 5/11-20-13 and 720 ILCS 5/47-10)

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 Mayor or a designated representative shall notify the owner of the motor vehicle, informing him that he shall dispose of any inoperable vehicles under his control. If the owner fails to dispose of said inoperable vehicle(s) after **seven (7) days** from the issuance of the notice, the Mayor or a designated representative may authorize a towing service to remove and take possession of the inoperable vehicle or parts thereof.

25-4-4 **EXCLUSIONS.** Nothing in this Article shall apply to any motor vehicle that is kept within a building when not in use, to operable historic vehicles over **twenty-five (25) years** of age, or to a motor vehicle on the premises of a licensed business engaged in the wrecking or junking of motor vehicles.

(See 65 ILCS 5/11-40-3)

ARTICLE V - DANGEROUS AND UNSAFE PROPERTIES

25-5-1 **ADOPTION BY REFERENCE.** The Village may demolish, repair, or enclose or cause the demolition, repair, or enclosure of dangerous and unsafe buildings or uncompleted and abandoned buildings within the Village and may remove or cause the removal of garbage, debris, and other hazardous, noxious, or unhealthy substances or materials from those building. Therefor, the Village does hereby adopt by reference the applicable provisions of Chapter 65 of the Illinois Compiled Statutes, Sections 5/11-31-1 and 5/11-31-1.1 governing dangerous and unsafe buildings.

ARTICLE VI - PENALTIES AND SPECIAL ASSESSMENT

25-6-1 **SPECIAL ASSESSMENT.** In addition to any other method authorized by law, if (i) a property owner is cited with a Code violation under this Chapter, requiring the cutting of grass and weeds, the removal of garbage and debris, the removal of inoperable motor vehicles, or rodent and vermin abatement, (ii) noncompliance is found upon reinspection of the property after the due date for compliance with an order to correct the Code violation or with an order for abatement; (iii) costs for services rendered by the municipality to correct the Code violation remain unpaid at the point in time that they would become a debt due and owing the municipality, as provided in Chapter 65 of the Illinois Compiled Statutes, Section 5/11-31-1.1 et seq., and (iv) a lien has been filed of record by the municipality in the office of the Recorder of Deeds in the county in which the property is located, then those costs may be collected as a special assessment on the property pursuant to **65 ILCS 5/9-2-4.5**. Upon payment of the costs by the owner of record or persons interested in the property, the lien shall be released by the municipality and the release shall be filed of record in the same manner as the filing of notice of the lien.

ARTICLE VII – TENT CODE

25-7-1 **DECLARATION OF NUISANCE.** It is hereby declared that occupying a tent in violation of this Article is hereby declared a nuisance.

25-7-2 **REGULATIONS FOR TENTS AND SECONDARY RESIDENCES.** It shall be unlawful to occupy a tent in the Village as a residence pursuant to the following:

- (A) No tent shall be occupied on public lands or street rights of way.
- (B) No tent shall be erected on private property and occupied as a residence.
- (C) A residence shall not be constructed on a platted lot as a secondary residence including i.e., a tent, tiny house, or shed.
- (D) No dependent structures intended to be used as a residence shall be located in the Village.
- (E) Exceptions to the above restrictions shall require the approval of the corporate authorities.
- (F) These restrictions are hereby made applicable to the Village Zoning Code.

25-7-3 **PENALTY.** The penalty for violating this Article shall be in accordance with **Section 1-1-20** of the Village Code of Ordinances.

(Ord. No. 2022-06; 11-29-22)

VILLAGE OF SADORUS

NUISANCE VIOLATION NOTICE

TO: _____

You are hereby notified that the Village Board 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 Village Board or their representative will abate the nuisance and assess the costs against the property and/or impose a fine as provided by the **Revised Code of Ordinances, Chapter 25; Article I and Chapter 1.**

Dated this _____ day of _____, _____.

MAYOR
VILLAGE OF SADORUS

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 SADORUS

NOTICE

UNLAWFUL WEED GROWTH

TO: _____

You are hereby notified that _____
has determined that property owned by you (and/or occupied by you, as the case may
be) at _____, located within the
Village Limits contains unlawful weed growth as defined by **Chapter 25** of the Revised
Code of Ordinances.

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

If you refuse or neglect to remove such growth, the authorities of this
Municipality may provide for the removal thereof. The cost of such growth removal
shall be paid by you.

MAYOR
VILLAGE OF SADORUS

Dated this _____ day of _____, _____.

VILLAGE OF SADORUS

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 Village Board of this Village may provide for the removal thereof. The cost of the garbage and/or debris removal shall be paid by you.

MAYOR
VILLAGE OF SADORUS

Dated this _____ day of _____, _____.

VILLAGE OF SADORUS

NOTICE

INOPERABLE VEHICLE

TO: _____

You are hereby notified that the Village Board 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 Village Board within **five (5) days** of this Notice.

If you refuse or neglect to remove and dispose of the specified inoperable vehicle(s), the Village Board of this Village may provide for the removal and abatement thereof. The cost of such removal and abatement shall be paid by you.

MAYOR
VILLAGE OF SADORUS

Dated this _____ day of _____, _____.

VILLAGE OF SADORUS
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 Sadorus, 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 _____, _____.

MAYOR
VILLAGE OF SADORUS

(SEAL)

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 LAW ENFORCEMENT OFFICERS.** No person shall, by violent conduct, disturb any law enforcement officer in the discharge of his duties; nor shall any person assault, strike, or fight with any law enforcement officers in the discharge of his/her duties or permit such conduct in or upon any house or premises in the Village owned or possessed by him/her or under his/her management and control. Abusive or vulgar language in the presence of an officer does not constitute a crime unless the language is directed at the officer and provokes a breach of the peace. **(See 65 ILCS 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. **(See 720 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 peace of any individual or private family, or of any lawful congregation within the Village by any noise or amusement, or by vulgar or profane language, or by any disorderly or unreasonable conduct. **(See 65 ILCS Sec. 5/11-5-2)**

27-2-6 ADMISSION FEES: FRAUDULENTLY AVOIDING PAYMENT OF. It shall be unlawful for any person to fraudulently enter, without payment of the proper admission fee, any theater, ballroom, lecture, concert or other place where admission fees are charged; provided, however, that nothing herein contained shall be deemed to prohibit or restrict the free admission of law enforcement officers engaged in the performance of police duties to any place of public entertainment or amusement.

27-2-7 SALE OF CIGARETTES OR TOBACCO TO MINORS. No minor under **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" is defined in **Section 27-2-9(A).**

(A) Tobacco products listed above may be sold through a vending machine only in the following locations:

- (1) Factories, businesses, office, private clubs, and other places not open to the general public.
- (2) Places to which minors under **eighteen (18) years** of age are not permitted access.
- (3) Places where alcoholic beverages are sold and consumed on the premises.
- (4) Places where the vending machine is under the direct supervision of the owner of the establishment or an employee over **eighteen (18) years** of age. The sale of tobacco products from a vending machine under direct supervision of the owner or an employee of the establishment is considered a sale of tobacco products by that person. As used in this Section, "direct supervision" means that the owner or employee has an unimpeded line of sight to the vending machine.

- (5) Places where the vending machine can only be operated by the owner or an employee over age **eighteen (18)** either directly or through a remote control device if the device is inaccessible to all customers.

(See 720 ILCS Sec. 675/1)

27-2-8 SMOKELESS TOBACCO.

(A) **Definition.** For the purposes of this Section, the term "smokeless tobacco" means any finely cut, ground, powdered, or leaf tobacco that is intended to be placed in the oral cavity.

(B) **Sales of Smokeless Tobacco Products to Persons Under 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.)**

27-2-9 UNLAWFUL CONDUCT ON A PUBLIC WAY.

(A) It shall be unlawful for a pedestrian to stand upon any sidewalk or public way, except as near as reasonably possible to the building line or curb line if such standing interferes with the use of said sidewalk by other pedestrians.

(B) It shall be unlawful to impede or interfere with another person's use of a public way.

27-2-10 AID IN ESCAPE. It shall be unlawful to rescue or attempt to rescue or shall abet or encourage the rescue or escape of any person from the custody of any officer or other person legally having him in charge, or shall molest or interfere with any officer or other person so legally having him in charge, or shall, in any manner, aid, abet or encourage the rescue or the attempt to escape from any person legally committed thereto, or shall supply or attempt to supply any such person with any weapon or with any implement or means whereby an escape might be affected, or with any intoxicating liquors, drugs or other article(s) without the consent of the officer in charge. **(See 720 ILCS Sec. 5/31-7)**

27-2-11 ESCAPES. It shall be unlawful for any person convicted of any offense or in lawful custody to escape or attempt to escape from custody. **(See 720 ILCS Sec. 5/31-6(C))**

27-2-12 FALSE PRETENSES. It shall be unlawful for any person to obtain any food, drink, goods, wares, or merchandise under false pretenses, or to enter public places and call for refreshments or other articles and receive and refuse to pay for same, or to depart without paying for or satisfying the person from whom he received the food, goods, wares, and/or merchandise.

27-2-13 **RENTING PREMISES FOR UNLAWFUL PURPOSES.** It shall be unlawful for any person to rent, use, or allow to be used, any building or property owned by him, for any purpose whereby riotous or disorderly persons are gathered.

27-2-14 **AID TO AN OFFENSE.** It shall be unlawful for any person, in any way or manner, to aid, abet, counsel, advise or encourage any other person in the commission of any of the acts mentioned herein or in any manner encourage the commission of such offense hereby defined.

27-2-15 **POSTING BILLS.** It shall be unlawful for any person to paste, post, paint, print or nail any handbill, sign, poster, advertisement, or notice of any kind on any curbstone, flagstone, or any other portion or part of any sidewalk, or upon any tree, lamppost, utility pole, hydrant, or upon any private wall, door, or gate without the consent, in writing, of the owner of the wall, door or gate; provided, however, that this Section shall not prevent posting by proper Village and County officials of election signs, polling place signs and other signs or placards necessary under the law to the conduct of elections, except they may not be attached to a tree.

27-2-16 **INTOXICATION IN PUBLIC.** No person shall, in the Village, be found in a state of intoxication or drunk in any street or other public place, or shall be found drunk lying or roving about the streets, alleys, or sidewalks of this Village or the private grounds of any of the inhabitants thereof, or being drunk as aforesaid, shall disturb the peace, order and quiet of the Village, or the peace and quiet of the citizens thereof by loud and unusual noises, disorderly conduct, indecent language or behavior or in any other manner. **(See 65 ILCS Sec. 5/11-5-3)**

27-2-17 **BEGGING.** No person shall beg or solicit alms within the Village without having obtained permission in writing from the Mayor. **(See 65 ILCS Sec. 5/11-5-4)**

27-2-18 **CONCEALED WEAPONS.** No person shall, within the Village, carry or wear under his clothes, or concealed about his person, any pistol or 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 law enforcement, nor to any sheriff or deputy sheriff or constable of this State, nor to any United States Marshal.

27-2-19 **DISCHARGE OF FIREARMS OR BOW AND ARROW.** It shall be unlawful to discharge any firearm, bow and arrow or air gun in the Village or so that the bullet, arrow, missile or projectile therefrom enters the Village without written permission from the Mayor, provided that this Section shall not be construed to prohibit any officer of the law to discharge a firearm in the performance of his duty; nor to prevent any citizen from discharging a firearm when lawfully defending his person or property; nor to prevent the discharge of bow and arrow by students upon school grounds while under the direct and immediate supervision of teachers or other school supervisory personnel.

27-2-20 **GAMES IN STREET.** No person shall, upon any Village street, fly any kite or play any game of ball or engage in any amusement or practice having a tendency to injure or annoy any person passing in the streets or on the sidewalks.

27-2-21 **STORAGE OF EXPLOSIVES.**

(A) **Nitroglycerine; Dynamite, Etc.** No person shall have, keep, possess, or store at or in any place within the Village, any nitroglycerine, dynamite or giant powder, or any form or combination of any of them.

(B) **Blasting Powder, Etc.** No person shall keep, possess or store any gun or blasting powder or any gun or explosive cotton at or in any one place in the Village in any quantity exceeding **five (5) pounds.** (See 65 ILCS Sec. 5/11-8-4)

27-2-22 **THROWING ROCKS.** No person in the Village shall throw or cast any rock or stone or any other missile upon or at any building, tree, or other public or private property, or at any person in any street, avenue, alley or public place.

27-2-23 **DESTRUCTION OF PUBLIC PROPERTY.** No person in the Village shall deface, destroy, or in any way, injure any public property, or any other apparatus of the Village.

27-2-24 **FORTUNE TELLING.** No person in the Village shall pursue the calling of a fortune teller or practice fortune telling, soothsaying, or the like and receive payment in any manner therefor.

27-2-25 **ABANDONED REFRIGERATORS OR ICEBOXES.** It shall be unlawful for any person to abandon or discard in any place accessible to children any refrigerator, icebox or ice chest, of a capacity of **one and one-half (1 1/2) cubic feet** or more, which has an attached lid or door which may be opened or fastened shut by means of an attached latch. The owner, lessee, or manager of such place, who knowingly permits such abandoned or discarded refrigerator, icebox or ice chest to remain there in such condition, shall be guilty of violating this Code. (See 720 ILCS Sec. 505/1)

27-2-26 **HALLOWEEN CURFEW.** It shall be illegal for any person to engage in Halloween practice, commonly called "**Trick or Treat**", by calling at the homes or dwelling places within the Village, either masked or unmasked, except on a day designated by the Village Board and no later than **8:00 P.M.** (See 65 ILCS Sec. 5/11-1-5)

27-2-27 **THEFT OF RECYCLABLES UNLAWFUL.** It shall be unlawful for any person to collect, obtain, possess or pickup any recyclable item(s) from any receptacle or collection point where service is provided by an authorized waste hauler licensed by the municipality or from any specified recycling center within the Village limits unless said person is acting as an agent for the Village or acting as an agent for a waste hauler licensed by the Village.

27-2-28 THROWING OBJECTS FROM MOTOR VEHICLES. Pursuant to the police powers in **65 ILCS 5/11-1-1** it shall be unlawful for any person occupying or driving a motor vehicle, whether moving or not, to shoot, throw, cast, launch or drop any object, liquid or substance at any person, animal or structure, wherein the possibility of harm, injury or damage may occur as a result of these actions.

The driver and/or all passengers shall be, upon conviction, fined in accordance with the provisions of the Village Code and shall be liable for all damage, injury or harm caused by the activity. **(See Section 27-3-2)**

27-2-29 DEPOSITING OF SNOW AND ICE RESTRICTED. No person shall deposit or cause to be deposited any snow and ice on or against a fire hydrant or on any sidewalk, roadway, or loading or unloading areas of a public transportation system, except that snow and ice may be windrowed on curbs incident to the cleaning of sidewalks in business districts. **(See 65 ILCS Sec. 5/11-80-13)**

27-2-30 PROTECTIVE COVERING OR FENCING. Any person, corporation or partnership which either owns, or maintains, or uses, or abandons any open well, cesspool, cistern, quarry, recharging basin, catch basin, sump, excavation for the erection of any building structure or excavation created by the razing or removal of any building structure without covering or surrounding such installation with protective fencing is guilty of a violation of **Section 1-1-20** of this Code. The provisions of this Act shall not apply during the course of repair, construction, removal or filling of any of the structures or conditions herein described while any worker is present at the location thereof either performing services thereon or as a watchman to guard such location. **(See 720 ILCS 605/1)**

27-2-31 CURFEW HOURS FOR MINORS.

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

(1) **"Curfew hours"** means:

- (a) 11:00 P.M. on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 6:00 A.M. of the following day; and
- (b) 12:01 A.M. until 6:00 A.M. on Saturday; and
- (c) 12:01 A.M. until 6:00 A.M. on Sunday.

(2) **"Emergency"** means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

(3) **"Establishment"** means any privately-owned place of business operated for a profit to which the public is invited, including but not limited to, any place of amusement or entertainment.

(4) **"Guardian"** means:

- (a) A person who, under court order, is the guardian of the person of a minor; or
- (b) A public or private agency with whom a minor has been placed by a court.

- (5) **"Minor"** means any person under **eighteen (18) years** of age.
- (6) **"Operator"** means any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.
- (7) **"Parent"** means a person who is:
 - (a) A natural parent, adoptive parent, or stepparent of another person; or
 - (b) At least **twenty-one (21) years** of age and authorized by a parent or guardian to have the care and custody of a minor.
- (8) **"Public Place"** means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities and shops.
- (9) **"Remain"** means to:
 - (a) linger or stay; or
 - (b) fail to leave premises when requested to do so by a law enforcement officer or the owner, operator or other person in control of the premises.
- (10) **"Serious bodily injury"** means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

(B)

Offenses.

- (1) A minor commits an offense if he remains in any public place or on the premises of any establishment within the Village during curfew hours.
- (2) A parent or guardian of a minor commits an offense if he knowingly permits, or by insufficient control allows, the minor to remain in any public place or on the premises of any establishment within the Village during curfew hours.
- (3) The owner, operator or any employee of an establishment commits an offense if he knowingly allows a minor to remain upon the premises of the establishment during curfew hours.

(C)

Defenses.

- (1) It is a defense to prosecution under subsection (B) that the minor was:
 - (a) Accompanied by the minor's parent or guardian;
 - (b) On an errand at the direction of the minor's parent or guardian, without any detour or stop;
 - (c) In a motor vehicle involved in interstate travel;
 - (d) Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
 - (e) Involved in an emergency;

- (f) On the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to law enforcement about the minor's presence;
 - (g) Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the Village, a civil organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the Village, a civic organization or another similar entity that takes responsibility for the minor;
 - (h) Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or
 - (i) Married or had been married or is an emancipated minor under the Emancipation or Mature Minors Act, as amended.
- (2) It is a defense to prosecution under subsection (B)(3) that the owner, operator, or employee of an establishment promptly notified law enforcement that a minor was present on the premises of the establishment during curfew hours and refused to leave.

(D) **Enforcement.** Before taking any enforcement action under this Section, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this Section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in subsection (C) is present. **(See 65 ILCS 5/11-1-5 and 720 ILCS 555/1)**

27-2-32 SANCTITY OF FUNERAL AND MEMORIAL SERVICES. It shall be unlawful for a person to violate any of the following provisions of this Section:

(A) Engaging in any loud protest of signing, chanting, whistling or yelling with, or without, noise amplification including but not limited to bullhorns, auto horns and microphones within **three hundred (300) feet** of any entrance of a facility being used for a funeral or memorial service at any time during the period starting **thirty (30) minutes** before any funeral or memorial service is scheduled to begin and ending **thirty (30) minutes** after the funeral or memorial service terminates; or

(B) Displaying any visual images that convey fighting words, actual or veiled threats against any other person within **three hundred (300) feet** of any entrance of a facility being used for a funeral or memorial service at any time during the period starting **thirty (30) minutes** before any funeral or memorial service is scheduled to begin and ending **thirty (30) minutes** after the funeral or memorial service terminates; or

(C) Blocking access to any facility being used for a funeral or memorial service at any time during the period starting **thirty (30) minutes** before any funeral or

memorial service is scheduled to begin and ending **thirty (30) minutes** after the funeral or memorial service terminates; or

(D) Ending in a directed protest march or picket at any public location within **three hundred (300) feet** of any entrance of a facility being used for a funeral or memorial service at any time during the period starting **thirty (30) minutes** before any funeral or memorial service is scheduled to begin and ending **thirty (30) minutes** after the funeral or memorial service terminates.

27-2-33 USE OF UPHOLSTERED FURNITURE IN OUTDOOR LOCATIONS
PROHIBITED.

(A) Upholstered or other furniture designed or manufactured primarily for indoor use shall not be used or allowed to remain:

- (1) on unenclosed exterior porches or balconies;
- (2) in an open area on private property exposed to outdoor weather conditions.

(B) It shall not be a defense to said prohibition that such furniture is covered by plastic cover, or other tarpaulin, canvas or sheeting.

(C) This prohibition shall not apply to the following:

- (1) wood, metal, or plastic furniture;
- (2) outdoor patio furniture with weather-resistant cushions;
- (3) upholstered furniture designated for prepaid special pickup or delivery by public or private hauler, provided that such remain outdoors for a period not to exceed **seventy-two (72) hours**.

(See 65 ILCS Sec. 5/11-80-15)

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 **DAMAGE OR DESTRUCTION OF STREET SIGNS PROHIBITED.** It shall be unlawful for any person in any manner or form, to deface, disfigure, damage or destroy any of the street signs or parts thereof located in the Village.

27-3-6 **TAMPERING WITH PUBLIC NOTICE.** It shall be unlawful for a person to knowingly and without lawful authority alter, destroy, deface, remove or conceal any public notice, posted according to law, during the time for which the notice was to remain posted. **(See 720 ILCS Sec. 5/32-9)**

27-3-7 **ELECTRONIC DEVICES TO KILL INSECTS.** No person shall operate, between the hours of **12:01 A.M.** and **6:00 A.M.** of any day, on any property zoned for residential use, any electrical device which emits an audible sound and is designed or used for the purpose of killing insects out-of-doors.

ARTICLE IV

PUBLIC HEALTH, SAFETY AND DECENCY

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

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

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

(C) transmits in any manner to another a false alarm to the effect that a bomb or other explosive device of any nature is concealed in such a place that its explosion would endanger human life, knowing at the time of such transmission that there is no reasonable ground for believing that such bomb or explosive device is concealed in such a place; or

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

(E) enters upon the property of another and for a lewd or unlawful purpose, deliberately looks into a dwelling on the property through any window or other opening in it;

(F) while acting as a collection agency as defined in the "Collection Agency Act" or as an employee of such collection agency, and while attempting to collect an alleged debt, makes a telephone call to the alleged debtor which is designed to harass, annoy or intimidate the alleged debtor; or

(G) transmits a false report to the Department of Children and Family Services.

(See 720 ILCS Sec. 5/26-1)

27-4-2 RESISTING OR OBSTRUCTING A PEACE OFFICER. A person commits an offense when that person knowingly resists or obstructs the performance of any authorized act of one known to the person to be a peace officer within that peace officer's official capacity. **(See 720 ILCS 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 law enforcement 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)

ARTICLE V - ANTI-LITTER

27-5-1 **DEFINITIONS.** For the purpose of this Article, the following terms, phrases, words, and their derivations shall have the meanings given herein:

"AIRCRAFT" is any contrivance now known or hereafter invented, used, or designed for navigation or for flight in the air. The word "aircraft" shall include helicopters and lighter-than-air powered craft and balloons.

"AUTHORIZED PRIVATE RECEPTACLE" is a container of water-tight construction with a tight-fitting lid or cover capable of preventing the escape of contents within. Such receptacles shall have handles or other means for safe and convenient handling and be of such size or sufficient capacity to hold all litter generated between collection periods and shall be in compliance with the regulations promulgated.

"CONSTRUCTION SITES" means any private or public property upon which repairs to existing buildings, construction of new buildings or demolition of existing structures is taking place.

"HANDBILL" is any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet, or any other printed matter of literature which is not delivered by the United States Mail Service, including, but not limited to those which:

- (A) advertise for sale any merchandise, product, commodity or thing; or
- (B) direct attention to any business or mercantile or commercial establishment, or other activity for the purpose of either directly or indirectly promoting the interest thereof by sales; or
- (C) direct attention to or advertise any meeting, theatrical performance, exhibition, or event of any kind for which an admission fee is charged for the purpose of private gain or profit.

"LITTER" is garbage, refuse and rubbish and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.

"LOADING AND UNLOADING DOCK" means any dock space or area used by any moving vehicle for the purpose of receiving, shipping and transporting goods, wares, commodities and persons located on or adjacent to any stream, river or land.

"PRIVATE PREMISES" means all property including, but not limited to, vacant land or any land, building or other structure designed or used for residential, commercial, business, industrial, institutional or religious purposes, together with any yard, grounds, walk, driveway, fence, porch, steps, vestibule, mailbox, and other structure(s) appurtenant thereto.

"PUBLIC PLACE" means any and all streets, sidewalks, boulevards, alleys or other public ways, lakes, rivers, watercourses, or fountains and any and all public parks, squares, spaces, grounds, and buildings.

"PUBLIC RECEPTACLES" means any receptacles provided by or authorized by the Village.

"VEHICLE" is every device in, upon or by which any person or property is or may be transported or drawn upon land or water, including devices used exclusively upon stationary rails or tracks.

27-5-2 LITTERING PROHIBITED. No person shall deposit any litter within the Village except in public receptacles, in authorized private receptacles for collection, or in any duly licensed disposal facility.

27-5-3 PREVENTION OF SCATTERING. Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent litter from being carried or deposited by the elements upon any public place or private premises.

27-5-4 RECEPTACLES - UPSETTING OR TAMPERING. No person shall upset or tamper with a public or private receptacle designed or used for the deposit of litter or cause or permit its contents to be deposited or strewn in or upon any public place or private premises.

27-5-5 SIDEWALKS AND ALLEYS FREE FROM LITTER. Persons owning, occupying or in control of any public place or private premises shall keep the sidewalks and alleys adjacent thereto free of litter.

27-5-6 OWNER TO MAINTAIN PRIVATE PREMISES.
 (A) The owner or person in control of any private premises shall, at all times, maintain the premises free of litter.
 (B) The owner or person in control of private premises shall, if public receptacles are unavailable, maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any public place or private premises.

27-5-7 LITTERING FROM VEHICLES.
 (A) No person, while the operator of or passenger in a vehicle, shall deposit litter upon any public place or private premises.
 (B) No person shall drive or move any loaded or partly loaded truck or other vehicle within the Village unless such vehicle is so constructed or so loaded as to prevent any part of its load, contents or litter from being blown or deposited upon any public place or private premises. Nor shall any person drive or move any vehicle or truck within the Village, the wheels or tires of which carry onto or deposit in any public place or private premises, mud, dirt, sticky substances, litter or foreign matter of any kind.

27-5-8 LITTERING FROM AIRCRAFT. No person in an aircraft shall throw out, drop or deposit any litter within the Village.

27-5-9 **LITTER IN PARKS.** No person shall deposit litter in any park within the Village except in receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any other public place or private premises. Where receptacles are not provided, all such litter shall be removed from the park by the person responsible for its presence and properly disposed of elsewhere in a lawful manner.

27-5-10 **HANDBILLS.**

(A) **Public Places.** No person shall deposit or sell any handbill in or upon any public place, provided, however, that it shall not be unlawful on any public place for any person to hand out or distribute without charge to the receiver, any handbill to any person willing to accept it.

(B) **Private Premises.** No person shall deposit or unlawfully distribute any handbill in or upon private premises or vehicles, except by handing or transmitting any such handbill directly to the occupant of such private premises. Provided, however, that in case of private premises or vehicles which are not posted against the receiving of handbills or similar material, such person, unless requested by anyone upon such premises not to do so, may securely place any such handbill in such a manner as to prevent such handbill from being deposited by the elements upon any public place or other private premises, except mailboxes, may not be so used when prohibited by federal postal law or regulations.

(C) **Exemptions for Newspapers and Political Literature.** The provisions of this Section shall not apply to the distribution upon private premises only of newspapers or political literature; except that newspapers and political literature shall be placed in such a manner as to prevent their being carried or deposited by the elements upon any public place or other private premises.

(D) **Placing Handbills on Vehicles.** No person shall deposit any handbill in or upon any vehicle unless the occupant of the vehicle is willing to accept it.

(E) **Cleanup.** It shall be the responsibility of any person distributing handbills to maintain the area which they are utilizing free of any litter caused by or related to said handbill distribution.

27-5-11 **POSTING NOTICES PROHIBITED.** No person shall post or affix any notice, poster, or other paper or device, calculated to attract the attention of the public upon any public place, except as may be authorized or required by law. No person, except the owner or tenant shall post any such notice on private property without the permission of the owner or tenant.

27-5-12 **CONSTRUCTION SITES.**

(A) Each contractor shall be responsible for the job site so that litter will be prevented from being carried or deposited by the elements upon any public place or other private premises.

(B) Litter or other debris, including dirt and mud, deposited as the result of normal construction process upon any public place or private premises, shall be removed by the contractor.

27-5-13 LOADING AND UNLOADING DOCKS. The person owning, operating, or in control of a loading or unloading dock shall maintain private receptacles for collection of litter, and shall, at all times, maintain the dock area free of litter in such a manner that litter will be prevented from being carried or deposited by the elements upon any public place or other private premises.

27-5-14 PARKING LOTS.

(A) **Litter Receptacles Required.** Any public place or private premises containing any provision for parking vehicles shall be equipped with litter receptacles in compliance with this Section. Such premises shall include, but not be limited to such places as shopping centers, outdoor theaters, drive-in restaurants, gasoline service stations, apartment developments, parking lots, and any other place where provision is made for vehicles to stop or park in a designated area for any purpose.

(B) **Number of Receptacles.** All premises having parking lots shall provide in an easily accessible location a minimum of **one (1) refuse container** for every **fifty (50) parking spaces.**

(C) **Specifications.** Litter receptacles shall have tight-fitting lids or tops and shall be weighted or attached to the ground or other fixed structures as necessary to prevent spillage. A minimum container size of **twenty (20) gallons** or **75.7 liters** shall be used.

(D) **Cleanliness.** Premises used for the purpose designated herein shall be kept in a litter-free condition and all litter shall be removed periodically from the receptacles.

(E) **Obligation to Use Receptacles.** It shall be the duty and obligation of all persons using parking areas to use such litter receptacles as hereinabove provided for the purposes intended and it shall be unlawful for any person or persons to deposit any litter upon any such parking lot.

(See 65 ILCS Sec. 5/11-1-1 and 415 ILCS Sec. 105/1 et seq.)

ARTICLE VI - TRESPASS

27-6-1 **TRESPASSES PROHIBITED.** It shall be unlawful for any person, firm, or corporation to commit a trespass within this municipality upon either public or private property.

27-6-2 **SPECIFICALLY ENUMERATED TRESPASSES - SUPPRESSION.** Without constituting any limitation upon the provisions of **Section 27-6-1** hereof, any of the following acts by any person, firm, or corporation shall be deemed included among those that constitute trespasses in violation of the provisions of **Section 27-6-1**, and appropriate action may be taken hereunder at any time, or from time to time, to prevent or suppress any violation or violations of this Article; the aforesaid enumerated acts so included, being as follows, to-wit:

(A) An entry upon the premises of another, or any part thereof, including any public property, in violation of a notice posted or exhibited at the main entrance to the premises, or at any point of approach or entry or in violation of any notice, warning or protest given orally or in writing, by any owner or occupant thereof; or

(B) the pursuit of a course of conduct or action incidental to the making of an entry upon the land of another in violation of a notice posted or exhibited at the main entrance to the premises or at any point of approach or entry, or in violation of any notice, warning or protest given orally or in writing by any owner or occupant thereof; or

(C) a failure or refusal to depart from the premises of another in case of being requested, either orally or in writing to leave by any owner or occupant thereof; or

(D) an entry into or upon any vehicle, aircraft or watercraft made without the consent of the person having the right to leave any such vehicle, aircraft or watercraft after being requested to leave by the person having such right.

(See 65 ILCS 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 **seven (7) years**, but not yet **eighteen (18) years** of age.

"PARENT" shall include the lawful father and mother of a minor child whether by birth or adoption.

"PROPERTY" shall include any real estate including improvements thereon and tangible personal property.

27-7-2 **PARENTS AND GUARDIANS RESPONSIBLE FOR ACTS.** The parent or legal guardian of an unemancipated minor residing with such parent or legal guardian shall be presumed, in the absence of evidence to the contrary to have failed to exercise proper parental responsibility and said minor shall be deemed to have committed the acts described herein with the knowledge and permission of the parent or guardian in violation of this Article upon the occurrence of the events described in (A), (B) and (C) below:

- (A) An unemancipated minor residing with said parent or legal guardian shall either be adjudicated to be in violation of any ordinance, law, or statute prohibiting willful and

malicious acts causing injury to a person or property, or shall have incurred non-judicial sanctions from another official agency resulting from an admission of guilt of a violation of any ordinance, law, or statute prohibiting willful and malicious acts causing injury to a person or property; and

(B) Said parent or legal guardian shall have received a written notice thereof, either by certified mail, return receipt requested, or by personal service, with a certificate of personal service returned from the Village, following said adjudication or non-judicial sanctions; and

(C) If, at any time within **one (1) year** following receipt of notice set forth in paragraph (B) above, said minor is either adjudicated to be in violation of any ordinance, law, or statute as described in (A) above, or shall have incurred nonjudicial sanctions from another official agency resulting from an admission of guilt of violation of any ordinance, law, or statute as described in (A) above.

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

(See also 740 ILCS 5/21-1.2 et seq.)

ARTICLE VIII – TRUANCY AND CURFEW CODE

27-8-1 DEFINITIONS. As used in this Article unless the context requires otherwise the following words and phrases shall mean:

"VILLAGE CURFEW HOURS" means the period of time specified in **Section 27-2-31** of the Chapter.

"COURT" means the 6th Judicial Circuit; Champaign County, Illinois.

"CUSTODIAN" means:

- (A) a person who under court order is the custodian of the person of a minor
- or
- (B) a public or private agency with which the court has placed a minor or
- (C) a person acting in the role of a parent by reason of a private agreement, arrangement, custom or habit.

"EMERGENCY" means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, fire, natural disaster, automobile accident, medical emergency or any situation requiring immediate action to prevent serious bodily injury or loss of life.

"ESTABLISHMENT" means any privately owned place of business to which the public is invited, including but not limited to any place of amusement or entertainment.

"GUARDIAN" means:

- (A) parent or
- (B) a person who under court order is the guardian of the person of a minor;
- or
- (C) a public or private agency with which the court has placed a minor.

"MINOR" means a person under **eighteen (18) years** of age.

"PARENT" means a person who is a natural parent, adoptive parent, or step-parent of another person.

"PUBLIC PLACE" means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, public ways, sidewalks and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities and shops.

"RESPONSIBLE ADULT" means a person at least **eighteen (18) years** of age, authorized by a parent, guardian or custodian to have the care and custody of a minor.

"SERIOUS BODILY INJURY" means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

"TRUANCY CURFEW HOURS" means the period of the day when the school the minor would normally attend is in session, on days when the school the minor would normally attend is in session.

"TRUANT OFFICER" means any officer, appointee, employee or other agency of any school district or any federal, state or local government, entity or any agency thereof performing the duties of a truant officer under the Illinois Compulsory Attendance Statute. **(105 ILCS 5/26-1 et seq.)**

"TRUANCY REVIEW BOARD" means any agency or entity established by any school district or any federal, state or local governmental entity or any counseling or social agency or any combination thereof recognized by the Village and/or the court as an agency which provides service to improve education performance and/or attendance.

27-8-2 CURFEW RESTRICTIONS.

(A) It is unlawful for any minor to be present in any public place or on the premises of any establishment within the Village during curfew hours.

(B) It is unlawful for any parent or guardian or custodian of a minor to knowingly permit, or by insufficient control to allow, the minor to be present in any public place or on the premises of any establishment within the Village during curfew hours.

(C) It is a defense to prosecution under **Section 27-8-2(A) and (B)** or **Section 27-8-4** (hereinafter) that the minor was:

- (1) accompanied by the minor's parent, guardian, custodian or responsible adult;
- (2) on an errand at the direction of the minor's parent, guardian, custodian or responsible adult; without any detour or stop;
- (3) in a motor vehicle involved in interstate travel with the consent or authorization of a parent, guardian or custodian;
- (4) engaged in, going to or returning home from an employment activity without any detour or stop;
- (5) involved in an emergency;
- (6) on the sidewalk abutting the minor's residence;
- (7) engaged in, going to or returning home from official school, religious or other recreational activity supervised by adults, sponsored by a civic organization, or another similar entity that takes responsibility for the minor;
- (8) exercising First Amendment rights protected by the United States Constitution; or
- (9) emancipated pursuant to law.

27-8-3 TRUANCY RESTRICTIONS.

(A) It is unlawful for any minor who is subject to compulsory education or to compulsory continuation education by statute or court order to be present in any public place or on the premises of any establishment within the Village during truancy curfew hours.

(B) It is unlawful for any parent, custodian or guardian of a minor to knowingly permit, or by insufficient control to allow, the minor to be present in any public place or on the premises of any establishment within the Village during truancy curfew hours.

(C) It is a defense to prosecution under this Section or **Section 27-8-4** that the minor was:

- (1) accompanied by a parent, guardian, custodian or responsible adult if engaged in an activity which would constitute an excused absence from the school from which the minor would normally attend;
- (2) involved in an emergency;
- (3) going to or returning from a medical appointment without any detour or stop;
- (4) engaged in, going to or returning home from an employment activity pursuant to a cooperative school vocation program without any detour or stop;
- (5) in possession of valid proof that the minor is a student who has permission to leave the school campus;
- (6) a bona fide participant in an alternative education or home schooling program;
- (7) engaged in or subject to an authorized or excused absence from the school which the minor attends, including but not limited to lunch periods.

27-8-4 ESTABLISHMENT RESTRICTIONS. It is unlawful for any owner, operator or any employee of an establishment to allow a minor to be present or to remain upon the premises of the establishment in violation of **Sections 27-8-2** or **27-8-3** above during curfew or truancy hours.

It is a defense to prosecution, under this subparagraph if the owner, operator or employee of the establishment immediately upon discovery of a minor reasonably believed to be in violation of **Sections 27-8-2** or **27-8-3** notified a law enforcement agency that a minor was present on the premises of the establishment during curfew or truancy hours and refused to leave the establishment after being advised to do so by the owner, operator or employee.

27-8-5 ENFORCEMENT RESTRICTIONS. Every member of law enforcement 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 Law Enforcement 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 Law Enforcement 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 Law Enforcement 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 Law Enforcement while on duty is hereby authorized to temporarily detain any minor violating the provisions of **Section 27-8-3** of this Code, regardless of whether a citation is issued, and to deliver and surrender the minor to the lawful authorities of the school that the minor would normally attend.

27-8-6 **PENALTY.**

(A) Any person who violates any provision of this Article shall, upon conviction thereof, be fined as provided in **Section 1-1-20** of this Code. (**See also Section 1-1-20**)

(B) In lieu of or in addition to a fine, a minor may be ordered to attend counseling or to perform **ten (10) hours** of court approved community service during times other than the minor's hours of school attendance and/or the minor's parent, custodian, guardian or other adult having legal care or custody of the minor may be ordered to attend a parenting class or series of parenting classes or other counseling approved by the court or recommended by the Truancy Review Board or to attend any program directly related to improving school attendance and/or performance.

(C) In addition to any penalty imposed pursuant to (A) or (B) above, the minor's parents, custodian, guardian or other adult having legal care or custody of the minor may be ordered to pay all amounts imposed as civil liability under **Section 27-8-7** hereinafter.

27-8-7 **CIVIL LIABILITY.** If a minor is detained for a period of time in excess of **one (1) hour** which requires the supervision of the minor by personnel of Law Enforcement, the parent, custodian, guardian or other adult having legal care or custody of the

minor shall be jointly and severally liable for the costs therefore. The parent, custodian, guardian or other adult having legal care or custody of the minor who has committed any offense of this Code shall be assessed and billed for the costs; the costs shall be recoverable in any action enforcing any provision of this Code or in a separate civil action. In addition, the failure to pay the costs shall constitute a violation of this Code and subject the violator to the penalties described within **Section 27-8-6** above. In the event any action is filed, the liable party shall be responsible for all court costs and any reasonable attorney's fees incurred by the Village in collecting.

ARTICLE IX - OPEN BURNING

27-9-1 **DEFINITIONS.** Unless the context otherwise requires the words and phrases herein defined are used in this Article in the sense given them in the following definitions:

"AGRICULTURAL WASTE" means any refuse, except garbage and dead animals, generated on a farm or ranch by crop and livestock production practices including such items as bags, cartons, dry bedding, structural materials, and crop residues but excluding landscape waste.

"GARBAGE OR HOUSEHOLD TRASH" means refuse resulting from the handling, processing, preparation, cooking and consumption of food or food products; including plastic containers.

"LANDSCAPE WASTE" means any vegetable or plant refuse, except garbage and agricultural waste. The term includes trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery, and yard trimmings. This shall not be interpreted to involve split and cured logs intended for firewood.

"OPEN BURNING" means the combustion of any matter in such a way that the products of the combustion are emitted to the open air without originating in or passing through equipment for which a permit could be issued under Section 9(b) of the Environmental Protection Act of the State of Illinois.

27-9-2 **BURNING PROHIBITED.** It shall be unlawful to cause or allow open burning of agricultural waste, household trash or garbage.

27-9-3 **RESTRICTIONS ON BURNING OF LANDSCAPE WASTE.** The open burning of landscape waste shall be permitted only on the following conditions:

(A) Landscape waste shall be burned on the premises on which such waste is generated; and

(B) Landscape waste shall be burned only when atmospheric conditions shall readily dissipate contaminants; and,

(C) Landscape waste may be burned only if such burning does not create a visibility hazard on roadways, walkways, or railroad tracks; and,

(D) Open burning of landscape waste may only take place during daylight hours with a person over **eighteen (18) years** of age in attendance during the entire period of burning; and,

(E) No open burning of landscape waste shall be permitted on any streets or roadways; and,

(F) No open burning shall occur during periods of time when the Fire Chief or the Mayor have determined that atmospheric conditions or local circumstances make such fires hazardous and dangerous.

(See 415 ILCS 5/1 et seq.)

ARTICLE X – ADULT USES REGULATED

27-10-1 PURPOSE AND ADDITIONAL FINDINGS.

(A) **Purpose.** It is the purpose of this Article to regulate public nudity in order to promote the health, safety, morals, and general welfare of the citizens of the Village. The provisions of this Article have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials.

(B) **Findings.** The Village Board finds:

- (1) Public places allowing nudity lend themselves to ancillary unlawful and unhealthy activities that are presently uncontrolled.
- (2) Sexual acts, including masturbation, and oral and anal sex, occur at adult oriented businesses, especially those which provide private or semi-private booths or cubicles for viewing films, videos, live sex shows or public nudity.
- (3) Allowing public nudity creates unhealthy conditions.
- (4) Persons frequent certain adult theaters, adult arcades, and other adult oriented businesses for the purpose of engaging in sex within the premises of such adult oriented businesses.
- (5) At least **fifty (50)** communicable diseases may be spread by activities occurring in adult oriented businesses involving public nudity, including, but not limited to, syphilis, gonorrhea, human immunodeficiency virus infection (HIV-AIDS), genital herpes, hepatitis B, Non A, Non B amebiasis, salmonella infections and shigella infections.
- (6) Since 1981 and to the present, there has been an increasing cumulative number of reported cases of AIDS caused by the human immunodeficiency virus (HIV) in the United States.
- (7) The Surgeon General of the United States in his report of **October 22, 1986**, has advised the American public that AIDS and HIV infection may be transmitted through sexual contact, intravenous drug abuse, exposure to infected blood and blood components, and from an infected mother to her newborn.
- (8) According to the best scientific evidence, AIDS and HIV infection, as well as syphilis and gonorrhea, are principally transmitted by sexual acts.
- (9) Sanitary conditions in some adult oriented businesses and those places allowing public nudity are unhealthy, in part, because the activities conducted there are unhealthy, and, in part, because of the unregulated nature of the activities, including nudity, and the failure of the owners and the operators of the facilities to self-regulate those activities and maintain those facilities.
- (10) Numerous studies and reports have determined that semen is found in the areas of adult oriented businesses allowing public nudity and where persons view "adult" oriented films.
- (11) The findings noted in paragraphs (1) through (10) raise substantial governmental concerns.

- (12) Public places allowing nudity have operational characteristics which should be reasonably regulated in order to protect those substantial governmental concerns.
- (13) The general welfare, health, morals and safety of the citizens of the Village will be promoted by the enactment of this Article.

27-10-2 **DEFINITIONS.** As used in this Article:

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

(B) **"Entity"** means any proprietorship, partnership, corporation, association, business trust, joint venture, joint-stock company, or other for profit or not for profit organization.

(C) **"Nude"** means the showing of:

(1) Human male or female genitals or pubic area with less than a fully opaque covering; or

(2) Any portion of the anal cleft or cleavage of the male or female buttocks. Attire that is insufficient to comply with this requirement includes, but is not limited to, G-strings, T-backs, thongs, and any other clothing to covering that does not completely and opaquely cover the anal cleft or cleavage of the male or female buttocks; or

(3) The portion of the human female breast directly or laterally below a point immediately above the top of the areola with less than a fully opaque covering; this definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other clothing, provided the areola is not exposed.

(D) **"Person"** means any live human being aged **ten (10) years** of age or older.

(E) **"Place Provided or Set Apart for Nudity"** means enclosed single sex public restrooms, enclosed single sex functional shower, locker and/or dressing room facilities, enclosed motel rooms and hotel rooms designed and intended for sleeping accommodations, doctor's offices, portions of hospitals, and similar places in which nudity or exposure is necessarily and customarily expected outside of the home and sphere of privacy constitutionally protected therein. This term shall not be deemed to include places where a person's conduct of being nude is used for his or her profit or where being nude is used for the promotion of business or is otherwise commercially exploited.

(F) **"Public Place"** means any location frequented by the public, or where the public is present or likely to be present, or where a person may reasonably be expected to be observed by members of the public. Public Places include, but are not limited to, streets, sidewalks, parks, beaches, business and commercial establishments (whether for profit or not for profit, whether open to the public at large, or whether entrance is limited by a cover charge or membership requirement), hotels, motels, restaurants, night clubs, country clubs, cabarets, and meeting facilities utilized by any religious, social, fraternal or similar organizations. Premises, or portions thereof, such as homes and hotel rooms, used solely as a private residence, whether permanent or temporary in nature, shall not be deemed to be a public place.

27-10-3 PROHIBITION. It shall be unlawful for any person to knowingly or intentionally appear nude in a public place or in any other place that is readily visible to the public, except a place provided or set apart for nudity. It shall also be unlawful for any person or entity maintaining, owning, or operating any public place to operate and to knowingly, or with reason to know, permit or allow any person to appear nude in such public place, except a place provided or set apart for nudity.

27-10-4 LIMITATION. This Article shall not be deemed to address photographs, movies, video presentations, or any other non-live performance.

27-10-5 ADULT ENTERTAINMENT FACILITY. It shall be unlawful within a municipality to locate an adult entertainment facility within **one thousand (1,000) feet** of the property boundaries of any school, day care center, cemetery, public park, forest preserve, public housing, and place of religious worship.

For the purposes of this Section, "adult entertainment facility" means:

(A) a striptease club or pornographic movie theatre whose business is the commercial sale, dissemination, or distribution of sexually explicit material, shows, or other exhibitions or

(B) an adult bookstore or adult video store in which **twenty-five percent (25%)** or more of its stock-in-trade, books, magazines, and films for sale, exhibition, or viewing on-premises are sexually explicit material. **(See 65 ILCS 5/11-5-1.5)**

ARTICLE XI - OBSCENITY

27-11-1 OBSCENITY.

(A) **Elements of the Offense.** A person commits an obscenity when, with the knowledge of the nature or content thereof or recklessly failing to exercise reasonable inspection which would have disclosed the nature or content thereof, he:

- (1) sells, delivers or provides or offers or agrees to sell, deliver or provide any obscene writing, picture, record or other representation or embodiment of the obscene; or
- (2) presents or directs an obscene play, dance, or other performance or participates directly in that portion thereof which makes it obscene; or
- (3) publishes, exhibits or otherwise makes available anything obscene; or
- (4) performs an obscene act or otherwise presents an obscene exhibition of his body for gain; or
- (5) creates, buys, procures or possesses obscene matter or material with intent to disseminate it in violation of this Section, or of the penal laws or regulations of any other jurisdiction; or
- (6) advertises or otherwise promotes the sale of material represented or held out by him to be obscene, whether or not it is obscene.

(B) **Obscene Defined.** Any material or performance is obscene if:

- (1) the average person, applying contemporary adult community standards, would find that, taken as a whole, it appeals to the prurient interest; and
- (2) the average person, applying contemporary adult community standards, would find that it depicts or describes, in a patently offensive way, ultimate sexual acts or sadomasochistic sexual acts, whether normal or perverted, actual or simulated, or masturbation, excretory functions or lewd exhibition of the genitals; and
- (3) taken as a whole, it lacks serious literary, artistic, political or scientific value.

(C) **Interpretation of Evidence.** Obscenity shall be judged with reference to ordinary adults except that it shall be judged with reference to children or other specially susceptible audiences if it appears from the character of the material or the circumstances of its dissemination to be specially designed for or directed to such an audience.

Where circumstances of production, presentation, sale, dissemination, distribution, or publicity indicate that material is being commercially exploited for the sake of its prurient appeal, such evidence is probative with respect to the nature of the matter and can justify the conclusion that the matter is lacking in serious literary, artistic, political or scientific value.

In any prosecution for an offense under this Section, evidence shall be admissible to show:

- (1) the character of the audience for which the material was designed or to which it was directed;

- (2) what the predominant appeal of the material would be for ordinary adults or a special audience, and what effect, if any, it would probably have on the behavior of such people;
- (3) the artistic, literary, scientific, educational or other merits of the material, or the absence thereof;
- (4) the degree, if any, of public acceptance of the material in this State;
- (5) appeal to prurient interest or absence thereof in advertising or other promotion of the material;
- (6) purpose of the author, creator, publisher or disseminator.

(D) **Prima Facie Evidence.** The creation, purchase, procurement or possession of a mold, engraved plat or other embodiment or obscenity, specially adapted for reproducing multiple copies, or the possession of more than **three (3) copies** of obscene material shall be prima facie evidence of an intent to disseminate. **(See 65 ILCS Sec. 5/11-5-1)**

27-11-2 HARMFUL MATERIAL.

(A) **Elements of the Offense.** A person who, with knowledge that a person is a child; that is, a person under **eighteen (18) years** of age, or who fails to exercise reasonable care in ascertaining the true age of a child, knowingly distributes to, or sends or causes to be sent to, or exhibits to or offers to distribute or exhibit any harmful material to a child is guilty of a violation of this Code.

(B) **Definitions.**

- (1) Material is harmful if, to the average person applying contemporary standards, its predominant appeal, taken as a whole, is to prurient interest; that is, shameful or morbid interest in nudity, sex, or excretion which goes substantially beyond customary limits of candor in description or representation of such matters and is material, the redeeming social importance of which is substantially less than its prurient appeal.
- (2) **"Material"** as used in this Code means any writing picture, record or other representation or embodiment.
- (3) **"Distribute"** means to transfer possession of material whether with or without consideration.
- (4) **"Knowingly"** as used in this Section means having knowledge of the contents of the subject matter or recklessly failing to exercise reasonable inspection which would have disclosed the contents thereof.

(C) **Interpretation of Evidence.** The predominant appeal to prurient interest of the material shall be judged with reference to average children of the same general age of the child to whom such material was offered, distributed, sent or exhibited unless it appears from the nature of the matter or the circumstances of its dissemination, distribution or exhibition that it is designed for specially susceptible groups, in which case, the predominant appeal of the material shall be judged with reference to its intended or probable recipient group.

In prosecutions under this Section where circumstances of production, presentation, sale, dissemination, distribution, or publicity, indicate the material is being commercially

exploited for the sake of its prurient appeal, such evidence is probative with respect to the nature of the material and can justify the conclusion that the redeeming social importance of the material is, in fact, substantially less than its prurient appeal.

(D) **Affirmative Defenses.**

- (1) Nothing in this Section shall prohibit any public library or any library operated by an accredited institution of higher education from circulating harmful material to any person under **eighteen (18) years** of age, provided such circulation is in aid of a legitimate scientific or educational purpose, and it shall be an affirmative defense in any prosecution for a violation of this Section that the act charged was committed in aid of legitimate scientific or educational purposes.
- (2) Nothing in this Section shall prohibit any parent from distributing to his child any harmful material.
- (3) Proof that the defendant demanded, was shown and acted in reliance upon any of the following documents as proof of the age of a child shall be a defense to any criminal prosecution under this Section:
 - (a) A document issued by the federal government or any state, county or municipal government, or subdivision or agency thereof, including, but not limited to a motor vehicle operator's license, a registration certificate issued under the Federal Selective Service Act or an identification card issued to a member of the armed forces.
- (4) In the event an advertisement of harmful material as defined in this Section culminates in the sale or distribution of such harmful material to a child, under circumstances where there was no personal confrontation of the child by the defendant, his employees or agents as where the order or request for such harmful material was transmitted by mail, telephone, or similar means of communication and delivery of such harmful material to the child was by mail, freight, or similar means of transport, it shall be a defense in any prosecution for a violation of this Section that the advertisement contained the following statement or a statement substantially similar thereto, and that the defendant required the purchaser to certify that he was not under the age of **eighteen (18) years** and that the purchaser falsely stated that he was not under the age of **eighteen (18) years**:

"NOTICE: It is unlawful for any person under eighteen (18) years of age to purchase the matter herein advertised. Any person under eighteen (18) years of age who falsely states that he is not under eighteen (18) years of age for the purpose of obtaining the material advertised herein is guilty of a misdemeanor."

(E) **Child Falsifying Age.** Any person under **eighteen (18) years** of age who falsely states, either orally or in writing that he is not under the age of **eighteen (18) years**, or who presents or offers to any person any evidence of age and identity which is false

or not actually his own for the purpose of ordering, obtaining, viewing or otherwise procuring or attempting to procure or view any harmful material is guilty of a misdemeanor. **(See 65 ILCS Sec. 5/11-5-1)**

27-11-3 TIE-IN SALES OF OBSCENE PUBLICATIONS TO DISTRIBUTORS.

Any person, firm or corporation, or any agent, officer or employee thereof engaged in the business of distributing books, magazines, periodicals, comic books or other publications to retail dealers who shall refuse to furnish to any retail dealer such quantity of books, magazines, periodicals, comic books or other publications as such retail dealer normally sells because the retail dealer refuses to sell, or offer for sale, any books, magazines, periodicals, comic books or other publications which are obscene, lewd, lascivious, filthy or indecent is guilty of an offense. Each publication sold or delivered in violation of this Section shall constitute a separate offense. **(See 720 ILCS Sec. 5/11-22)**

ARTICLE XII - SYNTHETIC DRUGS

27-12-1 SALE, POSSESSION OR DELIVERY OF SYNTHETIC COCAINE PROHIBITED.

(A) **Definitions.** The following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

- (1) **Synthetic Cocaine, "Bath Salts" or Substances Containing Cocaine** includes but not limited to the names, MDPK, Magic, Super Coke, PV, Ivory Wave, Ocean, Cloud Nine, Charge Plus, White lightning, Scarface, Hurricane, Charlie Red Dove and White Dove. It is an herbal and chemical product which mimics the effects of Cocaine, including but not limited to Methylenedioxypropylamphetamine, (a psychoactive drug), or cathinone derivatives.
- (2) **Deliver or Delivery.** Actual, constructive or attempted transfer of possession of synthetic cocaine or substance containing cocaine, with or without consideration, whether or not there is an agency relationship.
- (3) **Knowledge.** Knows, acts knowingly or with knowledge:
 - (a) the nature or attendant circumstances of his/her conduct described by the section defining the offense, when he/she is consciously aware that his/her conduct is of such nature or that such circumstances exist, knowledge of a material fact includes awareness of the substantial probability that such fact exists.
 - (b) the result of his/her conduct, described by the section defining the offense, when he/she is consciously aware that such result is likely to be caused by his/her conduct.
 - (c) knowledge may be inferred from the surrounding circumstances.
- (4) **"Bath salts"** a substance that contains methylenedioxypropylamphetamine (MDPV) or contains a norepinephrine-dopamine reuptake inhibitor (NDRI).
- (5) **Manufacture.** The production, preparation, propagation, compounding, conversion or processing of synthetic cocaine or a substance containing cocaine, either directly or indirectly, by extraction from substances of natural origin, or independently by means of chemical synthesis, and includes any packaging or repackaging of synthetic cocaine or a substance containing cocaine or labeling of its container, except that this term does not include the preparation, compounding, packaging or labeling of synthetic cocaine as an incident to lawful research, teaching or chemical analysis and not for sale.
- (6) **Person.** Any individual, corporation, business trust, estate, trust, partnership or association, or any other entity.
- (7) **Possession.** Possession may be either actual or constructive.
 - (a) actual possession means exercising physical dominion.

- (b) constructive possession may be inferred if the defendant has intent and capacity to maintain control and dominion over the cocaine or substance containing cocaine or drug paraphernalia.

(B) **Possession of Synthetic Cocaine or Substance Containing Cocaine or "Bath Salts" Prohibited.**

- (1) **Violation.** No person shall possess any substance containing synthetic cocaine or a substance containing cocaine.
- (2) **Penalty.** Any person who pleads guilty or is found guilty by a court of law shall be punished by a minimum fine of not less than **Two Hundred Fifty Dollars (\$250.00)** and no more than **Seven Hundred Fifty Dollars (\$750.00)**.
- (3) **Administrative Fee.** In addition, any person who violates any provision of this Section and is convicted, pleads guilty, receives court supervision or probation by a court of law shall be ordered to pay an administrative fee of **One Hundred Dollars (\$100.00)** to be paid to the law enforcement agency for testing of the substance(s) collected.
- (4) **Forfeiture.** Any items which may be seized or forfeited pursuant to **720 ILCS 550/12**, may be forfeited in the same manner as described therein for a violation of this Section.
- (5) **Exception.** Any person who manufactures, distributes, dispenses, or is in possession of any controlled substance or synthetic cocaine for research purposes shall be exempt from the provisions of this Section.

27-12-2 **SALE, POSSESSION OR DELIVERY OF SYNTHETIC CANNABIS PROHIBITED.**

(A) **Definitions.** The following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

- (1) **Synthetic Cannabis** includes the brand names K2 and Spice. It is an herbal and chemical product which mimics the effects of Cannabis, including but not limited to synthetic cannabinoids, cannabicyclohexanol, JWH-018, JWH-073 and HU-210.
- (2) **Deliver or Delivery.** Actual, constructive or attempted transfer of possession of synthetic cannabis, with or without consideration, whether or not there is an agency relationship.
- (3) **Knowledge.** Knows, acts knowingly or with knowledge:
 - (a) the nature or attendant circumstances of his/her conduct, described by the section defining the offense, when he/she is consciously aware that his/her conduct is of such nature or that such circumstances exist, knowledge of a material fact includes awareness of the substantial probability that such fact exists.
 - (b) the result of his/her conduct, described by the section defining the offense, when he/she is consciously aware that such result is likely to be caused by his/her conduct.

- (c) knowledge may be inferred from the surrounding circumstances.
- (4) **Manufacture.** The production, preparation, propagation, compounding, conversion or processing of synthetic cannabis, either directly or indirectly, by extraction from substances of natural origin, or independently by means of chemical synthesis, and includes any packaging or repackaging of synthetic cannabis or labeling of its container, except that this term does not include the preparation, compounding, packaging or labeling of synthetic cannabis as an incident to lawful research, teaching or chemical analysis and not for sale.
- (5) **Person.** Any individual, corporation, business trust, estate, trust, partnership or association, or any other entity.
- (6) **Possession.** Possession may be either actual or constructive.
- (a) actual possession means exercising physical dominion.
- (b) constructive possession may be inferred if the defendant has intent and capacity to maintain control and dominion over the cannabis or drug paraphernalia.
- (7) **Produce or Production.** Planting, cultivating, tending or harvesting.
- (B) **Possession of Synthetic Cannabis Prohibited.**
- (1) **Violation.** No person shall possess any substance containing synthetic cannabis.
- (2) **Penalty.** Any person who pleads guilty or is found guilty by a court of law shall be punished by a minimum fine of not less than **Two Hundred Fifty Dollars (\$250.00)** and no more than **Seven Hundred Fifty Dollars (\$750.00)**.
- (3) **Administrative Fee.** In addition, any person who violates any provision of this Section and is convicted, pleads guilty, receives court supervision or probation by a court of law shall be ordered to pay an administrative fee of **One Hundred Dollars (\$100.00)** to be paid to the law enforcement agency for testing of the substance(s) collected.
- (4) **Forfeiture.** Any items which may be seized or forfeited pursuant to **720 ILCS 550/12**, may be forfeited in the same manner as described therein for a violation of this Section.
- (5) **Exception.** Any person who manufactures, distributes, dispenses, or is in possession of any controlled substance or synthetic cannabis for research purposes pursuant to **720 ILCS 550/11**, as hereafter amended, shall be exempt from the provisions of this Section.

ARTICLE XIII

REGULATION OF RESIDENCES OF REGISTERED SEX OFFENDERS

27-13-1 **DEFINITIONS.** The following definitions apply to this Section:

(A) A **"Child Sex Offender"** includes any person required to register his or her residence address with any State, or with the federal government, as a result of his or her conviction as a sex offender, where the victim of that sex offense was under the age of **eighteen (18) years** at the time of the offense. A **"Child Sex Offender"** includes, but is not limited to, any person required to register under the Illinois Sex Offender Registration Act, **730 ILCS 150/1 et seq.**, as now or as hereafter amended, where the victim was under the age of **eighteen (18) years** at the time of the offense. A **"Child Sex Offender"** further includes, but is not limited to, any person who has been convicted of any of the following statutory offenses, or convicted of attempting to commit any of the following statutory offenses, as now or hereafter amended, involving a victim under the age of **eighteen (18) years**:

- (1) Sexual exploitation of a child (**720 ILCS 5/11-9.1**);
- (2) Predatory criminal sexual assault of a child (**720 ILCS 5/12-14.1**);
- (3) Indecent solicitation of a child (**720 ILCS 5/11-6**);
- (4) Public indecency committed on school property (**720 ILCS 5/11-9**);
- (5) Child luring (**720 ILCS 5/10-5(b)(10)**);
- (6) Aiding and abetting child abduction (**720 ILCS 5/10-7 or 720 ILCS 5/10-(b)(10)**);
- (7) Soliciting for a juvenile prostitute (**720 ILCS 5/11-15.1**);
- (8) Patronizing a juvenile prostitute (**720 ILCS 5/11-18.1**);
- (9) Exploitation of a child (**720 ILCS 5/11-19.2**);
- (10) Child pornography (**720 ILCS 5/11-20.1**);
- (11) Criminal sexual assault (**720 ILCS 5/12-13**);
- (12) Aggravated criminal sexual assault (**720 ILCS 5/12-14**);
- (13) Aggravated criminal sexual abuse (**720 ILCS 5/12-16**);
- (14) Kidnapping or aggravated kidnapping (**720 ILCS 5/10-1 or 5/10-2**);
- (15) Unlawful restraint or aggravated unlawful restraint (**720 ILCS 5/10-3 or 5/10-3.1**).

(B) **"School"** means any real property used primarily for educational or child care purposes, including, but not limited to, elementary schools, middle schools, high schools, dance studios, licensed child day care facilities, and pre-schools.

(C) **"Loiter"** shall mean standing or sitting idly, whether or not the person is in a vehicle or remaining in or around property that is from time to time frequented by persons under the age of **eighteen (18) years**.

(D) **"Park"** includes any playground, walking track, athletic field, gymnasium, basketball court, baseball diamond, or other real estate owned or controlled by a school or unit of a local government, that is designated primarily for recreation. The term "Park" shall also include any privately owned recreational area upon which the Village has been authorized by its

owner to patrol and enforce the ordinances contained in this Code. The term "Park" shall also include ancillary restrooms and vehicle parking lots designated for use primarily by park patrons or school students and their families.

27-13-2 PROHIBITED ACTS.

(A) It is unlawful for a child sex offender to reside within **one thousand five hundred (1,500) feet** of any of the following:

- (1) The real property comprising any school attended by persons under the age of **eighteen (18) years**; or
- (2) The real property comprising any park.

(B) It is unlawful for any child sex offender to loiter on any public property, public right-of-way, or area designated for parking of motor vehicles, within **one thousand five hundred (1,500) feet** of any of the following, unless the person loitering is with a child under the age of **eighteen (18) years** and the person loitering is a parent, step-parent, aunt, uncle, cousin, sibling, or step-sibling of that child under the age of **eighteen (18) years**;

- (1) The real property comprising any school attended by persons under the age of **eighteen (18) years**; or
- (2) The real property comprising any park.

(C) It is unlawful for any person, corporation, business, partnership, trust, manager, or other entity, to employ a sex offender within **one thousand five hundred (1,500) feet** of any festival or other event which is open to the public.

(D) It is unlawful for any person, corporation, business, partnership, trust, manager, or other entity, to enter into a lease agreement, or to renew any lease agreement, letting residential real estate to a child sex offender, where the lot line of the residential property is within **one thousand five hundred (1,500) feet** of any of the following:

- (1) The real property comprising any school attended by persons under the age of **eighteen (18) years**; or
- (2) The real property comprising any park.

27-13-3 PENALTY. Any person found guilty of violating paragraphs (A) or (B) of **Section 27-13-2** shall be subject to a fine between **One Hundred Dollars (\$100.00)** and **Seven Hundred Fifty Dollars (\$750.00)**, with each day a violation continues constituting a separate offense. Any person, corporation, business, partnership, trust, manager, or other entity guilty of violating paragraphs (C) or (D) of **Section 27-13-2** shall be subject to a fine between **One Hundred Dollars (\$100.00)** and **Seven Hundred Fifty Dollars (\$750.00)**, revocation of business license, or both. Each day a violation continues shall constitute a separate offense. Any person, corporation, business, partnership, trust, manager or other entity violating paragraphs (C) or (D) of **Section 27-13-2** shall be presumed to have had knowledge of the employee's or tenant's status as a child sex offender, where the employee's or tenant's name, photo, or other identifying information appears on the Illinois State Police statewide sex offender database, as published on the internet on the Illinois State Police World Wide Web home page, per the Sex Offender and Child Murderer Community Notification Law, **730 ILCS 152/101 et seq.**, as now or hereafter amended.

27-13-4 OTHER PROVISIONS.

(A) In the event a court of competent jurisdiction should declare the terms of any portion of this Article invalid or unenforceable, the remainder of this Article shall remain in full force and effect.

(B) All distances designated in this Article shall be measured from the lot line of the park property or school property and from the lot line of the subject residence.

(C) Nothing in this Article prohibits a child sex offender from residing within **one thousand five hundred (1,500) feet** of any property, if that residence is owned or leased by the child sex offender before the effective date of this Article. This Article is intended to apply to and prevent such new residential lease agreements, and renewals of expired residential leases, entered into after the effective date of this Article.

CHAPTER 28

PARKS

ARTICLE I - REGULATIONS

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

- (A) cut, break, injure, destroy, take, or remove any tree, shrub, timber, plant, or natural object;
- (B) kill, cause to be killed, or pursue with intent to kill any bird or animal except in areas where the Village has authorized hunting;
- (C) willfully mutilate, injure or destroy any buildings bridge, table, bench, fireplace, guidepost, notice, tablet, fence, monument, or other park property or appurtenances.

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

(A) No person shall deposit any trash within the municipal parks except in proper receptacles where these are provided.

Where receptacles are not provided, all trash shall be carried away from the parks by the person responsible for its presence and shall be properly disposed of elsewhere.

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

28-1-3 **FIRES IN PARKS.**

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

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

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

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

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

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

28-1-7 **ANIMALS.** No person shall:
 (A) bring any dangerous animal into any municipal park; or
 (B) permit any dog to be in any park unless such dog is on a leash; or
 (C) ride or lead any horse in any municipal park or recreational area except upon paths or other ways expressly provided and posted for that purpose.

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

28-1-9 **SALES; AMUSEMENTS FOR GAIN.** Within the parks of this Municipality, no person shall, without having first obtained a permit from the Village:
 (A) sell or offer for sale any goods or services; or
 (B) conduct any amusement for gain or for which a charge is made.

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

28-1-11 **APPLICATION FOR PERMIT.** Applications for all permits required by this Chapter shall be made in writing to the Mayor not less than **seven (7) days** before the proposed date of the activity for which the permit is sought. Each application shall include the following information:
 (A) A statement briefly describing the nature of the proposed activity;
 (B) name, address and telephone number of the person or organization wishing to conduct such activity;
 (C) the date when such activity is to be conducted;
 (D) the hour when such activity will start and terminate;
 (E) the park or portion thereof for which such permit is desired; and
 (F) an estimate of the anticipated attendance.

28-1-12 **DECISION ON PERMIT APPLICATION.** After due consideration of the information contained in the permit application, but not later than **seven (7) days** after the application has been filed, the Mayor shall determine whether the application is satisfactory. An application shall be deemed satisfactory if:
 (A) the proposed activity or use of the park will not unreasonably interfere with or detract from the general public enjoyment of the park;

(B) the facilities desired have not been reserved for other use at the day and hour requested in the application;

(C) the conduct of such activity will not substantially interrupt the safe and orderly movement of traffic;

(D) the proper policing of such activity will not require the diversion of so great a number of law enforcement officers as to prevent normal protection to the remainder of this Municipality;

(E) the conduct of such activity is not reasonably likely to cause injury to persons or property or to incite violence, crime or disorderly conduct; and

(F) such activity is not to be held for the sole purpose of advertising any product, goods, or event, and is not designed to be held purely for private profit.

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

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

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

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

28-1-14 **HOURS.** The Village Board shall establish the hours of operation of the municipal parks. No one shall be in the park without the Mayor's permission after the established hours.

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 re proclaim 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)

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

ARTICLE II - POLICE DEPARTMENT

RESERVED

All references to the police chief and/or policemen shall mean the people delegated by the Mayor to enforce the local laws.

ARTICLE III - EMERGENCY MANAGEMENT AGENCY (EMA)**30-3-1 POLICY AND PROCEDURES.**

(A) Because of the possibility of the occurrence of disasters of unprecedented size and destructiveness resulting from the explosion in this or in a neighboring municipality of atomic or other means from without, or by means of sabotage or other disloyal actions within, or from fire, flood, earthquake, or other natural or man-made causes, and in order to insure that this municipality will be prepared to and will adequately deal with any such disasters, preserve the lives and property of the people of this municipality and protect the public peace, health and safety in the event of such a disaster, it is found and declared to be necessary:

- (1) To create a municipal emergency management agency;
- (2) To confer upon the Mayor the extraordinary power and authority set forth under Article I of this Chapter (**65 ILCS Sec. 5/11-1-6**).
- (3) To provide for the rendering of mutual aid to other cities and political subdivisions with respect to the carrying out of emergency management operations.

(B) Whenever the Mayor determines after an investigation that a dangerous situation or a potentially dangerous situation exists which could cause death to individuals or serious injury to property or the health and welfare of public, the Mayor may declare that a state of emergency exists. The extraordinary powers may not be exercised until an ordinance shall have been adopted which shall establish standards for the determination by the Mayor of when the state of emergency exists and shall provide that the Mayor may not exercise such extraordinary power and authority except after signing under oath a statement finding that such standards have been met, setting forth facts to substantiate such findings, describing the nature of the emergency and declaring that a state of emergency exists. This statement shall be filed with the Clerk of the municipality as soon as practical. A state of emergency shall expire not later than the adjournment of the first regular meeting of the corporate authorities after the state of emergency is declared. A subsequent state of emergency may be declared if necessary.

(C) It is further declared to be the purpose of this Code and the policy of the municipality that all emergency management programs of this municipality be coordinated to the maximum extent with the comparable functions of the federal and state governments, including their various departments and agencies, of other municipalities and localities and private agencies of every type, to the end that the most effective preparation and use may be made of the nation's manpower, resources, and facilities for dealing with any disaster that may occur.

30-3-2 LIMITATIONS. Nothing in this Code shall be construed to:

(A) Interfere with the course or conduct of a private labor dispute, except that actions otherwise authorized by this Code or other laws may be taken when necessary to forestall or mitigate imminent or existing danger to public health or safety;

(B) Interfere with dissemination of news or comment of public affairs; but any communications facility or organization (including but not limited to radio and television stations, wire services, and newspapers) may be requested to transmit or print public service messages furnishing information or instructions in connection with a disaster;

(C) Affect the jurisdiction or responsibilities of police forces, fire fighting forces, units of the armed forces of the United States, or of any personnel thereof, when on active duty; but state and local emergency operations plans shall place reliance upon the forces available for performance of functions related to disaster emergencies;

(D) Limit, modify, or abridge the authority of the Mayor and the Village Board to exercise any other powers vested in them under the constitution, statutes, or common law of this State, independent of or in conjunction with any provisions of this Code.

30-3-3 **DEFINITIONS.** As used in this Code, unless the context clearly indicates otherwise, the following words and terms shall have the definitions hereinafter ascribed:

(A) **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.

30-3-4 **EMERGENCY MANAGEMENT AGENCY.**

(A) There is hereby created an emergency management agency and a coordinator of the emergency management agency, herein called the "coordinator", who shall be the head thereof. The coordinator shall be appointed by the Mayor with the advice and consent of the Board. He shall serve at the pleasure of the Mayor.

(B) The Emergency Management Agency shall obtain, with Board approval, such technical, clerical, stenographic and other administrative personnel, and may make such expenditures within their appropriation therefor as may be necessary to carry out the purpose of this Code.

(C) The coordinator, subject to the direction and control of the Mayor, shall be the executive head of the Municipal Emergency Service and Disaster Agency, and shall be responsible under the direction of the Mayor for carrying out the program for emergency management operations of this municipality. He shall coordinate the activities of all organizations for emergency management operations within this municipality and shall maintain liaison, and cooperate with, the civil defense and emergency management agencies and organization of the county, other counties and municipalities, and of the federal and state government.

In the event of the absence, resignation, death, or inability to serve by the coordinator, the Mayor or any persons designated by him, shall be and act as coordinator until a new appointment is made as provided in this Code.

(D) The Municipal Emergency Management Agency shall take an integral part in the development and revision of the local emergency operations plan.

(E) In the development of the emergency operations plan, the municipal emergency management agency shall interrelate with business, labor, industry, agriculture, civic and volunteer organizations, and community leaders.

(F) The Municipal Emergency Management Agency shall:

(1) Determine the requirements of the municipality for food, clothing and other necessities in the event of an emergency;

- (2) Develop an Emergency Operations Plan that meets the standards promulgated by the Illinois Emergency Management Agency;
- (3) Biannually review and revise the local Emergency Operations Plan;
- (4) Establish a register of persons with types of training and skills in emergency prevention, preparedness, response and recovery;
- (5) Establish a register of government and private response resources available for use in a disaster;
- (6) Prepare, for issuance by the Mayor, ordinances, proclamations and regulations as necessary or appropriate in coping with disasters.
- (7) Cooperate with the federal, state and county government and any public or private agency or entity in achieving any purpose of this Code and in implementing programs for disaster prevention, preparation, response and recovery;
- (8) Initiate and coordinate planning for:
 - (a) The establishment of an emergency operating center;
 - (b) The implementation of a 911 system.
- (9) Do all other things necessary, incidental or appropriate for the implementation of this Code.

30-3-5 EMERGENCY MANAGEMENT POWERS OF THE MAYOR.

(A) The Mayor shall have the general direction and control of the emergency management agency and shall be responsible for the carrying out of the provisions of this Code.

(B) In performing his duties under this Code, the Mayor is authorized to cooperate with state and federal governments and with other municipalities and political subdivisions in all matters pertaining to emergency management operations defined in this Code.

(C) In performing his duties under this Code, the Mayor is further authorized:

(1) To make, amend and rescind all lawful necessary orders, rules and regulations of the local disaster plan to carry out the provisions of this Code within the limits of the authority conferred upon him.

- (2) To cause to be prepared a comprehensive plan and program for the emergency management of this municipality which plan and program shall be integrated into and coordinated with disaster plans of the state and federal governments and other political subdivisions, and which plan and program may include:
 - (a) Prevention and minimization of injury and damage caused by disaster;
 - (b) Prompt and effective response to disaster;
 - (c) Emergency relief;
 - (d) Identification of areas particularly vulnerable to disasters;
 - (e) Recommendations for zoning, building and other land-use controls, safety measures for securing permanent structures and other preventive and preparedness measures designed to eliminate or reduce disasters or their impact;
 - (f) Assistance to local officials in designing local emergency action plans;
 - (g) Authorization and procedures for the erection or other construction of temporary works designed to protect against or mitigate danger, damage or loss from flood, conflagration or other disaster;
 - (h) Organization of municipal manpower and chains of command;
 - (i) Coordination of local emergency management activities;
 - (j) Other necessary matters.

- (3) In accordance with such plan and program for the emergency management of this municipality, and out of funds appropriated for such purposes, to procure and preposition supplies, medicines, materials and equipment to institute training programs and public information programs, and to take all other preparatory steps, including the partial or full mobilization of emergency management organizations in advance of actual disaster to insure the furnishing of adequately trained and equipped forces for disaster operations.
 - (4) Out of funds appropriated for such purposes, to make such studies and surveys of the industries, resources and facilities in this municipality as may be necessary to ascertain the capabilities of the municipality for the emergency management phases of preparedness, response, and recovery, and to plan for the most efficient emergency use thereof.
- (D) The Mayor is authorized to designate space in a municipal building, or elsewhere for the emergency management agency as its office.

30-3-6 FINANCING.

- (A) It is the intent of the Village Board and declared to be the policy of the municipality that every effort shall be made to provide funds for disaster emergencies.
- (B) It is the Village Board's intent that the first recourse shall be to funds regularly appropriated to the agency. If the Mayor finds that the demands placed upon these funds in coping with a particular disaster are unreasonably great, and the Governor has proclaimed the municipality a disaster, he may make application for funds from the state disaster relief fund. If monies available from the fund are insufficient, and if the Mayor finds that other sources of money to cope with the disaster are not available or are insufficient, he shall issue a call for an immediate session of the Village Board for the purpose of enacting ordinances as the Village Board may deem necessary to transfer and expend monies appropriated for other purposes or borrow monies from the United States Government or other public or private sources. If less than a quorum of the members of the Village Board is capable of convening in session to enact such ordinances for the transfer, expenditure or loan of such monies, the Mayor is authorized to carry out those decisions until such time as a quorum of the Village Board can convene.
- (C) Nothing contained in this Section shall be construed to limit the Mayor's authority to apply for, administer and expend grants, gifts, or payments in aid of disaster prevention, preparedness, response or recovery.

30-3-7 LOCAL DISASTER EMERGENCIES.

- (A) A local disaster emergency may be declared only by the Mayor or Village Board. If declared by the Mayor, it shall not be continued for a period in excess of **seven (7) days** except by or with the consent of the Village Board. Any order or proclamation declaring, continuing or terminating a local disaster emergency shall be given prompt and general publicity, and shall be filed promptly with the municipal clerk.
- (B) The effect of a declaration of a local disaster emergency is to activate any and all applicable local emergency operations plans and to authorize the furnishing of aid and assistance thereunder.
- (C) During a local disaster emergency, the Mayor may suspend the provisions of any municipal ordinance prescribing procedures for the conduct of municipal business, or the orders, rules and regulations of any municipal agency, if strict compliance with the provisions of any ordinance, rule or regulation would in any way prevent, hinder or delay necessary action in coping with the emergency, as authorized by "**The Illinois Emergency Management Agency Act**", provided that, if the Village Board meets at such time, he shall act subject to the directions and restrictions imposed by that body.

30-3-8 TESTING OF DISASTER WARNING DEVICES. The testing of disaster devices including outdoor warning sirens shall be held only on the first Tuesday of each month at **10 o'clock** in the morning.

30-3-9 MUTUAL AID ARRANGEMENTS BETWEEN POLITICAL SUBDIVISIONS. The coordinator for emergency management operations may, in collaboration with other public agencies within his immediate vicinity, develop or cause to be developed mutual aid arrangements with other political subdivisions, municipal corporations or bodies politic within this state for reciprocal disaster response and recovery in case a disaster is too great to be dealt with unassisted. The mutual aid shall not, however, be effective unless and until approved by each of such political subdivisions, municipal corporations or bodies politic as are parties thereto, in the manner provided by law, and unless and until filed with and approved in writing by the state director. Such arrangements shall be consistent with the state and local emergency management operations plan and program, and in the event of such disaster as described in **Section 30-3-3** of this Code, it shall be the duty of each local and department for emergency management operations to render assistance in accordance with the provisions of such mutual aid arrangements.

30-3-10 COMMUNICATIONS. The local Emergency Management Agency shall ascertain what means exist for rapid and efficient communications in times of disaster emergencies. The agency shall consider the desirability of supplementing these communications resources or of integrating them into a comprehensive system or network. In studying the character and feasibility of any system or its several parts, the agency shall evaluate the possibility of multipurpose use thereof for general municipal and local governmental purposes. The agency shall make recommendations to the Mayor as appropriate.

30-3-11 IMMUNITY. Neither the municipality, the agency or any member thereof or any person acting at their direction, engaged in any emergency management operations or disaster activities, while complying with or attempting to comply with this Code or any rule or regulations promulgated pursuant to this Code is liable for the death of or any injury to persons, or damage to property, as a result of such activity. This section does not, however, affect the right of any person to receive benefits to which he would otherwise be entitled under this act under the Worker's Compensation Act or the Worker's Occupational Diseases Act, or under any pension law, and this Section does not affect the right of any such person to receive any benefits or compensation under any Act of Congress.

30-3-12 PROFESSIONS, TRADES AND OCCUPATIONS. If such disaster as is described in **Section 30-3-3** occurs in this municipality and the services of persons who are competent to practice any profession, trade or occupation are required in this municipality to cope with the disaster situation and it appears that the number of persons licensed or registered in this municipality to practice such profession, trade or occupation may be insufficient for such purpose, then any persons who are licensed elsewhere to practice any such profession, trade or occupation may, if a member of another political subdivision rendering aid in this municipality pursuant to the order of the head of that political subdivision and upon the request of the municipality, or if otherwise requested so to do by the Mayor or the 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.

30-3-13 APPROPRIATIONS AND LEVY OF TAX. The Village Board may make appropriations for emergency management operations in the manner provided by law for making appropriations for the ordinary expenses of such political subdivision. The Village Board may also levy for

emergency management operations a tax not to exceed **.05%** of the full, fair cash value as equalized or assessed by the Department of Revenue on all taxable property in the municipality for the current year. However, the amount collectible under such a levy shall in no event exceed **Twenty-Five Cents (\$0.25)** per capita. The annual tax shall be in addition to and in excess of the amount authorized to be levied for general corporate purposes.

30-3-14 **AUTHORITY TO ACCEPT SERVICES, GIFTS, GRANTS OR LOANS.** Whenever the federal or state governments, or any agency or officer thereof, or whenever any person, firm or corporation shall offer to the municipality services, equipment, supplies, materials or funds by way of gift or grant for purposes of emergency management, the municipality, acting through the Mayor or through its Village Board, may accept such offer and upon such acceptance the Mayor or the Village Board may authorize any officer of the municipality to receive such services, equipment, supplies, materials or funds on behalf of the municipality.

30-3-15 **ORDERS, RULES AND REGULATIONS.**
 (A) The Mayor shall file a copy of every rule, regulation or order and any amendment thereof made by him pursuant to the provisions of this Code in the office of the Municipal Clerk. No such rule, regulation or order, or any amendment thereof, shall be effective until **ten (10) days** after such filing; provided, however, that upon the declaration of such a disaster emergency by the Mayor as is described in **Section 30-3-7**, the provision relating to the effective date of any rule, regulation order or amendment issued pursuant to this Code and during the state of such disaster emergency, is abrogated, and said rule, regulation, order or amendment shall become effective immediately upon being filed with the Municipal Clerk, accompanied by a certificate stating the reason for the emergency.

(B) The Emergency Management Agency established pursuant to this Code, and the coordinator thereof, shall execute and enforce such orders, rules and regulations as may be made by the Governor under authority of the Illinois Emergency Management Agency Act. The local Emergency Management Agency shall have available for inspection at its office all orders, rules and regulations made by the Governor, or under this authority. The State Emergency Management Agency shall furnish such orders, rules and regulations to the agency.

30-3-16 **UTILIZATION OF EXISTING AGENCY, FACILITIES AND PERSONNEL.** In carrying out the provisions of this Code, the Mayor and the coordinator of the emergency management agency are directed to utilize the services, equipment, supplies and facilities of existing departments, offices and agencies of the municipality to the maximum extent practicable, and the officers and personnel of all such departments, offices and agencies are directed, upon request, to cooperate with and extend such services and facilities to the coordinator and the emergency management agency.

30-3-17 **SEVERABILITY.** If any provision of this Code or the application thereof to any person or circumstances be held invalid, such invalidity shall not affect such other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Code are hereby declared to be severable.

30-3-18 **NO PRIVATE LIABILITY.**
 (A) Any person owning or controlling real estate or other premises who voluntarily and without compensation grants a license or privilege, or otherwise permits the designation or use of the whole or any part or parts of such real estate or premises for the purpose of sheltering persons during an actual or impending disaster, or a mock or practice disaster response activity together with his successors in interest, if any, shall not be civilly liable for negligently causing the death of, or injury to, any person on or about such real estate or premises under such license, privilege or other permission, or for negligently causing loss of, or damage to, the property of such person.

(B) Any private person, firm or corporation and employees and agents of such person, firm or corporation in the performance of a contract with, and under the direction of, the municipality under

the provisions of this Code, shall not be civilly liable for causing death of, or injury to, any person or damage to any property except in the event of willful misconduct.

(C) Any private person, firm or corporation, and any employee or agency of such person, firm or corporation, who renders assistance or advice at the request of the municipality, shall not be civilly liable for causing the death of, or injury to, any person or damage to any property except in the event of willful misconduct. The immunities provided in Subsection (C) shall not apply to any private person, firm or corporation, or to any employee or agent of such person, firm or corporation whose act or omission caused in whole or in part such actual or impending disaster and who would otherwise be liable therefore.

30-3-19 **SUCCESSION.** In the event of the death, absence from the municipality or other disability of the Mayor preventing him from acting under this Code or for any other municipal purpose, and until the office is filled in the manner prescribed by law, the coordinator of the emergency management agency shall succeed to the duties and responsibilities of the Mayor.

30-3-20 **COMPENSATION.** The Village Board, by its annual appropriations ordinance, may provide for the payment of the salary of the coordinator and such other office staff and personnel as may be expressly provided for in the ordinance. Nothing herein contained shall prohibit any member of the agency from receiving compensation from the State of Illinois Emergency Management Agency under any provisions of that agency.

30-3-21 **PERSONNEL OATH.** Each person, whether compensated or non-compensated, who is appointed to serve in any capacity in the municipal Emergency Service and Disaster Agency, shall, before entering upon his duties, take an oath, in writing, before the coordinator of the municipal Emergency Service and Disaster Agency before a person authorized to administer oaths in this municipality, which oath shall be filed with the coordinator of the Emergency Management Agency, and which oath shall be substantially as follows:

“I, _____ do solemnly swear (or affirm) that I will support and defend and bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of Illinois, and the territory, institutions and facilities thereof, both public and private, against all enemies, foreign and domestic; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter. And I do further swear (or affirm) that I do not advocate, nor am I, nor have I been a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence; and that during such time I am affiliated with the Village, I will not advocate nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence.”

30-3-22 **EMERGENCY TERMINATION OR REDUCTION OF ELECTRICAL SERVICE.**
(A) **Declaration of Emergency Condition.** When in the judgment of the Mayor or Village Board, as provided herein in **Section 30-3-7(A)**, a local disaster emergency requires the termination or reduction of electrical service, the Mayor or Village Board shall forthwith declare in writing the existence of the emergency condition and order the termination or reduction.

30-3-23 **PENALTY.** Any person convicted of violating this Code or any order thereunder shall be punished, upon conviction, by a fine as provided by **Section 1-1-20** of this Code.

(See 20 ILCS Sec. 3305/1 et seq.)
(Ord. No. 2022-0-05; 11-29-22)

CHAPTER 32

STORMWATER CONTROL CODE

**ARTICLE I – AUTHORITY AND PURPOSE; OTHER RELEVANT PERMITTING;
APPLICABILITY; EXEMPTIONS; EXCEPTIONS; AND SEPARABILITY**

32-1-1 **AUTHORITY AND PURPOSE.** This Code is enacted pursuant to the police powers granted to the Village of Sadorus, Illinois by the **Illinois Compiled Statutes 65 ILCS 5/11-12-5 (1)(b), 65 ILCS 5/11-12-8, 65 ILCS 5/11-13-1, 65 ILCS 5/11-30-2, 65 ILCS 5/11-30-8, and 65 ILCS 5/11-109-1.**

The purpose of this Code is to diminish threats to public health and safety, protect property, prevent damage to the environment and promote public welfare by guiding, regulating and controlling the design, construction, use and maintenance of any new development or redevelopment or other activity which disturbs or breaks the topsoil or otherwise results in the movement of earth, and/or changes the stormwater drainage pattern and/or stormwater flows from that which would have occurred if the land had been left in its natural state. This stormwater runoff and resulting soil erosion could result in the inundation of damageable properties, the erosion and destabilization of downstream channels, and the pollution of valuable stream and lake resources. This Code regulates these activities to minimize adverse impacts.

The purpose of this Code is also to comply with the General National Pollutant Discharge Elimination System (NPDES) Permit No. ILR40 regulations, the Notice of Intent (NOI) submitted to the IEPA in 2003.

This Code is adopted to accomplish the following objectives:

- (A) To assure that new development or redevelopment does not increase the drainage or flood hazards, or create unstable conditions susceptible to soil erosion;
- (B) To protect new buildings and major improvements to buildings from flood damage due to increased stormwater runoff and soil erosion;
- (C) To protect human life and health from the hazards of increased flooding and soil erosion on a watershed basis;
- (D) To lessen the burden on the taxpayer for flood control projects, repairs to flood-damaged public facilities and utilities, correction of channel erosion problems, and flood rescue and relief operations caused by stormwater runoff and soil erosion quantities from new development or re-development;
- (E) To protect, conserve, and promote the orderly development of land and soil, water, air, animal, and plant resources;
- (F) To preserve the natural hydrologic and hydraulic functions of watercourses and flood plains and to protect water quality and aquatic habitats;
- (G) To preserve the natural characteristics of stream corridors in order to manage flood and stormwater impacts, improve water and groundwater quality, reduce soil erosion, protect aquatic and riparian habitat, maintain quality forest resources, provide recreational opportunities, provide aesthetic benefits, and enhance community and economic development.

32-1-2 **OTHER RELEVANT PERMITTING.** Before a Development Permit under this Code becomes effective, all required Federal, State, and Local permits will have been officially approved. The acquisition of these permits shall be the sole responsibility of the applicant. These may include but are not limited to Section 404 of the Clean Waters Act, Section 106 of the National Historic Preservation Act, Section 10 of the Rivers and Harbors Act, or permitting required by the Illinois Department of Natural Resources, Office of Water Resources in accordance with the Rivers,

Lakes and Streams Act, 615 ILCS, the Soil and Water Conservation Districts Act, 70 ILCS and the National Pollutant Discharge Elimination System Permit (NPDES) through the Illinois Environmental Protection Agency, Division of Water Pollution Control. Compliance is also required with but not limited to the Development Code of Village of Sadorus including the Subdivision Code and the Zoning Code.

32-1-3 APPLICABILITY. This Code applies to all new development or re-development in the Village of Sadorus, Illinois. Except as otherwise provided in this Code, no person, firm or corporation, public or private, the State of Illinois and its agencies or political subdivisions, the United States of America, and its agencies or political subdivisions, any agent, servant, officer or employee of any of the foregoing which meets the following provisions or is otherwise exempted in this Code, shall commence any development activities without first having obtained a Development Permit from the Building and Zoning Administrator of the Village of Sadorus, Illinois.

(A) Any new development or re-development which contains an area **ten thousand (10,000) or more square feet** of total impervious surface (i.e., streets, roof, patio or parking area or any combination thereof) as measured in the cumulative aggregate for all development or re-development taking place on a Madison County, Illinois, designated tax parcel in existence on **March 5, 2001**; or

(B) Any land disturbing activity (i.e., clearing, grading, stripping, excavation, fill, or any combination thereof) that affects an area of **ten thousand (10,000) or more square feet**, or that will exceed **one hundred (100) cubic yards** as measured in the cumulative aggregate for all development or re-development taking place on a Madison County, Illinois, designated tax parcel in existence on **March 5, 2001**; or

(C) Any land disturbing activity if the activity is within **twenty-five (25) feet** of a river, lake, pond, stream, sinkhole, or wetland; and is done in conjunction with paragraphs (A) or (B); or

(D) Any land disturbing activity on the sloping side of the slope disturbance line and is in conjunction with paragraphs (A), (B) or (C).

32-1-4 EXEMPTIONS.

(A) A Development Permit shall not be required for the following:

- (1) Any new development, re-development or other activity falling below the minimum standards as set forth in **Section 32-1-3**.
- (2) The agricultural use of land, including the implementation of conservation measures included in a farm conservation plan approved by the Soil and Water Conservation District, and including the construction of agricultural structures.
- (3) The maintenance of any existing stormwater drainage/detention component or structure or any existing soil erosion/sediment control component or structure; including dredging, levee restoration, tree removal or other function which maintains the original design capacities of the above.
- (4) The construction of, improvements to, or the maintenance of any street, road, highway or interstate highway performed by any unit of government whose powers grant such authority.

(B) A Development Permit is required for these uses but shall not be subject to the provisions of **Article III**, Stormwater Drainage and Retention.

- (1) Any land disturbing activity that is **one (1) acre (43,560 s.f.)** or less; or development of tracts of land where not more than one single family dwelling is being erected; or, any lots in a new

subdivision of land where the lots front and have their sole access on an existing street or roadway.

- (2) The construction of, improvements to, or the maintenance of any street, road, highway or interstate highway performed by any unit of government whose powers grant such authority.
- (3) The construction of, improvements to, or maintenance of any runway or connecting taxiway performed by any unit of government whose powers grant such authority. (This Section does not include apron areas adjacent to building structures not used specifically and primarily for runway or taxiway purposes.)

32-1-5 **EXCEPTIONS.** The Village Board of Trustees, upon recommendation from the Plan Commission, may, in accordance with the following procedures, authorize exceptions to any of the requirements and regulations set forth in this Code:

(A) An application for exception shall be made by a verified petition of the applicant for a Development Permit, stating fully the grounds of the petition and the facts relied upon by the applicant. The petition shall be filed with the Development Permit application. In order for the petition to be granted, it shall be necessary that the Plan Commission and the Village Board to find all of the following with respect to the land referred to in the application:

- (1) That the land is of such shape or size or is affected by such physical conditions or is subject to such title limitations of record, that it is impossible for the applicant to comply with all of the requirements of this Code;
- (2) That the exception is necessary for the preservation and enjoyment of a substantial property right of the applicant; and
- (3) That the granting of the exception will not be detrimental to the public welfare, environment or injurious to other property in the vicinity of the subjects property.remove

(B) Each application for an exception shall be made to the Zoning Administrator. The Zoning Administrator will review and transmit recommendations to the Plan Commission, which shall review such recommendations prior to granting or denying the exception.

(C) The Plan Commission shall hold a public hearing on each application for exception, within **thirty (30) days** after receiving the application, in the manner by ordinance. Within **thirty (30) days** after public hearing, the Plan Commission shall either approve the site Development Permit application with the exceptions and conditions it deems necessary or it shall disapprove such Development Permit application and exception application, or it shall take other such action as appropriate.

32-1-6 **SEPARABILITY/SEVERABILITY.** The provisions and sections of this Code shall be deemed to be separable, and the invalidity of any portion of this Code shall not affect the validity of the remainder.

32-1-7 **RESPONSIBILITY.** The applicant shall not be relieved of responsibility for damage to persons or property otherwise imposed by law, and the Village of Sadorus, Illinois or its officers or agents will not be made liable for such damage, by (1) the issuance of a Development Permit under this Code, (2) compliance with the provisions of that Development Permit or conditions attached to it by the Building and Zoning Administrator, (3) failure of Village of Sadorus Officials to observe or recognize hazardous or unsightly conditions, (4) failure of Village of Sadorus Officials to recommend denial or to deny a Development Permit, or (5) exemptions from Development Permit requirements of this Code.

32-1-8 **NPDES COMPLIANCE.** New and redevelopment, that is applicable to this Code (per Section 32-1-3) must comply with the NPDES regulations (the General NPDES Permit No. ILR40 and the NOI). NPDES compliance is obtained by adhering to this Code, ILR10 permits, the General NPDES for Village of Sadorus and the NOI submitted for each individual community and all future steps taken by the individual communities to implement the NOI.

(A) **Public Education and Outreach on Stormwater Impacts.** In accordance with the General NPDES Permit No. ILR40 and the NOI, Village of Sadorus will comply and implement activities as outlined in the Public Education and Outreach on Stormwater Impacts.

(B) **Public Involvement/Participation.** In accordance with the General NPDES Permit No. ILR40 and the NOI, the Village of Sadorus will comply and implement activities as outlined in the Public Involvement/Participation.

(C) **Illicit Discharge Detection and Elimination.** In accordance with the General NPDES Permit No. ILR40 and the NOI, the Village of Sadorus will comply and implement activities as outlined in the Illicit Discharge Detection and Elimination.

(D) **Construction Site Stormwater Runoff Control.** In accordance with the General NPDES Permit No. ILR40 and the NOI, the Village of Sadorus will comply and implement activities as outlined in the Construction Site Stormwater Runoff Control.

(E) **Post-Construction Stormwater Management in New Development and Redevelopment.** In accordance with the General NPDES Permit No. ILR40 and the NOI, the Village of Sadorus will comply and implement activities as outlined in the Post-Construction Stormwater Management in New Development and Redevelopment.

(F) **Pollution Prevention/Good Housekeeping.** In accordance with the General NPDES Permit No. ILR40 and the NOI, the Village of Sadorus will comply and implement activities as outlined in the Pollution Prevention/Good Housekeeping.

32-1-9 **INFORMATION ACCESSIBILITY TO THE PUBLIC.** Documents relating to the adherence to this Code are available for review by request at the Village Hall.

ARTICLE II - DEFINITIONS

32-2-1 DEFINITIONS. For the purposes of this Code certain terms are defined and set forth below:

Adverse Impacts: Any negative impact on plant, soil, air or water resources affecting their beneficial uses including recreation, aesthetics, aquatic habitat, quality, and quantity.

Applicant: Any person, firm, or governmental agency who executes the necessary forms to procure official approval of a development or permit to carry out construction of a new development or re-development from the Village of Sadorus, Illinois.

Base Flood Elevation: The elevation at all locations delineating the level of flooding resulting from the 100-year frequency flood event, which has a **one percent (1%)** chance of occurring in any given year.

Building Permit: A permit issued by the Village of Sadorus, Illinois for the construction, erection or alteration of a structure or building and the related ground and surface preparation prior to and after completion of construction, erection or alteration of a structure or building.

Bypass Flows: Stormwater runoff from upstream properties tributary to a property's drainage system but not under its control.

Certify or Certification: Formally attesting that the specific inspections and tests were performed, and that such inspections and tests comply with the applicable requirements of this Code.

Channel: Any defined river, stream, creek, brook, branch, natural or artificial depression, ponded area, on-stream lake or impoundment, karst area (sinkhole), flowage, slough, ditch, conduit, culvert, gully, ravine, wash, or natural or manmade drainage way, which has a definite bed and bank or shoreline, in or into which surface or groundwater flows, either perennially or intermittently.

Channel Modification: Alteration of a channel by changing the physical dimensions or materials of its bed or banks. Channel modification includes damming, riprapping (or other armoring), filling, widening, deepening, straightening, relocating, lining, and significant removal of bottom or woody rooted vegetation. Channel modification does not include the man-made clearing of debris or removal of trash.

Clearing: Any activity which removes the natural vegetative ground cover.

Compensatory Storage: An artificially excavated, hydraulically equivalent volume of storage within the floodplain used to balance the loss of natural flood storage capacity when fill or structure are placed within the floodplain.

Conduit: Any channel, pipe, sewer or culvert used for the conveyance or movement of water, whether open or closed.

Cubic Yard: A **one (1) yard by one (1) yard by one (1) yard** amount of material in excavation and/or fill.

Detention Basin: A facility constructed or modified to provide for the temporary storage of stormwater runoff and the controlled release by gravity of this runoff at a prescribed rate during and after a flood or storm.

Detention Time: The amount of time stormwater is held within a detention basin.

Development: Any manmade change to real estate or property, including:

- (A) The division or subdivision of any duly recorded parcel of property;
- (B) Construction, reconstruction or placement of a building or any addition to a building;
- (C) Installation of a manufactured home on a site, preparing a site for a manufactured home, or installing a travel trailer on a site for more than **one hundred eighty (180) days** per year;
- (D) Construction of roads, bridges, or similar projects;
- (E) Redevelopment of a site;
- (F) Filling, dredging, grading, clearing, excavating, paving or other non-agricultural alterations of a ground surface;
- (G) Storage of materials or deposit of solid or liquid waste;
- (H) Any other activity that might alter the magnitude, frequency, direction, or velocity of stormwater flows from a property.

Drainage Plan: A plan, including engineering drawings and supporting calculations, which describes the existing stormwater drainage system and environmental features, including grading, as well as proposed alterations or changes to the drainage system and environment of a property.

Dry Basin: A detention basin designed to drain after temporary storage of stormwater flows and to normally be dry over much of its bottom area.

Erosion: The general process whereby soil or earth is moved by rainfall, flowing water, wind or wave action.

Excavation: Any act by which organic matter, earth, sand, gravel, rock or any other similar material, is cut into, dug, quarried, uncovered, removed, displaced, re-located or bulldozed and shall include the conditions resulting from such actions.

Excess Stormwater Runoff: The volume and rate of flow of stormwater discharged from a new development or re-development which is or will be in excess of that volume and rate which existed before development or re-development.

Existing Grade: The vertical location of the existing ground surface prior to excavation or filling.

Fill: Any act by which earth, sand, gravel, rock, or any other material, is deposited, placed, replaced, pushed, dumped, pulled, transported or moved by man to a new location and shall include the conditions resulting therefrom.

Final Grade: The vertical location of the ground surface after grading work is completed in accordance with the engineering plans.

Flood Fringe: That area as designated by the Federal Emergency Management Agency (FEMA) on either side of the floodway. This area is subject to inundation from the base flood but conveys little or no flow.

Flood Hazard Boundary Map (FHBM): A very generalized map prepared by the Federal Emergency Management Agency (FEMA) which shows only where floodplains are located based on very basic data. FHBM's do not include base flood elevations.

Flood Insurance Rate Map (FIRM): A map prepared by the Federal Emergency Management Agency (FEMA) that depicts the special flood hazard area (SFHA) within a community. This map includes insurance rate zones and regulatory floodplains and may or may not depict regulatory floodways.

Floodplain: That land adjacent to a body of water with ground surface elevations at or below the base flood or the 100-year frequency flood elevation which is subject to inundation. The floodplain as designated by the Federal Emergency Management Agency (FEMA) is also known as the Special Flood Hazard Area (SFHA). These areas can be found on the (FIRM), Flood Boundary and Floodway Map, or the Flood Hazard Boundary Map (FHBM) of the community. This area is the collective combination of the regulatory floodway and the flood fringe.

Floodway: The channel and that portion of the floodplain, including on-stream lakes, adjacent to a stream or watercourse which is needed to store and convey the anticipated existing and future 100-year frequency flood discharge with no more than a **0.1 foot** increase in stage due to any loss of flood conveyance or storage and no more than a **ten percent (10%)** increase in velocities. Floodways are designated by FEMA on some Flood Insurance Rate Maps and Flood Boundary and Floodway Maps. However, there are floodways on all streams whether mapped by FEMA or not.

Grading: The excavation or fill or any combination thereof and shall include the conditions resulting from any excavation or fill.

Hydrograph: A graph showing for a given location on a stream or conduit, the flow rate with respect to time.

Hydrograph Method: This method estimates runoff volume and runoff hydrographs for the point of interest by generating hydrographs for individual sub areas, combining them, and routing them through stream lengths and reservoir structures. Factors such as rainfall amount and distribution, runoff curve number, time of concentration, and travel time are included.

Impervious Surface: That area of property that is covered by materials other than soil and vegetation and that has no intended capacity to absorb water, such as parking lots, driveways, sidewalks, patios, tennis courts, roofs and other structures.

Infiltration: The passage or movement of water into the soil surfaces.

Loessal Soil: A sediment, commonly non-stratified and unconsolidated, composed predominately of silt sized particles with accessory clay and sand.

Lot: An individual platted parcel in an approved subdivision.

Major Drainage System: That portion of a drainage system needed to store and convey flows beyond the capacity of the minor drainage system.

Minor Drainage System: That portion of a drainage system designed for the convenience of the public. It consists of street gutters, storm sewers, small open channels, and swales and, where manmade, is to be designed to handle the 2-year runoff event.

Mitigation: Mitigation is when the prescribed controls are not sufficient and additional measures are required to offset the development, including those measures necessary to minimize the negative effects which stormwater drainage and development activities might have on the public health, safety and welfare. Examples of mitigation include, but are not limited to compensatory storage, soil erosion and sedimentation control, and channel restoration.

Modified Rational Method: As described in the Illinois Department of Transportation "Drainage Manual" is based on the principal that the maximum rate of runoff from a given drainage area occurs at that point in time when all parts of the watershed are contributing to the flow. The rainfall generating the peak flow is assumed to be of uniform intensity for the entire watershed with a rainfall duration equal to the time of concentration.

Natural: Conditions resulting from physical, chemical, and biological processes without intervention by man.

Natural Drainage: Channels formed in the existing surface topography of the earth prior to changes made by unnatural causes.

One Hundred-Year Event: A rainfall, runoff, or flood event having a one percent chance of occurring in any given year. A 24 hour storm duration is assumed unless otherwise noted.

Parcel: All contiguous land in one ownership.

Peak Flow: The maximum rate of flow of water at a given point in a channel or conduit.

Permittee: Any person to whom a building permit is issued.

Person: Any individual, firm or corporation, public or private, the State of Illinois and its agencies or political subdivisions, the United States of America, and its agencies or political subdivisions, and any agent, servant, officer or employee of any of the foregoing.

Positive Drainage: Provision for overland paths for all areas of a property including depressional areas that may also be drained by storm sewer.

Prime Farmland: Prime farmland is land that is best suited to food, feed, forage, fiber and oilseed crops. It may be cropland, pasture, woodland, or other land, but it is not urban and built up land or water areas. It is either used for food or fiber or is available for those uses. The soil qualities, growing season and moisture supply are those needed for a well managed soil to economically produce a sustained high yield of crops. Prime farmland produces the highest yields with minimum inputs of energy and economic resources, and farming it results in the least damage to the environment.

Property: A parcel of real estate.

Retention Basin: A facility designed to completely retain a specified amount of stormwater runoff without release except by means of evaporation, infiltration, emergency bypass or pumping.

Sedimentation: The process that deposits soils, debris, and other materials either on other ground surfaces or in bodies of water or stormwater drainage systems.

Site: A parcel of land, or a contiguous combination thereof, where grading work is performed as a single unified operation.

Sinkhole, (Karst Areas): A Sinkhole or Karst topography is a land surface depression or blind valley which may or may not have surface openings to cavernous underground areas and are the result of water movement through silts and jointed limestone. These conditions make such areas unstable and susceptible to subsidence and surface collapse. Fractures in the limestone may channel runoff water to public or private water supplies, making those sources especially susceptible to groundwater contamination.

Slope Disturbance Line: The line which delineates relatively level building areas from areas where slopes exceed **eight percent (8%)** and where special precautions must be taken.

Stormwater Drainage System: All means, natural and manmade, used for conducting stormwater to, through or from a drainage area to the point of final outlet from a property. The stormwater drainage system includes but is not limited to any of the following: conduits and appurtenance features, canals, channels, ditches, streams, culverts, streets, storm sewers, detention basins, swales and pumping stations.

Stormwater Runoff: The waters derived from melting snow or rain falling within a tributary drainage basin which are in excess of the infiltration capacity of the soils of that basin, which flow over the surface of the ground or are collected in channels or conduits.

Storm Sewer: A closed conduit for conveying collected stormwater.

Stream: Any river, creek, brook, branch, flowage, ravine, or natural or man-made drainage way which has a definite bed and banks or shoreline, in or into which surface or groundwater flows, either perennially or intermittently.

Stripping: Any activity which removes the vegetative surface cover including tree removal, by spraying or clearing, and storage or removal of top soil.

Ten-Year Event: A runoff, rainfall, or flood event having a **ten percent (10%)** chance of occurring in any given year. A 24 hour storm duration is assumed unless otherwise noted.

Time of Concentration: The elapsed time for stormwater to flow from the most hydraulically remote point in a drainage basin to a particular point of interest in that watershed.

Tributary Watershed: All of the land surface area that contributes runoff to a given point.

Two-Year Event: A runoff, rainfall, or flood event having a **fifty percent (50%)** chance of occurring in any given year. A 24-hour storm duration is assumed unless otherwise noted.

Vacant: Land on which there are no structures or only structures which are secondary to the use or maintenance of the land itself.

Watershed: All land area drained by, or contributing water to, the same stream, creek, ditch, lake, marsh, stormwater facility, groundwater or depression area.

Wet Basin: A detention basin designed to maintain a permanent pool of water after the temporary storage of stormwater runoff.

Wetlands: Wetlands are defined by regulation as "those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions." For general, but not inclusive locations of designated wetlands refer to mapping prepared jointly by the U.S. Department of Interior, Fish and Wildlife Service and the Illinois Department of Natural Resources, Office of Resource Conservation; National Wetlands Inventory Mapping, 1987. The applicant may be required to provide a field investigation by a qualified wetland delineator.

ARTICLE III - STORMWATER DRAINAGE AND DETENTION

32-3-1 DRAINAGE PLAN SUBMITTAL REQUIREMENTS. Each applicant shall submit the following information, to ensure that the provisions of this Code are met. The submittal shall include sufficient information to evaluate the environmental characteristics of the property, the potential adverse impacts and benefits of the development on water resources both on-site and off-site, and the effectiveness of the proposed drainage plan in managing stormwater runoff, and meet the provisions of **Section 32-1-2**. The applicant shall certify on the drawings that all clearing, grading, drainage, and construction shall be accomplished in strict conformance with the drainage plan. The following information shall be submitted for both existing and proposed property conditions for all new development or re-development.

(A) **Drainage Plan Requirements.** A topographic survey of the property at **two (2) foot** contours unless otherwise specified or approved by the Village of Sadorus. If the mapping is compiled using a digital format and the Global Positioning System (GPS), the applicant will provide both paper and digital copies including GPS points.

(B) **Mapping and Descriptions.** An existing drainage and proposed drainage plan, for the property and **one hundred (100) feet** surrounding the property at a scale of not more than **one hundred (100) feet to one (1) inch** and including the following:

- (1) property boundary, dimensions, and approximate acreage;
- (2) building setback lines;
- (3) all existing and proposed structures and sizes;
- (4) "area in" square feet of existing and proposed impervious surface;
- (5) all existing, or proposed easements;
- (6) all existing, abandoned, or proposed water or monitoring well head locations;
- (7) all sanitary or combined sewer lines and septic systems;
- (8) the banks and centerline of streams and channels;
- (9) shoreline of lakes, ponds, and detention basins with normal water level elevation;
- (10) known farm drains and tiles;
- (11) soils classifications;
- (12) location, size and slope of stormwater conduits and drainage swales;
- (13) depressional storage areas;
- (14) detention facilities;
- (15) roads, streets and associated stormwater inlets including finished grades;
- (16) base flood elevation, flood fringe, and regulatory floodway;
- (17) basis of design for the final drainage network components;
- (18) a statement giving any applicable engineering assumptions and calculations;
- (19) a vicinity map showing the relationship of the site to its general surroundings at a scale of not less than **two thousand (2,000) feet to one (1) inch (1:24,000)**
- (20) title, scale, north arrow, legend, seal of Licensed Professional Engineer, date, and name of person preparing plans.
- (21) cross-section data for open channel flow paths and designated overland flow paths;
- (22) direction of storm flows;
- (23) flow rates and velocities at critical points in the drainage system (may be included in the supporting documentation);

- (24) a statement by the design engineer of the drainage system's provision for handling events greater than the 100-year, 24 hour runoff (may be included in the supporting documentation); and,
- (25) a statement of certification of all drainage plans, calculations, and supporting data by a Licensed Professional Engineer.

(C) **Environmental Features.** A depiction of environmental features of the property and immediate vicinity including the following:

- (1) the limits of designated regulatory and non-regulatory wetland areas;
- (2) the location and limits of known sinkholes (karst areas);
- (3) any known designated natural areas, prime farmland; and
- (4) any known proposed environmental mitigation features.

32-3-2 MINIMIZATION OF INCREASES IN RUNOFF VOLUMES AND RATES. In the selection of a drainage plan for a new development or re-development, the applicant shall evaluate and implement site design features which minimize the increase in runoff volumes and rates from the site. The applicant's drainage plan submittal shall include evaluations of site design features which are consistent with the following hierarchy:

- (A) Preservation of regulatory floodplains, flood prone and wetland areas;
- (B) Minimize impervious surfaces on the property, consistent with the needs of the project;
- (C) Attenuate flows by use of open vegetated swales and natural depressions and preserves the existing natural stream channel.
- (D) Infiltration of runoff on-site;
- (E) Provide stormwater retention structures;
- (F) Provide wet or wetland detention structures;
- (G) Provide dry detention structures; and
- (H) Construct storm sewers.

32-3-3 WATER QUALITY AND MULTIPLE USES. The drainage system should be designed to minimize adverse surface and groundwater quality impacts off-site and on the property itself. Detention basins shall incorporate design features to capture stormwater runoff pollutants. When designers propose wet bottom and wetland type designs, all flows from the development shall be routed through the basin (i.e. low flows shall not be bypassed). When it is not practical or feasible to route all of the project's flow to the detention basin, the design of the basin shall compensate for the bypass flow. In cases where detention facilities are practical and the long term maintenance of such facilities are provided for, detention of stormwater shall be promoted throughout the property's drainage system to reduce the volume of stormwater runoff and to reduce the quantity of runoff pollutants.

The drainage system should incorporate multiple uses where practicable. Uses considered compatible with stormwater management include open space, aesthetics, aquatic habitat, recreation (boating, fishing, trails, playing fields), wetlands and water quality mitigation.

Water quality shall adhere to:

- (A) Illinois Environmental Protection Act - 415 ILCS 5/12, from Ch. 111 ½, par 1011 & 1012;
- (B) Illinois Pollution Control Board Rules & Regulations - Title 35: Environmental Protection, Subtitle C: Water Pollution, Chapter I: Pollution Control Board, Part 302 Water Quality Standards; and
- (C) Illinois Pollution Control Board Rules & Regulations - Title 35: Environmental Protection, Subtitle C: Water Pollution, Chapter I: Pollution Control Board, Part 304 Effluent Standards.

32-3-4 DESIGN CRITERIA, STANDARDS, AND METHODS.

(A) **Release Rates.** The drainage system for new developments or redevelopments shall be designed to control the peak rate of discharge from the property for the **two (2) year**, 24-hour and 100-year, 24 hour events to discharge rates at or below those which existed prior to development. Additionally, the discharge from a stormwater detention facility shall not cause an increase in flooding or channel instability downstream when considered in aggregate with other developed properties and downstream drainage capacities.

(B) **Detention Basin Outlet Design.** The detention basin outlet control structure shall be designed to account for observed or anticipated downstream tail water elevations. The tail water elevations used in the detention model shall be for the particular storm frequency being routed through the detention basin. An emergency spillway or overflow device shall be provided and set at an elevation equivalent to the 100-year design high water.

A calculation shall be made to determine the water elevation in the detention basin that would result from a 100-year storm with the outflow control structure openings blocked. The discharge rate flowing through the emergency spillway shall not exceed the 100-year pre-development flow rate. The top of bank for the detention basin shall be set at least **one (1) foot** above this elevation. The lowest finished floor elevation of adjacent structures shall also be at least **one (1) foot** above the detention basin top of bank.

(C) **Detention Storage Requirements. See Section 32-3-4(A).**

(D) **Drainage System Design and Evaluation.** The following criteria should be used in evaluating and designing the drainage system. The design will provide capacity to pass the 10-year peak flow rate in the minor drainage system and an overload flow path for flows in excess of the design capacity.

(E) **Design Methodologies.** Detention basin design shall be calculated using SCS TR-55 methods. Basins with drainage areas of **ten (10) acres** or less may be calculated using the Rational Method as approved by the Illinois Department of Transportation. Other applicable methods, i.e. HEC-1, TR-20, SWMM, etc. shall be used for large watersheds.

(F) **Positive Drainage.** Whenever practicable, all developments must be provided an overland flow path that will pass the 100-year, 24 hour event flow at a stage at least **one (1) foot** below the lowest grade, adjacent to a structure, in the vicinity of the flow path. Street ponding and flow depths shall not exceed curb heights.

(G) **Rainfall.** Unless a continuous simulation approach to drainage system hydrology is used, all design rainfall events shall be based on the Illinois State Water Survey's Bulletin 70. The first quartile point rainfall distribution shall be used for the design and analysis of conveyance systems with critical durations less than or equal to **six (6) hours**. The second quartile distribution shall be used for storms with durations greater than **six (6) hours** and less than or equal to **twelve (12) hours**. The third quartile point rainfall distribution shall be used for the design and analysis of detention basins and conveyance system with critical durations greater than **twelve (12)** and less than or equal to **twenty-four (24) hours**. The fourth quartile distribution shall be used in the design and analysis of systems with durations greater than **twenty-four (24) hours**. The first, third, and fourth quartile distributions described by Huff are presented in Table 37 of Bulletin 70. Refer to Table 13 of Bulletin 70 for rainfall depth, duration, and frequency. The NRCS Type II distribution may be used as an alternate to the Huff distributions. The total rainfall value for the design storm shall be adjusted for the "St. Louis Urban Effect" as given in Table 4, Illinois State Water Survey Circular 172.

(H) **Antecedent Moisture.** Average antecedent moisture conditions shall be assumed when calculating runoff curve numbers for use in the SCS TR-55 method.

(I) **Wet Detention Basin Design.** Wet detention basins shall be designed to remove stormwater pollutants, to be safe, to be aesthetically pleasing, and as much as feasible to be available for recreational use.

(J) **Wet Basin Depths.** Wet basins shall be at least **three (3) feet** deep, excluding near-shore banks and safety ledges. If fish habitat is to be provided they shall be at least **eight (8) feet** deep over **twenty-five percent (25%)** of the bottom area to prevent winterkill.

(K) **Wet Basin Shoreline Slopes.** The side slopes of wet basins at the normal pool elevation shall not be steeper than **three to one (3 to 1)** horizontal to vertical). It is recommended that aquatic vegetation be established around the perimeter to provide protection from shoreline erosion. For basins in excess of **five (5) acres**, rip rap shoreline protection shall be provided.

(L) **Permanent Pool Volume.** The permanent pool volume in a wet basin at normal depth shall, at a minimum, be equal to the runoff volume from its watershed for the 2-year, 24-hour event (calculated during dry weather conditions).

(M) **Wet Basin Inlet and Outlet Orientation.** The distance between detention inlets and outlets shall be maximized. Inlets and outlets shall be at opposite ends of the basin providing that the orientation does not create undue hardship based on topography or other natural constraints.

(N) **Dry Detention Basin Design.** In addition to the other requirements of this Code, dry basins shall be designed to remove stormwater pollutants, to be safe, to be aesthetically pleasing and as much as feasible to be available for multiple uses. Paved low flow channels may be used in a dry basin provided provisions are made to prevent ponding.

(O) **Dry Basin Drainage.** Dry basins shall be designed so that **eighty percent (80%)** of their bottom area shall have standing water no longer than **seventy-two (72) hours** for any runoff event less than the 100-year, 24 hour event. Grading plans shall clearly distinguish the wet portion of the basin bottom. Underdrains directed to the outlet may be used to accomplish this requirement.

(P) **Velocity Dissipation.** Velocity dissipation measures shall be incorporated into dry basin designs to minimize erosion at inlets and outlets and to minimize resuspension of pollutants.

(Q) **Dry Basin Inlet and Outlet Orientation.** Shall be the same as **Section 32-3-4(M).**

(R) **Existing Depressional Areas.** Existing depressional storage volume will be maintained and the volume of detention storage provided to meet the requirements of this Code shall be in addition to existing storage.

(S) **Minimum Detention Outlet Size.** Where a single pipe outlet or orifice plate is to be used to control discharge, it shall have a minimum diameter of **twelve (12) inches** for larger basins. Smaller basins may install a smaller rectangular or v-notch weir to control discharge. If this minimum orifice size permits release rates greater than those specified in this Section, and regional detention is not a practical alternative, outlets, structures such as perforated risers, or flow control orifices shall be used.

(T) **Detention in Flood Plains.** The placement of detention basins within the flood plain is strongly discouraged because of questions about their reliable operation during flood events. However, the stormwater detention requirements of this Code may be fulfilled by providing detention storage within flood fringe areas on the project site provided the following provisions are met as well as compliance with **Section 32-1-2.**

(U) **Detention in Flood Fringe Areas.** The placement of a detention basin in a flood fringe area shall require compensatory storage for **one and one-half (1.5) times** the volume below the base flood elevation occupied by the detention basin including any berms. The release from the detention storage provided shall still be controlled consistent with the requirements of this Section. The applicant shall demonstrate its operation for all stream-flow and flood plain backwater conditions. Excavations for compensatory storage along watercourses shall be opposite or adjacent to the area occupied by detention. All flood plain storage lost below the existing ten-year flood elevation shall be replaced below the existing ten-year elevation. All flood plain storage lost above the existing

ten-year flood elevation shall be replaced above the existing ten-year flood elevation. All compensatory storage excavations shall be constructed to drain freely and openly to the watercourse and comply with **Section 32-1-2**.

(V) **Detention on Prime Farmland.** The placement of detention basins shall avoid the utilization of prime farmland. All detention basin construction shall examine potential impacts to adjacent agricultural land and shall address measures that will be implemented to eliminate such impacts and comply with **Section 32-1-2**.

(W) **Detention in Floodways.** Detention basins shall be placed in the floodway only in accordance with **Section 32-3-4(T)**.

(X) **On-Stream Detention.** On-stream detention basins are discouraged but allowable if they provide regional public benefits and if they meet the other provisions of this Code with respect to water quality and control of the 100-year 24-hour events from the property. Further criteria are presented in **Section 32-3-5** of this Code. If on-stream detention is used in watersheds larger than **one (1) square mile**, the applicant will use hydrographic modeling to demonstrate that the design will not increase the water level for any properties upstream or downstream of the property. Also, impoundment of the stream as part of on-stream detention:

- (1) shall not prevent the migration of indigenous fish species, which require access to upstream areas as part of their life cycle, such as for spawning,
- (2) shall not cause or contribute to the degradation of water quality or stream aquatic habitat,
- (3) shall include a design calling for gradual bank slopes, appropriate bank stabilization measures, and a pre-sedimentation basin,
- (4) shall not involve any stream channelization or the filling of wetlands,
- (5) shall require the implementation of an effective non-point source management program throughout the upstream watershed which shall include as a minimum: runoff reduction "Best Management Practices" (BMP's) consistent with **Section 32-3-2**; 2 year, 24 hour detention/sedimentation basins for all development consistent with **Section 32-3-4(X)**.
- (6) shall not occur downstream of a wastewater discharge, and
- (7) shall not contribute to the duration or flood frequency of any adjacent land.
- (8) shall comply with **Section 32-1-2**.

(Y) **Drainage Into Wetlands, Rivers, Streams, Lakes, Ponds, and Depressional Storage Areas.** Wetlands, lakes, ponds and depressional storage areas shall be protected from damaging modifications and adverse changes in runoff quality and quantity associated with land developments. In addition to the other requirements of this Code, the following requirements shall be met for all developments whose drainage flows into wetlands, rivers, lakes, ponds or depressional storage areas.

(Z) **Detention in Wetlands, Rivers, Streams, Lakes, Ponds or Depressional Storage Areas.** Existing wetlands, rivers, lakes, ponds or depressional storage areas shall not be modified for the purposes of stormwater detention unless it is demonstrated that the proposed modifications will maintain or improve its habitat and ability to perform beneficial functions and shall comply with **Section 32-1-2**. Existing storage and release rate characteristics of wetlands, rivers, lakes, ponds or depressional storage areas shall be maintained and the volume of detention storage provided to meet the requirements of this Section shall be in addition to this existing storage.

(AA) **Sediment Control.** The existing wetlands, rivers, lakes, ponds, or depressional storage areas shall be protected during construction and as further regulated in **Article IV** of this Code.

(BB) **Alteration of Drainage Patterns.** Site drainage patterns shall not be altered to substantially decrease or increase the existing area tributary to the wetlands, rivers, lakes, ponds or depressional storage areas.

(CC) **Detention/Sedimentation.** All runoff from the development shall be routed through a preliminary detention/sedimentation basin designed to capture the two-year, 24-hour event and hold it for at least **twenty-four (24) hours**, before being discharged to the wetland, river, lake, pond, or depressional storage area. This basin shall be constructed before property grading begins and shall be maintained throughout the construction process. In addition, the drainage hierarchy defined in **Section 32-3-1** should be followed to minimize runoff volumes and rates being discharged to the wetland, river, stream, lake, pond, or depressional storage area and as further regulated in and **Article II** of this Code.

(DD) **Loessal Soils.** Care must be taken to avoid open flow discharges of stormwater over silt (loessal) soils due to high potential for erosion.

(EE) **Sinkholes, Karst Area.** The following requirements apply for new developments or redevelopments where sinkholes are determined to be present:

- (1) A stormwater detention basin shall not be placed in or over a sinkhole.
- (2) Stormwater detention basins shall not be located closer than **one hundred (100) feet** from the rim of a sinkhole.
- (3) The outflow from a stormwater detention basin, channel, ditch or any stormwater runoff generated as a result of a new development or redevelopment shall not empty into or be directed, redirected by any means into or through any sinkhole.
- (4) If, after the review of the stormwater drainage plan, the Building and Zoning Administrator may determine that more detailed information is required, a sinkhole evaluation may be required. A sinkhole evaluation which addresses the geologic, engineering and environmental factors resulting from a new development or redevelopment be performed by a professional with experience and expertise in karst topography, whom shall certify the results of the evaluation. This evaluation shall be the responsibility of the applicant and performed at no cost to the Village of Sadorus, Illinois. After a review of this evaluation and with the consultation of the County Soil and Water Conservation District, the Village of Sadorus Building and Zoning Administrator may either approve or disapprove the drainage plan as submitted.
- (5) Whenever a new sinkhole appears or it becomes apparent that the sinkhole has not yet been identified, it shall be reported to the County Soil and Water Conservation District.
- (6) Shall comply with **Section 32-1-2.**

(FF) **Street Detention, Parking Lot Detention, and Culvert Drainage.**

(GG) **Street Detention.** If streets are to be used as part of the minor or major drainage system, ponding depths shall not exceed curb heights and shall not remain flooded for more than **eight (8) hours** for any event less than or equal to the 100-year, 24 hour event.

(HH) **Parking Lot Detention.** The maximum stormwater ponding depth in any parking area shall not exceed **six (6) inches** for more than **four (4) hours**.

(II) **Culvert, Road and Driveway Crossings.** Sizing of culvert crossings shall consider entrance and exit losses as well as tail water conditions on the culvert.

(JJ) **Infiltration Practices.** To effectively reduce runoff volumes, infiltration practices including basins, trenches, and porous pavement should be located in hydrologic soil groups "A" and "B" as designated by the USDA Natural Resources Conservation Service. Infiltration basins and trenches designed to re-charge groundwater shall not be located within **seventy-five (75) feet** of a water supply well or building foundation and comply with **Section 32-1-2.** A sediment settling basin shall be provided to remove coarse sediment from stormwater flows before they reach

infiltration basins or trenches. Stormwater shall not be allowed to stand more than **seventy-two (72) hours** over **eighty percent (80%)** of the dry basin's bottom area for the maximum design event to be ex-filtrated. The bottom of infiltration basins or trenches shall be a minimum of **four (4) feet** above the seasonally high groundwater and bedrock level. Engineering calculations demonstrating infiltration rates shall be included with the application.

(KK) **Vegetated Filter Strips and Swales.** To effectively filter stormwater pollutants and promote infiltration of runoff, sites should be designed to maximize the use of vegetated filter strips and swales. Whenever practicable, runoff from impervious surfaces should be directed onto filter strips and swales comprised of native grasses and forbs before being routed to a storm sewer or detention basin.

(LL) **Safety Considerations.** The drainage system components, especially all detention basins, shall be designed to protect the safety of any children or adults coming in contact with the system during runoff events and shall comply with **Section 32-1-2.**

(MM) **Side Slopes.** The side slopes of all detention basins at 100-year, 24-hour capacity shall be as level as practicable to prevent accidental falls into the basin and for stability and ease of maintenance. Side slopes of detention basins and open channels shall not be steeper than three (3) to one (1) (horizontal to vertical).

(NN) **Safety Ledge.** All wet detention basins shall have a level safety ledge at least **four (4) feet** in width **two and one-half (2.5) to three (3) feet** below the normal water depth or must be protected by an enclosed fence, at least **forty-eight (48) inches** in height.

(OO) **Velocity.** Velocities throughout the surface drainage system shall be controlled to safe levels taking into consideration rates and depths of flow.

(PP) **Overflow Structures. See 32-3-4(B).**

(QQ) **Maintenance Considerations.** The stormwater drainage system shall be designed to minimize and facilitate maintenance. Turfed side slopes shall be designed to allow lawn-mowing equipment to easily negotiate them. Wet basins shall be provided with alternate outflows which can be used to completely drain the pool for sediment removal. Pumping may be considered if drainage by gravity is not feasible. Pre-sedimentation basins shall be included, where feasible, for localizing sediment deposition and removal. Site access for heavy equipment shall be provided.

32-3-5 ACCOMMODATING FLOWS FROM UPSTREAM TRIBUTARY AREAS.

Stormwater runoff from areas tributary to the property shall be considered in the design of the property's drainage system. Whenever practicable, flows from upstream areas that are not to be detained should be routed around the basin being provided for the site being developed.

(A) **Upstream Areas Not Meeting Code Requirements.** When there are areas not meeting the storage and release rates of this Code, tributary to the applicant's property, regionalized detention on the applicant's property may be explored by the applicant or the County. When it is deemed beneficial by the County or the Applicant to explore such a design, the following steps shall be followed:

- (1) The applicant shall compute the storage volume needed for his property using the release rates of **Section 32-3-4**, the applicant's property area, and the procedures described in **Section 32-3-3.**
- (2) Areas tributary to the applicant's property, not meeting the storage and release rate requirements of this Code, shall be identified.
- (3) Using the areas determined above plus the applicant's property area, total storage needed for the combined properties shall be computed.

Allowable release rates shall be computed using the combined property areas. Storage shall be computed as described in **Section 32-3-4.** If tributary areas are not developed, a reasonable fully developed land cover, based on local zoning, shall be used for the purposes of computing storage.

Once the necessary combined storage is computed, the Village of Sadorus may choose to pay for over-sizing the applicant's detention basin to accommodate the regional flows. The applicant's responsibility will be limited to the storage for his property as computed above. If regional storage is selected by the County then the design is produced in **Section 32-3-3** shall be implemented. If regional storage is rejected by the Village of Sadorus, the applicant shall bypass all tributary area flows around the applicant's basin whenever practicable. If the applicant must route upstream flows through his basin and the upstream areas exceed **one (1) square mile** in size, the applicant must meet the provision of **Article IV** for on-stream basins.

(B) **Upstream Areas Meeting Code Requirements.** When there are areas which meet the storage and release rate requirements of this Code, tributary to the applicant's property, the upstream flows shall be bypassed around the applicant's detention basin if this is the only practicable alternative. Storage needed for the applicant's property shall be computed as described in **Section 32-3-5(A)**. However, if the Village of Sadorus, Illinois decides to route tributary area flows through an applicant's basin, the final design stormwater releases shall be based on the combined total of the applicant's property plus tributary areas. It must be shown that at no time will the release rate from the combined property exceed the allowable release rate for applicant's property alone.

32-3-6 EARLY COMPLETION OF DETENTION FACILITIES. Where detention, retention, or depressional storage areas are to be used as part of the drainage system for a property, they shall be constructed as the first element of the initial earthwork program. Any eroded sediment captured in these facilities shall be removed by the applicant on a regular basis and before project completion in order to maintain the design volume of the facilities.

ARTICLE IV - SOIL EROSION AND SEDIMENT CONTROL

32-4-1 FINDINGS. The Village of Sadorus, Illinois hereby finds that:

- (A) The soil types found in the Village of Sadorus, Illinois are susceptible to erosion and if left unprotected could cause severe loss of soil with resultant damage to property;
- (B) The topography of the Village of Sadorus, Illinois contains areas with steep slopes upon which, if clearing of trees and/or inappropriate construction takes place, could result in severe erosion and slope stability problems which could result in damage to property;
- (C) Excessive quantities of soil may erode from areas undergoing development for certain non-agricultural uses including but not limited to the construction of dwelling units, commercial buildings and industrial plants, the building of roads and highways, the modification of stream channels and drainage ways, and the creation of recreational facilities;
- (D) The washing, blowing, and falling of eroded soil across and upon roadways endangers the health and safety of users thereof, by decreasing vision and reducing traction of road vehicles;
- (E) Soil erosion necessitates the costly repairing of gullies, washed out fills, and embankments;
- (F) Sediment from soil erosion tends to clog sewers and ditches and to pollute and silt rivers, streams, lakes, sinkholes, wetlands, and reservoirs;
- (G) Sediment limits the use of water and waterways for most beneficial purposes, promotes the growth of undesirable aquatic weeds, destroys fish and other desirable aquatic life, and is costly and difficult to remove; and
- (H) Sediment reduces the channel capacity of waterways and the storage capacity of flood plains and natural depressions, resulting in increased chances of flooding at risk to public health and safety.

32-4-2 GENERAL PRINCIPLES. It is the objective of this Code to control soil erosion and sedimentation caused by development activities, including clearing, grading, stripping, excavating, and filling of land, in the Village of Sadorus, Illinois. Measures taken to control soil erosion and off-site sediment runoff shall be adequate to assure that sediment is not transported from the site by a storm event of ten-year, 24 hour frequency or less. The following principles shall apply to all new development or redevelopment activities within the Village of Sadorus, Illinois and to the preparation of the submissions required under **Section 32-4-3** of this Code.

- (A) New development or redevelopment shall be related to the topography and soils of the site so as to create the least potential for erosion. Areas of steep slopes greater than **thirty-three percent (33%)** where high cuts and fills may be required are to be avoided wherever possible, and natural contours should be followed as closely as possible.
- (B) Natural vegetation shall be retained and protected wherever possible. Areas immediately adjacent to natural watercourses, lakes, ponds, sinkholes, and wetlands are to be left undisturbed wherever possible. Temporary crossings of watercourses, when permitted, must include appropriate stabilization measures.
- (C) Special precautions shall be taken to prevent damages resultant from any necessary development activity within or adjacent to any stream, lake, pond, sinkhole or wetland. Preventive measures shall reflect the sensitivity of these areas to erosion and sedimentation. Water quality shall adhere to:
 - (1) Illinois Environmental Protection Act - 415 ILCS 5/12, from Ch. 111 ½, par 1011 & 1012;
 - (2) Illinois Pollution Control Board Rules & Regulations - Title 35: Environmental Protection, Subtitle C: Water Pollution, Chapter I: Pollution Control Board, Part 302 Water Quality Standards; and

- (3) Illinois Pollution Control Board Rules & Regulations - Title 35: Environmental Protection, Subtitle C: Water Pollution, Chapter I: Pollution Control Board, Part 304 Effluent Standards.

(D) In the design of erosion control facilities and practices, aesthetics and the requirements of continuing maintenance must be considered.

(E) Provisions shall be made to accommodate the increased run-off caused by changing soil and surface conditions during and after development. Drainage ways should be designed so that their final gradients and the resultant velocities and rates of discharge will not create additional erosion on-site or downstream.

(F) Permanent vegetation and structures shall be installed and functional as soon as practical during development.

(G) Those areas being converted from agricultural purposes to other land uses shall be vegetated with an appropriate protective cover prior to development.

(H) All waste generated as a result of site development activity shall be properly disposed of and shall be prevented from being carried off the site by either wind or water.

(I) All construction sites shall provide measures to prevent sediment from being tracked onto public or private roadways.

(J) All temporary soil erosion and sediment control practices shall be maintained to function as intended until the contributing drainage area has been permanently stabilized at which time they shall be removed.

32-4-3 EROSION AND SEDIMENT CONTROL PLAN SUBMITTAL REQUIREMENTS. Each applicant shall submit the information depending on development size, as regulated to ensure that the provisions of this Code are met. The submittal shall include sufficient information to evaluate the environmental characteristics of the property, the potential adverse impacts of the development related to erosion both on-site and off-site, and the effectiveness of the proposed erosion and sediment control plan in reducing sediment loss and meet the provisions of **Section 32-1-2**. The applicant shall certify on the drawing that all clearing, grading, drainage, and construction shall be accomplished in strict conformance with the erosion and sediment control plan. The following information shall be submitted for both existing and proposed property conditions; new developments or re-developments meeting the requirements of **Section 32-1-3**.

(A) **Erosion and Sediment Control Plan Requirements.** Shall meet the requirements of **Section 32-3-1(A)**, **Section 32-3-1(B)**, and **Section 32-1-2**.

(B) **Mapping and Descriptions.** The existing and proposed erosion and sediment control features of the property and immediate vicinity including:

- (1) As required in **Section 32-3-1(A)**, **Section 32-3-1(B)**, and **Section 32-3-1(C)**;
- (2) Location of the slope disturbance line;
- (3) Location and description of the erosion and sediment control measures to be employed during construction;
- (4) For any structures proposed to be located on the slope side of the slope disturbance line the map shall include the limits of disturbance including tree removal, erosion and sediment control measures during construction, cross section view of any proposed cut or fill, erosion and sediment control measures during construction, details of method(s) proposed for providing slope stability, permanent stormwater control measures, and permanent erosion and sediment control measures all being certified by a registered professional engineer or a "Certified Professional Erosion Control Specialist."

- (5) The predominant soil types on the site, their location, and their limitations for the proposed use as defined by the USDA Natural Resources Conservation Service.
- (6) The proposed use of the site, including present and planned development, areas of clearing, stripping, grading, excavation and filling; proposed contours, finished grades, and street profiles; the stormwater plan as required in **Article III**; kinds and locations of utilities, areas and acreages proposed to be paved, sodded or seeded, vegetatively stabilized, or left undisturbed; and the location of specimen trees over **eighteen (18) inches** in diameter and their type.
- (7) The erosion and sediment control plan showing all measures necessary to meet the requirements of this Code throughout all phases of construction and those remaining permanently after completion of the development of the site, including:
 - (a) Location and description, including standard details, of all sediment control measures, runoff control measures, including diversions, waterways and outlets, and design specifics of sediment basins and traps including outlet details.
 - (b) Location and description of all soil stabilization and erosion control measures, including seeding mixtures and rates, types of sod, method of seedbed preparation, expected seeding dates, type and rate of lime and fertilizer application, kind and quantity of mulching for both temporary and permanent vegetative control measures, and types of non-vegetative stabilization measures.
 - (c) Location and description of methods to prevent tracking of sediment off-site including construction entrance details, as appropriate.
 - (d) Description of dust and traffic control measures.
 - (e) Locations of stockpiles and description of stabilization methods.
 - (f) Location of off-site fills or borrow volumes, locations and methods of stabilization.
 - (g) Provisions for maintenance of control measures, including type and frequency of maintenance, easements, and estimates of the cost of maintenance.
 - (h) The proposed phasing of development of the site, including stripping and clearing, rough grading and construction, and final grading and landscaping. Phasing should identify the expected date on which clearing will begin, the estimated duration of exposure of cleared area, and the sequence of installation of temporary sediment control measures (including perimeter controls), installation of stormwater drainage, paving streets and parking areas, final grading and the establishment of permanent vegetative cover, and the removal of temporary measures. It shall be the responsibility of the applicant to notify the Building and Zoning Administrator of any significant changes which occur in the site development schedule after the initial erosion and sediment control plan has been approved.

32-4-4 DESIGN AND OPERATION STANDARDS AND REQUIREMENTS. The preparation of soil erosion and sediment control plans shall follow the principles outlined in the "Illinois Procedures and Standards for Urban Soil Erosion and Sedimentation Control", excepting **Chapter 6** published by the Urban Committee of the Association of Illinois Soil and Water Conservation Districts. The design criteria, standards, and methods shall be prepared in accordance with the requirements of this Code and the standards and specifications contained in "Illinois Urban Manual" prepared for the Illinois Environmental Protection Agency by the USDA Natural Resources Conservation Service, which standards and methods are hereby incorporated into this Code by reference. In the event of conflict between the provisions of said manuals and of this Code, this Code shall govern.

(A) **Erosion and Sediment Control Design Requirements.** New developments or redevelopments shall comply with **Section 32-4-3** and meet the following:

- (1) Control measures shall be constructed to control runoff from the property to such an extent possible that sediment is retained on-site.
- (2) Temporary on-site control measures required shall be constructed and functional prior to initiating clearing, grading, stripping, excavating or fill activities on the site.
- (3) Disturbed areas shall be stabilized with permanent measures within **seven (7) calendar days** following the end of active disturbance, or re-disturbance consistent with the following criteria:
 - (a) Appropriate permanent stabilization measures shall include seeding, mulching, sodding, with non-vegetative measures as a last resort.
 - (b) Areas having slopes greater than **thirty-three percent (33%)** shall be stabilized with sod, mat, or blanket in combination with seeding or equivalent.
- (4) All temporary and permanent erosion and sediment control practices must be maintained and repaired as needed to assure effective performance of their intended function.
- (5) **Site Development Requirements.** On-site sediment control measures, as specified by the following criteria, shall be constructed as specified in the referenced handbooks, and functional prior to initiating clearing, grading, stripping, excavating or fill activities on the site.
 - (a) For new developments or redevelopments less than **one (1) acre**, or for a tract of land where a single family dwelling is being erected and less than **ten thousand (10,000) square feet** of impervious surface is being developed, filter barriers (including filter fences, straw bales, or equivalent control measures) shall be constructed to control all on-site runoff. Vegetated filter strips, with a minimum width of **twenty-five (25) feet**, may be used as an alternative only where runoff in sheet flow is expected.
 - (b) For new developments or re-developments more than **one (1) acre** but less than **five (5) acres**, a sediment trap designed in accordance with the IEPA Standards and Specifications for Soil Erosion or equivalent control measure shall be constructed at the down slope point of the disturbed area.

- (c) For new developments or redevelopments greater than **five (5) acres**, a sediment basin or equivalent control measure shall be constructed at the down slope point of the disturbed area.
 - (d) Sediment basin and sediment trap designs shall provide for both "dry" detention and "wet" detention sediment storage. The detention storage shall be composed of equal volumes of "wet" detention storage and "dry" detention storage and each shall be sized as regulated in **Article III**. The release rate of the basin shall be that rate as regulated in **Article III**. The elevation of the outlet structure shall be placed such that it only drains the dry detention storage.
 - (e) The sediment storage shall be sized to store the estimated sediment load generated from the site over the duration of the construction period with a minimum storage equivalent to the volume or sediment generated in **one (1) year**. For construction periods exceeding **one (1) year**, the 1-year sediment load and a sediment removal schedule may be substituted.
 - (f) The alteration of sinkholes by filling, grading or excavation is prohibited, including an area within **twenty-five (25) feet** from the rim.
 - (g) To the extent possible or as otherwise regulated in this Code all desirable trees **eight (8) inches** in diameter and larger shall be protected for their present and future value for erosion protection and other environmental benefits. Trees that have been selected for preservation shall be marked prior to the beginning of any clearing, grading, stripping, excavation, or filling of the site. A "No" construction zone shall be established and marked at the perimeter of the drip line of each tree which is to be preserved.
- (6) Stormwater conveyance channels, including ditches, swales, and diversions, and the outlets of all channels and pipes shall be designed and constructed as regulated in **Article III**. All constructed or modified channels shall be stabilized within **forty-eight (48) hours**, consistent with the standards as required in the IEPA Erosion Control Manual "Standards and Specifications for Soil Erosion and Sediment Control".
 - (7) Land disturbance activities in stream channels shall be avoided, where possible, or as regulated in **Article III**. If disturbance activities are unavoidable, the following requirements shall be met.
 - (a) Construction vehicles shall be kept out of the stream channel to the maximum extent practicable. Where construction crossings are necessary, temporary crossings shall be constructed of non-erosive material, such as riprap or gravel.
 - (b) The time and area of disturbance of stream channels shall be kept to a minimum. The stream channel, including bed and banks, shall be stabilized within **forty-eight (48) hours** after channel disturbance is completed, interrupted, or stopped.

- (8) Storm sewer inlets and culverts shall be protected by sediment traps or filter barriers meeting accepted design standards and specifications.
- (9) Soil storage piles containing more than **ten (10) cubic yards** of material shall not be located with a down slope drainage length of less than **twenty-five (25) feet** to a roadway, drainage channel, or sinkhole. Filter barriers, including straw bales, filter fence, or equivalent, shall be installed immediately on the down slope side of the piles.
- (10) If dewatering devices are used, discharge locations shall be protected from erosion. All pumped discharges shall be routed through appropriately designed sediment traps or basins, or equivalent and shall not be deposited into a sinkhole.
- (11) Each site shall have graveled (or equivalent) entrance roads, access drives, and parking areas of sufficient length and width to prevent sediment from being tracked onto public or private roadways. Any sediment reaching a public or private road shall be removed by shoveling or street cleaning (not flushing) before the end of each workday and transported to a controlled sediment disposal area.

32-4-5 MAINTENANCE OF CONTROL MEASURES. All soil erosion and sediment control measures necessary to meet the requirements of this Code shall be maintained periodically by the applicant or subsequent land owner during the period of land disturbance and development of the site in a satisfactory manner to ensure adequate performance.

32-4-6 CONTROL OF CONSTRUCTION SITE WASTES. All waste materials generated during construction activities must be properly disposed. Examples of construction site waste may consist of, but not be limited to, all building materials, raised structure debris, concrete (including concrete truck wash), asphalt, brick, excess soil, rebar, erosion and sediment control materials, cleared vegetation, chemicals, temporary bathroom facilities and all other construction site wastes.

32-4-7 CONSTRUCTION SITE STORMWATER POLLUTION PREVENTION PLAN. Activities that are applicable to this Code, per **Section 32-1-3**, must provide a Construction Site Stormwater Pollution Prevention Plan (CSSPPP).

The Construction Site Stormwater Pollution Prevention Plan may be a full sized plan sheet with necessary notes for requirements or may be a narrative explaining construction site operating procedures to minimize or eliminate stormwater pollution as a result of construction activities.

The items covered in an approvable CSSPPP are dependent on the activities and the materials required on site to complete the project. Therefore, the detail of the Plan may be more or less depending on site activities planned. Standard items include in a CSSPPP are, but are not limited to:

- (A) Purpose.
- (B) Construction Site Description.
- (C) Activities/Materials to be Addressed in the CSSPPP.
- (D) Construction Site Operating Procedures.
- (E) Activities/Materials Monitoring & Maintenance.
- (F) Emergency and Spill Procedures.

Should construction site activities/materials change during construction, the CSSPPP must reflect the changes. Therefore, the plan must be kept on-site at all times and be altered as necessary with the approval of the Inspector. Should major changes be warranted, a revised plan must be submitted for review and approval.

ARTICLE V - LONG TERM MAINTENANCE RESPONSIBILITY

32-5-1 **LONG TERM MAINTENANCE RESPONSIBILITY.** Maintenance of stormwater drainage, and erosion and sediment control facilities located on private property shall be the responsibility of the owner of that property. Before an appropriate permit is obtained from the Village of Sadorus, Illinois the applicant shall execute a maintenance agreement with the Village of Sadorus, Illinois guaranteeing that the applicant and all future owners of the property will maintain its stormwater drainage and erosion and sediment control system and shall provide for access to the system for inspection by authorized personnel of Village of Sadorus, Illinois. The maintenance agreement shall also stipulate that if the appropriate personnel of the Village of Sadorus, Illinois notify the property owner in writing of maintenance problems which require correction, the property owner shall begin such corrections within **twenty-four (24) hours** and shall not extend beyond **seven (7) calendar days** of such notification. If the corrections are not made within this time period the Village of Sadorus, Illinois may have the necessary work completed and assess the cost to the property owner. The Village of Sadorus, Illinois has the option of requiring a bond to be filed by the property owner for maintenance of the stormwater drainage and erosion and sediment control system.

ARTICLE VI - INSPECTIONS

32-6-1 **INSPECTIONS.** The Zoning Administrator shall make inspections as hereinafter required and shall either approve that portion of the work completed or shall notify the permittee wherein the work fails to comply with the stormwater drainage or erosion and sedimentation control plan as approved. Plans for grading, stripping, excavating, and filling work bearing the stamp of approval of the Zoning Administrator shall be maintained at the site during progress of the work. In order to obtain inspections and to ensure compliance with this Code, the permittee shall notify the Zoning Administrator within **two (2) working days** of the completion of the construction stages specified below:

(A) Upon completion of installation of the stormwater drainage and erosion and sediment control measures (including perimeter controls and diversions), prior to proceeding with any other earth disturbance or grading,

(B) After stripping and clearing,

(C) After final grading,

(D) After seeding and landscaping deadlines, and

(E) After final stabilization and landscaping, prior to removal of sediment controls.

If stripping, clearing, grading and/or landscaping are to be done in phases or areas, the permittee shall give notice and request inspection at the completion of each of the above work stages in each phase or area. If an inspection is not made and notified of the results given within **five (5) working days** after notice is received by the Village of Sadorus, Illinois from the permittee, the permittee may continue work at his/her own risk, without presuming acceptance by the Village of Sadorus, Illinois. Notification of the results of the inspection shall be given in writing at the site.

(A) **Bi-weekly Inspections.** Bi-weekly inspection reports shall be submitted to the Village of Sadorus for all Development Permits. Except for permits involving the development of one single family dwelling the Bi-weekly reports must be certified by a registered professional engineer, describing the current status of construction for proposed drainage and detention system, including whether drainage construction and erosion control has been installed in accordance with construction plans. Report shall define whether maintenance has been provided as needed for the erosion control.

(B) **Special Precautions.** If at any stage of the grading of any development site the Building and Zoning Administrator determines by inspection that the nature of the site is such that further work authorized by an existing permit is likely to imperil any property, public way, stream, lake, wetland, or drainage structure, the Building and Zoning Administrator may require, as a condition of allowing the work to be done, that such reasonable special precautions to be taken as is considered advisable to avoid the likelihood of such peril. "Special precautions" may include, but shall not be limited to, a more level exposed slope, construction of additional drainage facilities, berms, terracing, compaction, or cribbing, installation of plant materials for erosion control, and recommendations of a registered soils engineer and/or engineering geologist which may be made requirements for further work.

(C) Where it appears that storm damage may result because the grading on any development site is not complete, work may be stopped and the permittee required to install temporary structures or take such other measures as may be required to protect adjoining property or the public safety. On large developments or where unusual site conditions prevail, the Zoning Administrator may specify the time of starting grading and time of completion or may require that the operations be conducted in specific stages so as to ensure completion of protective measures or devices prior to the advent of seasonal rains.

32-6-2 **AMENDMENT OF PLANS.** Major amendments to stormwater drainage and detention or erosion and sediment control plans shall be submitted to the Zoning Administrator and shall be processed and approved or disapproved in the same manner as the original plans. Field modification of a minor nature may be authorized by the Zoning Administrator by written authorization to the permittee.

ARTICLE VII - PERMITTING

32-7-1 APPLICATION FOR PERMIT. Application for a Development Permit shall be made by the owner of the property or his authorized agent to the Zoning Administrator on a form furnished for that purpose. Each application shall bear the name(s) and address(es) of the owner or developer of the site, the contractor(s) and any consulting firm retained by the applicant together with the name of the applicant's principal contact at such firm, and shall be accompanied by a filing fee of **Two Hundred Dollars (\$200.00)** for any permit subject to the requirements of **Article III**, Stormwater Drainage and Detention. No permit fee is assessed for those developments where only the requirements of **Article IV**, Soil Erosion and Sediment Control, apply. Each application shall include certification that any land clearing, construction, or development involving the movement of earth shall be in accordance with the plans approved upon issuance of the permit.

32-7-2 BOND REQUIRED. The applicant for a Development Permit may be required to file with the Village of Sadorus, Illinois, a faithful performance bond or bonds, letter of credit, or other improvement security satisfactory to the Village of Sadorus, Illinois Village Attorney in an amount deemed sufficient by the Zoning Administrator to cover all costs of improvements, landscaping, maintenance of improvements and landscaping, and soil erosion and sediment control measures for such period as specified by Village of Sadorus, Illinois and engineering and inspection costs to cover the cost of failure or repair of improvements installed on the site.

32-7-3 REVIEW AND APPROVAL. Each application for a Development Permit shall be reviewed and acted upon according to the following procedures:

(A) The Zoning Administrator will review each application for a Development Permit to determine its conformance with the provisions of this Code. The Administrator may also refer any application to the County Soil and Water Conservation District, a consulting engineer retained by the County, and/or any other local government or public agency within whose jurisdiction the site is located for review and comment. Within **thirty (30) days** after receiving an application, the Zoning Administrator shall in writing:

- (1) Approve the permit application if it is found to be in conformance with the provisions of this Code, and issue the permit;
- (2) Approve the permit application subject to such reasonable conditions as may be necessary to secure substantially the objectives of this Code, and issue the permit subject to these conditions; or
- (3) Disapprove the permit application, indicating the deficiencies and the procedure for submitting a revised application and/or submission.

(B) No Development Permit shall be issued for an intended development site unless:

- (1) The development, including but not limited to subdivision or planned unit development, has been approved by the Village of Sadorus, Illinois where applicable, or
- (2) such permit is accompanied by or combined with a valid building permit issued by the Village of Sadorus, Illinois, or
- (3) the proposed earth moving is coordinated with any overall development program previously approved by the Village of Sadorus, Illinois for the area in which the site is situated; and

- (4) all relevant federal and state permits have been received for the portion of the site subject to soil disturbance as noted in **Section 32-1-2**.

(C) Failure of the Zoning Administrator to act on an original or revised application within **thirty (30) days** of receipt shall authorize the applicant to proceed in accordance with the plans as filed and in compliance with the regulations contained herein, unless such time is extended by agreement between the Zoning Administrator and the applicant. Pending preparation and approval of a revised plan, development activities shall be allowed to proceed in accordance with conditions established by the Zoning Administrator.

32-7-4 FINAL CERTIFICATION. Prior to final approval by the Village of Sadorus, a registered professional engineer shall certify that the detention basin has been constructed in accordance with construction plans and proposed volume has been provided. An "as-built" survey of the detention basin, prepared by a licensed surveyor, shall be included with the certification for approval.

32-7-5 EXPIRATION OF PERMIT. Every Development Permit shall expire and become null and void if the work authorized by such permit has not been commenced within **one hundred eighty (180) days**, or if not completed by a date which shall be specified in the permit; except that the Zoning Administrator may, if the permittee presents satisfactory evidence that unusual difficulties have prevented work being commenced or completed within the specified time limits, grant a reasonable extension of time if written application is made before the expiration date of the permit. The Zoning Administrator may require modification of the erosion control plan to prevent any increase in erosion or off-site sediment runoff resulting from any extension.

32-7-6 APPEALS. The applicant, or any person or agency which received notice of the filing of the application, may appeal the decision of the Zoning Administrator to the Plan Commission. Upon receipt of an appeal, the Plan Commission shall schedule and hold a public hearing, after giving **fifteen (15) days** notice thereof. The Plan Commission shall render a decision within **thirty (30) days** after the hearing. Factors to be considered on review shall include, but need not be limited to, the effects of the proposed development activities on the surface water flow to tributary and downstream lands, any comprehensive watershed management plans, or the use of any retention facilities; possible saturation of fill and unsupported cuts of said fill by water, both natural and domestic; runoff of surface waters that produce erosion and siltation of drainage ways; nature and type of soil and excessive and unnecessary scarring of the natural landscape through grading or removal of vegetation.

ARTICLE VIII - ENFORCEMENT

32-8-1 STOP-WORK ORDER; REVOCATION OF PERMIT. In the event any person holding a Development Permit pursuant to this Code violates the terms of the permit, or carries on-site development in such a manner as to materially adversely affect the health, welfare, environment, or safety of persons residing or working in the neighborhood of the development site or so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, the Zoning Administrator may suspend or revoke the Development Permit.

(A) Suspension of a permit shall be by a written stop-work order issued by the Zoning Administrator and delivered to the permittee or his agent or the person performing the work. The stop-work order shall be effective immediately, shall state the specific violations cited, and shall state the conditions under which work may be resumed. A stop-work order shall remain in effect until the next regularly scheduled meeting of the Plan Commission at which time the conditions of **Section 32-7-5** above can be met.

(B) No Development Permit shall be revoked until a hearing is held by the Plan Commission. Written notice of such hearing shall be served on the permittee, either personally or by registered mail, and shall state:

- (1) The grounds for complaint or reasons for suspension or revocation, in clear and concise language; and
- (2) The time when and place where such hearing will be held.

Such notice shall be served on the permittee at least **five (5) days** prior to the date set for the hearing. At such hearing, the permittee shall be given an opportunity to be heard and may call witnesses and present evidence on his behalf. At the conclusion of the hearing the Plan Commission shall determine whether the permit shall be revoked.

32-8-2 VIOLATIONS AND PENALTIES. No person shall construct, enlarge, alter, repair or maintain any grading, excavation or fill, or cause the same to be done, contrary to or in violation of any terms of this Code. Any person violating any of the provisions of this Code shall be deemed guilty of a misdemeanor, and each day during which any violation of any of the provisions of this Code is committed, continued, or permitted shall constitute a separate offense. Upon conviction of any such violation, such person, partnership, or corporation shall be punished by a fine of not more than **Five Hundred Dollars (\$500.00)** for each offense. In addition to any other penalty authorized by this Section, any person, partnership, or corporation convicted of violating any of the provisions of this Code shall be required to restore the site to the condition existing prior to commission of the violation, or to bear the expense of such restoration.

(Ord. No. 2008-23; 12-01-08)

CHAPTER 33

STREET REGULATIONS

ARTICLE I – DEPARTMENT ESTABLISHED

33-1-1 DEPARTMENT ESTABLISHED. There is hereby established a Department of the municipal government which shall be known as the **Street Department**. It shall embrace the Street Committee, the Superintendent, and the employees. The Village Engineer shall serve as ex-officio officer.

33-1-2 COMMITTEE ON STREETS. The Village Board Standing Committee on Streets shall exercise a general supervision over the affairs of the Street Department. It shall ascertain the needs and conditions thereof and shall, from time to time, report the same to the Mayor and Village Board.

ARTICLE II - GENERAL REGULATIONS

33-2-1 UNDERMINING. No person shall undermine in any manner, any street or any other ground or real estate situated in the Village or belonging to any private person.

33-2-2 OPEN DOORS. No person shall open or allow to remain open, any door, any gate, or the grating of any vault belonging to the premises occupied by him, on any street, alley or sidewalk in the Village for any purpose, except the taking in and removing goods; and any person allowing such grating to remain open shall warn passersby of the danger.

33-2-3 REPAIRING SIDEWALKS, ETC. Whenever any sidewalk, pavement, or cellar door on the same becomes worn out or out of repair, or is torn up or broken and uneven, it shall be the duty of the Street Superintendent to immediately report such fact to the Mayor or Street and Alley Committee, and upon verbal or written order from either of them, to give notice to the party owning the adjoining property to repair such sidewalk or cellar door without delay.

33-2-4 STAIRWAY - RAILING. Steps or stairways leading into any building shall not extend from the wall of such building onto any pavement or sidewalk, and in such case, the person making or causing to be made such passage shall erect a railing on the side of the stairs toward the street to prevent persons from falling into the street.

33-2-5 CLOSING STREET. Whenever public safety or the improvement or repair of any street, alley or public place requires it, the Mayor may order any street, alley, or public place temporarily closed to traffic and the placing of signs indicating that the street, alley or public place is closed by order of the Mayor. Whenever such signs are so placed, no person shall ride or drive upon or cross such street, alley or public place, or in any manner, destroy, deface, or remove any such sign.

33-2-6 SIGNS ACROSS STREET. No person shall place any sign, advertisement or banner over any or across any street, alley or sidewalk in the Village, unless he has written approval of the Village Board. **(See 65 ILCS 5/11-80-17)**

33-2-7 VEHICLES AND SKATEBOARDS ON SIDEWALKS. No person shall operate any skateboard or motor vehicle on or over any sidewalk, except in crossing the same to go into a yard or parking lot.

33-2-8 DEPOSITS ON SIDEWALKS AND STREETS. It shall be unlawful to deposit on any public sidewalk, any material which may be harmful to the pavement thereof, or any waste material, or any glass or other articles which might cause injury to persons, animals or property.

Merchandise or other articles may be deposited on sidewalks preparatory to delivery, provided that the usable width is not thereby reduced to less than **four (4) feet**; and provided that no such article shall remain on such walk for more than **thirty (30) minutes**.

33-2-9 OBSTRUCTING STREET.

(A) It shall be unlawful to deposit any material on any street which may be harmful to the pavement thereof, or any waste material, or any grass clippings, or to cause a lawn mower to blow grass clippings onto a street or any other articles such as glass which may cause injury to any person, animal or property.

(B) No person shall place or cause to be placed or erected on any public ground, or in any public street, alley or sidewalk in the Village, any debris, materials, or obstruction, except as may be permitted by this Code.

(C) It shall be the duty of the Mayor to exercise a vigilant supervision over such places and to notify any person found making such deposit or responsible for same to remove the offending matter at once. **(See 65 ILCS 5/11-80-3)**

33-2-10 RAINWATER DRAINS. It shall be unlawful to construct or permit the construction of any storm water drain or any drainage pipe in either a natural or man-made ditch without having first obtained a permit therefor. Applications for such permits shall be made to the Village Clerk and shall be accompanied by a statement as to the purpose of such drainage pipe, the premises to be served and the specification of such pipe to be installed. Such application shall be referred to the Street Superintendent and no such permit shall be issued unless he shall have found that the Village Code would be complied with by the installation of such storm water drain or drainage pipe and, that the installation of such storm water drain or drainage pipe would not interfere with, overload, obstruct or otherwise adversely affect the existing storm water drainage system within the Village.

It shall be unlawful to construct or permit the construction of any storm water drain which discharges water onto any sidewalk in the Village and it shall be unlawful to construct or permit the maintenance of any such drain which discharges into any public street or alley at a height greater than **eighteen (18) inches** above the ground or pavement.

33-2-11 BUILDING MATERIALS IN STREET. The Street Superintendent may move any obstruction on any street or sidewalk of the Village, but before doing so, he shall notify the person responsible therefore to remove such obstruction within a reasonable time after being notified. Any person engaged in erecting a building or fence or improving any lot on such street may deposit materials thereon and contiguous to such length of time as may be necessary for the work. The obstruction shall not extend to more than **one-half (1/2)** of the width of the sidewalk, street, or alley adjacent to such improvement and the gutter shall always be left free and unobstructed. At night, such person shall keep an illuminated warning light on such material. **(See 65 ILCS 5/11-80-3)**

33-2-12 **MERCHANDISE ON PUBLIC STREET.** It shall be unlawful for any person, firm or corporation to use any street, sidewalk, or other public place as space for the display of goods or merchandise for sale; or to write or make any signs or advertisements on any such pavements, unless permission is granted by the Village Board. **(See 65 ILCS 5/11-80-3)**

33-2-13 **ENCROACHMENTS.** It shall be unlawful to erect or maintain any building or structure which encroaches upon any public street or property.

33-2-14 **POSTING BILLS.** It shall be unlawful for any person to paste, paint, print or nail any handbill, sign, poster, advertisement or notice of any kind on any curbstone, flagstone, or any other portion or part of any sidewalk, or upon any tree, lamppost, utility pole, hydrant, or upon any private wall, door or gate without the consent, in writing, of the owner of such curbstone, flagstone, sidewalk, tree, lamppost, utility pole, hydrant, private wall, door or gate.

33-2-15 **SIGNS ON POLES.** No person shall nail, tack, paste, paint or fasten, or cause to be nailed, tacked, painted or fastened, any sign or any other foreign substance or material onto any telephone, telegraph, electric light, police and/or fire alarm pole or post, or any street or traffic sign located on any sidewalk, street, alley or public grounds or injure or deface any such pole or post.

33-2-16 **INJURY TO NEW PAVEMENTS.** It shall be unlawful to walk upon or drive any vehicle or animal upon or destroy any newly laid sidewalk pavement while the same is guarded by a warning sign or barricade, or to knowingly injure any soft, newly laid pavement.

33-2-17 **BARBED-WIRE FENCES.** It shall be unlawful to maintain or construct any fence composed in whole or in part of barbed wire, or with any similar material designed to cause injury to persons, or any wire charged with electrical current, anywhere within **three (3) feet** of any public street, sidewalk, alley, park or other public way or place unless such barbs or charged wire are at least **eight (8) feet** above the level of such public place.

33-2-18 **BURNING ON PUBLIC STREETS.** It shall be unlawful for any person to burn any leaves, paper, rubbish or other substances upon any of the public streets, sidewalks or alleys in the Village.

33-2-19 **GRASS MOWING.** Property owners and/or their tenants shall be jointly and separately responsible for mowing the grass or weeds between the property lines and the adjoining street surfaces. The height of the grass or weeds shall not exceed **eight (8) inches**.

ARTICLE III - TREES AND SHRUBS

33-3-1 PLANTING. It shall be unlawful to plant any tree or bush in any public street or parkway or other public place without having first secured a permit, therefore. Applications for such permits shall be made to the Street Superintendent and shall be referred by him to the Village Board. All trees and shrubs so planted shall be placed subject to the directions and approval of the Village Board.

33-3-2 PLANTING TREES IN RIGHT-OF-WAY. It shall be unlawful to plant any bushes, trees, shrubs or other plants on the right-of-way of any public street, including the space on the right-of-way between the sidewalk and the adjacent street pavement.

33-3-3 REMOVAL. It shall be unlawful to remove or cut down any tree or shrub or portion thereof in any street, parkway or other public place without having first secured a permit, therefore. Applications for such permits shall be made to the Street Superintendent and shall be referred by him to the Village board before permission shall be granted.

33-3-4 INJURY. It shall be unlawful to injure any tree or shrub planted in such public place.

33-3-5 ADVERTISEMENTS OR NOTICES. It shall be unlawful to attach any sign, advertisement or notice to any tree or shrub in any street, parkway, or other public place.

33-3-6 DANGEROUS TREES. Any tree or shrub which overhangs any sidewalk, street or other public place in the municipality at a height less than **eight (8) feet** or in such a way as to impede or interfere with traffic or travel on such public place shall be trimmed by the owner of the abutting premises or of the premises on which such tree or shrub grows so that the obstruction shall cease.

Any tree or limb of a tree which has become likely to fall on or across any public way or place shall be removed by the owner of the premises on which such tree grows or stands.

The Street Superintendent may, at the owner's expense, trim or remove any tree or shrub so that the obstruction or danger to traffic or passage shall be done away with.

33-3-7 WIRES. It shall be unlawful to attach any wires or rope to any tree or shrub in any public street, parkway or other public place without the permission of the Village Board.

Any person or company given the right to maintain the poles and wires in the streets, alleys, or other public places in the municipality shall, in the absence of provision in the franchise concerning the subject, keep such wires and poles free from and away from any trees or shrubs in such places so far as may be possible and shall keep all such trees and shrubs properly trimmed, subject to the supervision of the Street Superintendent so that no injury shall be done either to the poles or wires or the shrubs and trees by their conduct.

33-3-8 GAS PIPES. Any person or company maintaining any gas pipe in the municipality shall, in the absence of provision in the franchise concerning the subject, keep such pipes free from leaks so that no injury shall be done to any trees or shrubs.

(See 65 ILCS 5/11-80-2)

ARTICLE IV – UTILITY REQUIREMENTS IN VILLAGE RIGHTS-OF-WAY

33-4-1 EXCAVATIONS OF STREETS, ALLEYS, PUBLIC WAYS AND GROUNDS.

(A) **Purpose.** This Section sets forth the permit requirements for installation of utility mains, services and laterals or the like in, across, or under street, sidewalk and/or alley rights-of-way in the Village. All construction, maintenance, and repair of or within all rights-of-way owned or controlled by the Village including but not limited to streets, alleys, parking lots, sidewalks, parkways, trees, and easements shall be under the supervision of the Village, except where otherwise specified in the Village Code. The Village shall be charged with the enforcement of all laws and regulations relating to the construction, maintenance, and repair of or within such public ways and is hereby authorized to enforce such laws and regulations.

(B) **Intent.** In enacting this Article, the Village intends to exercise its authority over the rights-of-way in the Village and, in particular, the use of the public ways and property by utilities, by establishing uniform standards to address issues presented by utility facilities, including without limitation:

- (1) prevent interference with the use of streets, sidewalks, alleys, parkways and other public ways and places;
- (2) prevent the creation of visual and physical obstructions and other conditions that are hazardous to vehicular and pedestrian traffic;
- (3) prevent interference with the facilities and operations of the Village's utilities and of other utilities lawfully located in rights-of-way or public property;
- (4) protect against environmental damage, including damage to trees, from the installation of utility facilities;
- (5) protect against increased stormwater run-off due to structures and materials that increase impermeable surfaces;
- (6) preserve the character of the neighborhoods in which facilities are installed;
- (7) preserve open space, particularly the tree-lined parkways that characterize the Village's residential neighborhoods;
- (8) prevent visual blight from the proliferation of facilities in the rights-of-way; and
- (9) assure the continued safe use and enjoyment of private properties adjacent to utility facilities locations.

(C) **Facilities Subject to this Article.** This Article applies to all facilities on, over, above, along, upon, under, across, or within the rights-of-way within the jurisdiction of the Village. A facility lawfully established prior to the effective date of this Article may continue to be maintained, repaired and operated by the utility as presently constructed and located, except as may be otherwise provided in any applicable franchise, license or similar agreement.

(D) **Franchises, Licenses, or Similar Agreements.** The Village, in its discretion and as limited by law, may require utilities to enter into a franchise, license or similar agreement for the privilege of locating their facilities on, over, above, along, upon, under, across, or within the Village rights-of-way. Utilities that are not required by law to enter into such an agreement may request that the Village enter into such an agreement. In such an agreement, the Village may provide for terms and conditions inconsistent with this Article.

(E) **Effect of Franchises, Licenses, or Similar Agreements.**

- (1) **Utilities Other Than Telecommunications Providers.** In the event that a utility other than a telecommunications provider has a franchise, license or similar agreement with the Village, such franchise, license or similar agreement shall govern and control during the term of such agreement and any lawful renewal or extension thereof.
- (2) **Telecommunications Providers.** In the event of any conflict with, or inconsistency between, the provisions of this Article and the provisions of

any franchise, license or similar agreement between the Village and any telecommunications provider, the provisions of such franchise, license or similar agreement shall govern and control during the term of such agreement and any lawful renewal or extension thereof.

(F) **Conflicts With Other Articles or Chapters.** This Article supersedes all Articles or Chapters, or parts of Articles or Chapters adopted prior hereto that are in conflict herewith, to the extent of such conflict.

(G) **Conflicts With State and Federal Laws.** In the event that applicable federal or State laws or regulations conflict with the requirements of this Article, the utility shall comply with the requirements of this Article to the maximum extent possible without violating federal or State laws or regulations.

(H) **Sound Engineering Judgment.** The Village shall use sound engineering judgment when administering this Article and may vary the standards, conditions, and requirements expressed in this Article when the Village so determines. Nothing herein shall be construed to limit the ability of the Village to regulate its rights-of-way for the protection of the public health, safety and welfare.

(I) **Utility.** The term "utility" as referenced herein shall mean and include any storm sewer or sanitary sewer collection system, any private storm or sanitary service, any private storm or sanitary service, any private utility service, or any gas, electric, water, video, or telecommunications distribution system.

(J) **Permit Required.** No person, partnership or corporation, or his/her or its agents or employees or contractors, shall make or cause to be made any opening or excavation in any public street, public alley, public way, public ground, public sidewalk or Village-owned easement within the Village without a permit therefore from the Village.

(K) **Application for Permit.** The application for a permit shall be in writing and signed by the applicant or his agent. The applicant shall submit to the Village, at the time the permit is applied for, sufficient information relating to the work to be done including the general location and nature of the work and the method the applicant proposes to use in doing the work. The application shall contain an agreement that the applicant will pay all damages to persons or property, public or private, including any costs incurred by the Village in defending any action brought against it for damages, as well as the cost of any appeal that may result from the conduct of the applicant, his agents, contractors, subcontractors, or employees in connection with the excavation. A fee set by the Village Board shall be paid to the Village at the time the application is filed to help defray administrative costs. The application shall be in a form similar to that attached hereto and by reference incorporated herein. The cost of a permit fee shall be **Three Hundred Dollars (\$300.00)**.

(L) **Responsibility.** It is the responsibility of all persons, contractors, utility companies, and units of government subject to these regulations to comply with the procedures and specifications described. Those found in violation are subject to penalty as provided for in the Municipal Code.

(1) **Permits, Bonding and Insurance.** No person shall install, connect or replace any private or public sewer, construct any driveway access, create or alter any sidewalk, perform any excavation or in general alter or occupy the public right-of-way in any way without first obtaining all necessary approvals, permits, and inspection approvals from the Village.

(2) **Drainage Service Ownership and Maintenance.** Ownership and maintenance of any drainage line from the foundation line of the building up to and including the connection to the sanitary main is the responsibility of the owner of the property being served.

(M) **Exception.** The provisions of this Section shall not apply to Village excavation work done under the direction of the Village Board, the Village, or its designee.

(N) **Village Standards.** All street work shall be performed in accordance with the current standard specifications for street openings found in this Chapter and its sections. Any damaged curb and gutter, sidewalk, or grass-covered area shall be restored to the condition prior to damage.

(O) **Inspector.** One or more inspectors shall be designated by the Village Board of Trustees President to accept, review, and approve/decline all permit applications and inspect all work performed thereunder.

33-4-2 DEFINITIONS. As used in this Article and unless the context clearly requires otherwise, the words and terms listed shall have the meanings ascribed to them in this Section. Any term not defined in this Section shall have the meaning ascribed to it in 92 Ill. Adm. Code. § 520.30, unless the context clearly requires otherwise.

"AASHTO": American Association of State Highway and Transportation Officials.

"ANSI": American National Standards Institute.

"Applicant": A person applying for a permit under this Article.

"ASTM": American Society for Testing Materials.

"Backfill": The methods or materials for replacing excavated material in a trench or pit.

"Bore" or "Boring": To excavate an underground cylindrical cavity for the insertion of a pipe or electrical conductor.

"Cable Operator": That term as defined in 47 U.S.C. 522(5).

"Cable Service": That term as defined in 47 U.S.C. 522(6).

"Cable System": That term as defined in 47 U.S.C. 522(7).

"Carrier Pipe": The pipe enclosing the liquid, gas or slurry to be transported.

"Casing": A structural protective enclosure for transmittal devices such as: carrier pipes, electrical conductors, and fiber optic devices.

"Clear Zone": The total roadside border area, starting at the edge of the pavement, available for safe use by errant vehicles. This area may consist of a shoulder, a recoverable slope, a non-recoverable slope, and a clear run-out area. The desired width is dependent upon the traffic volumes and speeds, and on the roadside geometry. Distances are specified in the AASHTO Roadside Design Guide.

"Coating": Protective wrapping or mastic cover applied to buried pipe for protection against external corrosion.

"Conductor": Wire carrying electric current.

"Conduit": A casing or encasement for wires or cables.

"Construction" or "Construct": The installation, repair, maintenance, placement, alteration, enlargement, demolition, modification or abandonment in place of facilities.

"Cover": The depth of earth or backfill over buried utility pipe or conductor.

"Crossing Facility": A facility that crosses one or more right-of-way lines of a right-of-way.

"Disrupt the Right-of-Way": For the purposes of this Article, any work that obstructs the right-of-way or causes a material adverse affect on the use of the right-of-way for its intended use. Such work may include, without limitation, the following: excavating or other cutting; placement (whether temporary or permanent) of materials, equipment, devices, or structures; damage to vegetation; and compaction or loosening of the soil and shall not include the parking of vehicles or equipment in a manner that does not materially obstruct the flow of traffic on a highway.

"Emergency": Any immediate maintenance to the facility required for the safety of the public using or in the vicinity of the right-of-way or immediate maintenance required for the health and safety of the general public served by the utility.

"Encasement": Provision of a protective casing.

"Engineer": The Village Engineer or his or her designee.

"Equipment": Materials, tools, implements, supplies, and/or other items used to facilitate construction of facilities.

"Excavation": The making of a hole or cavity by removing material or laying bare by digging.

"Extra Heavy Pipe": Pipe meeting ASTM standards for this pipe designation.

"Facility": All structures, devices, objects, and materials (including, but not limited to, track and rails, wires, ducts, fiber optic cable, antennas, vaults, boxes, equipment enclosures, cabinets, pedestals, poles, conduits, grates, covers, pipes, cables, and appurtenances thereto) located on, over, above, along,

upon, under, across, or within rights-of-way under this Article. For purposes of this Article, the term "facility" shall not include any facility owned or operated by the Village.

"Freestanding Facility": A facility that is not a crossing facility or a parallel facility, such as an antenna, transformer, pump, or meter station.

"Frontage Road": Roadway, usually parallel, providing access to land adjacent to the highway where it is precluded by control of access on highway.

"Hazardous Materials": Any substance or material which, due to its quantity, form, concentration, location, or other characteristics, is determined by the Village Engineer or Superintendent to pose an unreasonable and imminent risk to the life, health or safety of persons or property or to the ecological balance of the environment, including, but not limited to explosives, radioactive materials, petroleum or petroleum products or gases, poisons, etiology (biological) agents, flammables, corrosives or any substance determined to be hazardous or toxic under any federal or state law, statute or regulation.

"Highway Code": The Illinois Highway Code, 605 ILCS 5/1-101 et seq., as amended from time to time.

"Highway": A specific type of right-of-way used for vehicular traffic including rural or urban roads, alleys or streets. "Highway" includes all highway land and improvements, including roadways, ditches and embankments, bridges, drainage structures, sign, guardrails, protective structures and appurtenances necessary or convenient for vehicle traffic.

"Holder": A person or entity that has received authorization to offer or provide cable or video service from the ICC pursuant to the Illinois Cable and Video Competition Law, 220 ILCS 5/21-401.

"IDOT": Illinois Department of Transportation.

"ICC": Illinois Commerce Commission.

"Jacking": Pushing a pipe horizontally under a roadway by mechanical means with or without boring.

"Jetting": Pushing a pipe through the earth using water under pressure to create a cavity ahead of the pipe.

"Joint Use": The use of pole lines, trenches or other facilities by two or more utilities.

"Major Intersection": The intersection of two or more major arterial highways.

"Occupancy": The presence of facilities on, over or under right-of-way.

"Parallel Facility": A facility that is generally parallel or longitudinal to the centerline of a right-of-way.

"Parkway": Any portion of the right-of-way not improved by street or sidewalk.

"Pavement Cut": The removal of an area of pavement for access to facility or for the construction of a facility.

"Permittee": That entity to which a permit has been issued pursuant to **Sections 33-4-4 and 33-4-5** of this Article.

"Practicable": That which is performable, feasible or possible, rather than that which is simply convenient.

"Pressure": The internal force acting radially against the walls of a carrier pipe expressed in pounds per square inch gauge (psig).

"Petroleum Products Pipelines": Pipelines carrying crude or refined liquid petroleum products including, but not limited to, gasoline, distillates, propane, butane, or coal-slurry.

"Prompt": That which is done within a period of time specified by the Village. If no time period is specified, the period shall be **thirty (30) days**.

"Public Entity": A legal entity that constitutes or is part of the government, whether at local, state or federal level.

"Restoration": The repair of a right-of-way, highway, roadway, or other area disrupted by the construction of a facility.

"Right-of-Way" or "Rights-of-Way": Any street, alley, other land or waterway, dedicated or commonly used for pedestrian or vehicular traffic or other similar purposes, including utility easements, in which the Village has the right and authority to authorize, regulate or permit the location of facilities other than those of the Village. "Right-of-way" or "rights-of-way" shall not include any real or personal Village property that is not specifically described in the previous two sentences and shall not include

Village buildings, fixtures and other structures or improvements, regardless of whether they are situated in the right-of-way.

"Roadway": That part of the highway that includes the pavement and shoulders.

"Sale of Telecommunications at Retail": The transmitting, supplying, or furnishing of telecommunications and all services rendered in connection therewith for a consideration, other than between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries, when the gross charge made by one such corporation to another such corporation is not greater than the gross charge paid to the retailer for their use or consumption and not for sale.

"Security Fund": That amount of security required pursuant to **Section 33-4-10**.

"Shoulder": A width of roadway, adjacent to the pavement, providing lateral support to the pavement edge and providing an area for emergency vehicular stops and storage of snow removed from the pavement.

"Sound Engineering Judgment": A decision(s) consistent with generally accepted engineering principles, practices and experience.

"Superintendent of Public Works": The Superintendent of Public Works or his or her designee, hereinafter referred to as "Superintendent".

"Telecommunications": This term includes, but is not limited to, messages or information transmitted through use of local, toll, and wide area telephone service, channel services, telegraph services, teletypewriter service, computer exchange service, private line services, mobile radio services, cellular mobile telecommunications services, stationary two-way radio, paging service and any other form of mobile or portable one-way or two-way communications, and any other transmission of messages or information by electronic or similar means, between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite, or similar facilities. "Private line" means a dedicated non-traffic sensitive service for a single customer that entitles the customer to exclusive or priority use of a communications channel, or a group of such channels, from one or more specified locations to one or more other specified locations. "Telecommunications" shall not include value added services in which computer processing applications are used to act on the form, content, code and protocol of the information for purposes other than transmission. "Telecommunications" shall not include purchase of telecommunications by a telecommunications service provider for use as a component part of the service provided by such provider to the ultimate retail consumer who originates or terminates the end-to-end communications. "Telecommunications" shall not include the provision of cable services through a cable system as defined in the Cable Communications Act of 1984 (47 U.S.C. Sections 521 and following), as now or hereafter amended, or cable or other programming services subject to an open video system fee payable to the Village through an open video system as defined in the Rules of the Federal Communications Commission (47 C.F.R. §76.1500 and following), as now or hereafter amended.

"Telecommunications Provider": Means any person that installs, owns, operates or controls facilities in the right-of-way used or designed to be used to transmit telecommunications in any form.

"Telecommunications Retailer": Means and includes every person engaged in making sales of telecommunication at retail as defined herein.

"Trench": A relatively narrow open excavation for the installation of an underground facility.

"Utility": The individual or entity owning or operating any facility as defined in this Article.

"Vent": A pipe to allow the dissipation into the atmosphere of gases or vapors from an underground casing.

"Video Service": That term as defined in Section 21-201(v) of the Illinois Cable and Video Competition Law of 2007, 220 ILCS 21-201(v).

"Village": The Village of Sadorus.

"Water Lines": Pipelines carrying raw or potable water.

"Wet Boring": Boring using water under pressure at the cutting auger to soften the earth and to provide a sluice for the excavated material.

33-4-3 ANNUAL REGISTRATION REQUIRED. Every utility that occupies right-of-way within the Village shall register on **January 1** of each year with the Superintendent, providing the utility's name, address and regular business telephone and telecopy numbers, the name of one or more

contact persons who can act on behalf of the utility in connection with emergencies involving the utility's facilities in the right-of-way and a **twenty-four (24) hour** telephone number for each such person, and evidence of insurance as required in **Section 33-4-14** of this Article, in the form of a certificate of insurance.

33-4-4 PERMIT REQUIRED; APPLICATIONS AND FEES.

(A) **Permit Required.** No person shall construct (as defined in this Article) any facility on, over, above, along, upon, under, across, or within any Village right-of-way which:

- (1) changes the location of the facility;
- (2) adds a new facility;
- (3) disrupts the right-of-way (as defined in this Article), or
- (4) materially increases the amount of area or space occupied by the facility on, over, above, along, under, across or within the right-of-way, without first filing an application with the Superintendent and obtaining a permit from the Village therefor, except as otherwise provided in this Article.

No permit shall be required for installation and maintenance of service connections to customers' premises where there will be no disruption of the right-of-way.

(B) **Permit Application.** All applications for permits pursuant to this Article shall be filed on a form provided by the Village and shall be filed in such number of duplicate copies as the Village may designate. The applicant may designate those portions of its application materials that it reasonably believes contain proprietary or confidential information as "proprietary" or "confidential" by clearly marking each page of such materials accordingly.

(C) **Minimum General Application Requirements.** The application shall be made by the utility or its duly authorized representative and shall contain, at a minimum, the following:

- (1) The utility's name and address and telephone and telecopy numbers;
- (2) The applicant's name and address, if different than the utility, its telephone, telecopy number, e-mail address, and its interest in the work;
- (3) The names, addresses and telephone and telecopy numbers and e-mail addresses of all professional consultants, if any, advising the applicant with respect to the application.
- (4) A general description of the proposed work and the purposes and intent of the facility and the uses to which the facility will be put. The scope and detail of such description shall be appropriate to the nature and character of the work to be performed, with special emphasis on those matters likely to be affected or impacted by the work proposed;
- (5) Evidence that the utility has placed on file with the Village:
 - (a) A written traffic control plan demonstrating the protective measures and devices that will be employed consistent with the Illinois Manual on Uniform Traffic Control Devices, to prevent injury or damage to persons or property and to minimize disruptions to efficient pedestrian and vehicular traffic; and
 - (b) An emergency contingency plan which shall specify the nature of potential emergencies, including, without limitation, construction and hazardous materials emergencies, and the intended response by the applicant. The intended response shall include notification to the Village and shall promote protection of the safety and convenience of the public. Compliance with ICC regulations for emergency contingency plans constitutes compliance with this Section unless the Village finds that additional information or assurances are needed;
- (6) Drawings, plans and specifications showing the work proposed, including the certification of an engineer that such drawings, plans, and specifications comply with applicable codes, rules, and regulations;

- (7) Evidence of insurance as required in **Section 33-4-14** of this Article;
- (8) Evidence of posting of the security fund as required in **Section 33-4-10** of this Article;
- (9) Any request for a variance from one or more provisions of this Article (**See Section 33-4-24**); 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 **Three Hundred Dollars (\$300.00)**. Additional application review costs will vary with the complexity of the project and will be determined on a case-by-case basis and shall be paid prior to issuance of final permit. No application fee is required to be paid by any electricity utility that is paying the municipal electricity infrastructure maintenance fee pursuant to the Electricity Infrastructure Maintenance Fee Act.

33-4-5 ACTION ON PERMIT APPLICATIONS.

(A) **Village Review of Permit Applications.** Completed permit applications, containing all required documentation, shall be examined by the Superintendent within a reasonable time after filing. If the application does not conform to the requirements of all applicable ordinances, codes, laws, rules, and regulations, the Superintendent shall reject such application in writing, stating the reasons therefor. If the Superintendent is satisfied that the proposed work conforms to the requirements of this Article and all applicable ordinances, codes, laws, rules, and regulations, the Superintendent shall issue a permit therefor as soon as practicable. In all instances, it shall be the duty of the applicant to demonstrate, to the satisfaction of the Superintendent, that the construction proposed under the application shall be in full compliance with the requirements of this Article.

(B) **Additional Village Review of Applications of Telecommunications Retailers.**

- (1) Pursuant to Section 4 of the Telephone Company Act, 220 ILCS 65/4, a telecommunications retailer shall notify the Village that it intends to

commence work governed by this Article for facilities for the provision of telecommunications services. Such notice shall consist of plans, specifications, and other documentation sufficient to demonstrate the purpose and intent of the facilities and shall be provided by the telecommunications retailer to the Village not less than **ten (10) days** prior to the commencement of work requiring no excavation and not less than **thirty (30) days** prior to the commencement of work requiring excavation. The Superintendent shall specify the portion of the right-of-way upon which the facility may be placed, used or constructed.

- (2) In the event that the Superintendent fails to provide such specification of location to the telecommunications retailer within either (a) **ten (10) days** after service of notice to the Village by the telecommunications retailer in the case of work not involving excavation for new construction or (b) **twenty-five (25) days** after service of notice by the telecommunications retailer in the case of work involving excavation for new construction, the telecommunications retailer may commence work without obtaining a permit under this Article.
- (3) Upon the provision of such specification by the Village, where a permit is required for work pursuant to **Section 33-4-4** of this Article the telecommunications retailer shall submit to the Village an application for a permit and any and all plans, specifications and documentation available regarding the facility to be constructed. Such application shall be subject to the requirements of paragraph (A) of this Section.

(C) **Additional Village Review of Applications of Holders of State Authorization Under the Cable and Video Competition Law of 2007.** Applications by a utility that is a holder of a State-issued authorization under the Cable and Video Competition Law of 2007 shall be deemed granted **forty-five (45) days** after submission to the Village, unless otherwise acted upon by the Village, provided the holder has complied with applicable Village codes, ordinances, and regulations.

33-4-6 EFFECT OF PERMIT.

(A) **Authority Granted; No Property Right or Other Interest Created.** A permit from the Village authorizes a permittee to undertake only certain activities in accordance with this Article on Village rights-of-way and does not create a property right or grant authority to the permittee to impinge upon the rights of others who may have an interest in the public rights-of-way.

(B) **Duration.** No permit issued under this Article shall be valid for a period longer than **six (6) months** unless construction is actually begun within that period and is thereafter diligently pursued to completion.

(C) **Pre-Construction Meeting Required.** No construction shall begin pursuant to a permit issued under this Article prior to attendance by the permittee and all major contractors and subcontractors who will perform any work under the permit at a pre-construction meeting. The pre-construction meeting shall be held at a date, time and place designated by the Village with such Village representatives in attendance as the Village deems necessary. The meeting shall be for the purpose of reviewing the work under the permit and reviewing special considerations necessary in the areas where work will occur, including, without limitation, presence or absence of other utility facilities in the area and their locations, procedures to avoid disruption of other utilities, use of rights-of-way by the public during construction, and access and egress by adjacent property owners.

(D) **Compliance With All Laws Required.** The issuance of a permit by the Village does not excuse the permittee from complying with other requirements of the Village and applicable statutes, laws, ordinances, rules, and regulations.

33-4-7 **REVISED PERMIT DRAWINGS.** In the event that the actual locations of any facilities deviate in any material respect from the locations identified in the plans, drawings and specifications submitted with the permit application, the permittee shall submit a revised set of drawings or plans to the Village within **ninety (90) days** after the completion of the permitted work. The revised drawings or plans shall specifically identify where the locations of the actual facilities deviate from the locations approved in the permit. If any deviation from the permit also deviates from the requirements of this Article, it shall be treated as a request for variance in accordance with **Section 33-4-23** of this Article. If the Village denies the request for a variance, then the permittee shall either remove the facility from the right-of-way or modify the facility so that it conforms to the permit and submit revised drawings or plans therefor.

33-4-8 **INSURANCE.**

(A) **Insurance.** The applicant shall also be required to submit a certificate of insurance indicating public liability insurance with a solvent insurance company in the sum of at least **Five Million Dollars (\$5,000,000)** for injury to one person and **Five Million Dollars (\$5,000,000)** for one occurrence and **Five Million Dollars (\$5,000,000)** umbrella policy and workers' compensation and/or employer's liability insurance for all employees employed at the site of the excavation. The applicant shall require each and every subcontractor to obtain and maintain similar policies with the same limits as those stipulated in this subsection.

(B) **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 **Five Million Dollars (\$5,000,000.00)** 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 **Five Million Dollars (\$5,000,000.00)** 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.

(C) **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.

(D) **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.

(E) **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.

(F) **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.

(G) **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.

(H) **Insurance Companies.** All insurance provided pursuant to this Section shall be affected under valid and enforceable policies, issued by insurers legally able to conduct business with the licensee in the State of Illinois. All insurance carriers and surplus line carriers shall be rates "A-" or better and of a class size "X" or higher by A.M. Best Company.

33-4-9 INDEMNIFICATION. By occupying or constructing facilities in the right-of-way, a utility shall be deemed to agree to defend, indemnify and hold the Village and its elected and appointed officials and officers, employees, agents and representatives harmless from and against any and all injuries, claims, demands, judgments, damages, losses and expenses, including reasonable attorney's fees and costs of suit or defense, arising out of, resulting from or alleged to arise out of or result from the negligent, careless or wrongful acts, omissions, failures to act or misconduct of the utility or its affiliates, officers, employees, agents, contractors or subcontractors in the construction of facilities or occupancy of the rights-of-way, and in providing or offering service over the facilities, whether such acts or omissions are authorized, allowed or prohibited by this Article or by a franchise, license, or similar agreement; provided, however, that the utility's indemnity obligations hereunder shall not apply to any injuries, claims, demands, judgments, damages, losses or expenses arising out of or resulting from the negligence, misconduct or breach of this Article by the Village, its officials, officers, employees, agents or representatives.

33-4-10 SECURITY.

(A) **Purpose.** The permittee shall establish a Security Fund in a form and in an amount as set forth in this Section. The Security Fund shall be continuously maintained in accordance with this Section at the permittee's sole cost and expense until the completion of the work authorized under the permit. The Security Fund shall serve a security for:

- (1) The faithful performance by the permittee of all the requirements of this Article;
- (2) Any expenditure, damage, or loss incurred by the Village occasioned by the permittee's failure to comply with any codes, rules, regulations, orders, permits and other directives of the Village issued pursuant to this Article; and
- (3) The payment by permittee of all liens and all damages, claims, costs, or expenses that the Village may pay or incur by reason of any action or

non-performance by permittee in violation of this Article including, without limitation, any damage to public property or restoration work the permittee is required by this Article to perform that the Village must perform itself or have completed as a consequence solely of the permittee's failure to perform or complete, and all other payments due the Village from the permittee pursuant to this Article or any other applicable law.

(B) **Form.** The permittee shall provide the Security Fund to the Village in the form, at the permittee's election, of cash, a surety bond in a form acceptable to the Village, or an unconditional letter of credit in a form acceptable to the Village. Any surety bond or letter of credit provided pursuant to this paragraph shall, at a minimum:

- (1) Provide that it will not be canceled without prior notice to the Village and the permittee;
- (2) Not require the consent of the permittee prior to the collection by the Village of any amounts covered by it; and
- (3) Shall provide a location convenient to the Village and within the State of Illinois at which it can be drawn.

(C) **Amount.** The dollar amount of the Security Fund shall be sufficient to provide for the reasonably estimated cost to restore the right-of-way to at least as good a condition as that existing prior to the construction under the permit, as determined by the Superintendent, and may also include reasonable, directly related costs that the Village estimates are likely to be incurred if the permittee fails to perform such restoration. Where the construction of facilities proposed under the permit will be performed in phases in multiple locations in the Village, with each phase consisting of construction of facilities in one location or related group of locations, and where construction in another phase will not be undertaken prior to substantial completion of restoration in the previous phase or phases, the Superintendent may, in the exercise of sound discretion, allow the permittee to post a single amount of security which shall be applicable to each phase of the construction under the permit. The amount of the Security Fund for phased construction shall be equal to the greatest amount that would have been required under the provisions of this paragraph (C) for any single phase.

(D) **Security.**

- (1) The applicant shall be required, as a condition to the granting of a permit for the excavation and installation of a lateral, service, main or the like, to file a cash deposit (to be refunded following proper backfilling and resurfacing), or surety bond, in the following amounts which have been determined as necessary to guarantee that the contractor will leave the street, sidewalk or alley in as good condition as the same was in when the work was commenced:

Type of Material Way	(Perpendicular)	(Parallel)
	Lateral or Service Main in Street Right-of-Way	
Portland cement concrete	\$1,500	\$30 (per linear foot)
Bituminous pavement (over Portland cement concrete)	\$1,000	\$30 (per linear foot)
Three-inch bituminous concrete pavement	\$750	\$30 (per linear foot)
Crushed gravel	\$500	\$30 (per linear foot)
Turf	\$400	\$30 (per linear foot)
Portland cement concrete (sidewalk or driveway)	\$750	\$30 (per linear foot)

- (2) The applicant shall be responsible for the cost of any repairs occasioned by the settling, or the like, for a period of **one (1) year** after final resurfacing.

- (3) Upon completion of such work, the Village shall perform an inspection of the work and upon the completion in compliance with this Code, release the bond.

(E) **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.

(F) **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.

(G) **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.

(H) **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.

(I) **Rights Not Limited.** The rights reserved to the Village with respect to the Security Fund are in addition to all other rights of the Village, whether reserved by this Article or otherwise authorized by law, and no action, proceeding or exercise of right with respect to said Security Fund shall affect any other right the Village may have. Notwithstanding the foregoing, the Village shall not be entitled to a double monetary recovery with respect to any of its rights which may be infringed or otherwise violated.

33-4-11 PERMIT SUSPENSION AND REVOCATION.

(A) **Village Right to Revoke Permit.** The Village may revoke or suspend a permit issued pursuant to this Article for one or more of the following reasons:

- (1) Fraudulent, false, misrepresenting, or materially incomplete statements in the permit application;
- (2) Noncompliance with this Article;
- (3) Permittee's physical presence or presence of permittee's facilities on, over, above, along, upon, under, across, or within the rights-of-way presents a direct or imminent threat to the public health, safety, or welfare; or
- (4) Permittee's failure to construct the facilities substantially in accordance with the permit and approved plans.

(B) **Notice of Revocation or Suspension.** The Village shall send written notice of its intent to revoke or suspend a permit issued pursuant to this Article stating the reason or reasons for the revocation or suspension and the alternatives available to permittee under this **Section 33-4-11.**

(C) **Permittee Alternatives Upon Receipt of Notice of Revocation or Suspension.** Upon receipt of a written notice of revocation or suspension from the Village, the permittee shall have the following options:

- (1) Immediately provide the Village with evidence that no cause exists for the revocation or suspension;
- (2) Immediately correct, to the satisfaction of the Village, the deficiencies stated in the written notice, providing written proof of such correction to the Village within **five (5) working days** after receipt of the written notice of revocation; or
- (3) Immediately remove the facilities located on, over, above, along, upon, under, across, or within the rights-of-way and restore the rights-of-way to the satisfaction of the Village providing written proof of such removal to the Village within **ten (10) days** after receipt of the written notice of revocation.

The Village may, in its discretion, for good cause shown, extend the time periods provided in this paragraph.

(D) **Stop Work Order.** In addition to the issuance of a notice of revocation or suspension, the Village may issue a stop work order immediately upon discovery of any of the reasons for revocation set forth within paragraph (A) of this Section.

(E) **Failure or Refusal of the Permittee to Comply.** If the permittee fails to comply with the provisions of paragraph (C) of this Section, the Village or its designee may, at the option of the Village:

- (1) correct the deficiencies;
- (2) upon not less than **twenty (20) days** notice to the permittee, remove the subject facilities or equipment; or
- (3) after not less than **thirty (30) days** notice to the permittee of failure to cure the noncompliance, deem them abandoned and property of the Village. The permittee shall be liable in all events to the Village for all costs of removal.

33-4-12 CHANGE OF OWNERSHIP OR OWNER'S IDENTITY OR LEGAL STATUS.

(A) **Notification of Change.** A utility shall notify the Village no less than **thirty (30) days** prior to the transfer of ownership of any facility in the right-of-way or change in identity of the utility. The new owner of the utility or the facility shall have all the obligations and privileges enjoyed by the former owner under the permit, if any, and all applicable laws, ordinances, rules and regulations, including this Article, with respect to the work and facilities in the right-of-way.

(B) **Amended Permit.** A new owner shall request that any current permit be amended to show current ownership. If the new owner fails to have a new or amended permit issued in its name, the new owner shall be presumed to have accepted, and agreed to be bound by, the terms and conditions of the permit if the new owner uses the facility or allows it to remain on the Village's right-of-way.

(C) **Insurance and Bonding.** All required insurance coverage or bonding must be changed to reflect the name of the new owner upon transfer.

33-4-13 GENERAL CONSTRUCTION STANDARDS.

(A) **Standards and Principles.** All construction in the right-of-way shall be consistent with applicable ordinances, codes, laws, rules and regulations, and commonly recognized and accepted traffic control and construction principles, sound engineering judgment and, where applicable, the principles and standards set forth in the following IDOT publications, as amended from time to time:

- (1) Standard Specifications for Road and Bridge Construction;
- (2) Supplemental Specifications and Recurring Special Provisions;
- (3) Highway Design Manual;
- (4) Highway Standards Manual;

- (5) Standard Specifications for Traffic Control Items;
- (6) Illinois Manual on Uniform Traffic Control Devices (92 Ill. Adm. Code § 545);
- (7) Flagger's Handbook; and
- (8) Work Site Protection Manual for Daylight Maintenance Operations.

(B) **Interpretation of Municipal Standards and Principles.** If a discrepancy exists between or among differing principles and standards required by this Article, the Superintendent shall determine, in the exercise of sound engineering judgment, which principles apply, and such decision shall be final. If requested, the Superintendent shall state which standard or principle will apply to the construction, maintenance, or operation of a facility in the future.

33-4-14 REGULATIONS GOVERNING EXCAVATIONS AND OPENINGS.

(A) **Frozen Ground.** No openings in the streets, alleys, sidewalks, or public ways shall be permitted between **November 15** and **April 1**, except where it is determined by the Village or its designee to be an emergency excavation.

(B) **Protection of Public.**

- (1) Every opening and excavation shall be enclosed with sufficient barriers, signing, and such other traffic control devices as may be required by the Village Board or its designee and in accordance with Section VI of the Manual on Uniform Traffic Control Devices. Sufficient warning lights shall be kept on from sunset to sunrise.
- (2) All necessary precautions shall be taken to guard the public effectively from accidents or damage to persons or property through the period of the work. Each person making such opening shall be held liable for all damages, including costs incurred by the Village in defending any action brought against it for damages, as well as cost of any appeal that may result from the neglect by such person or his employees of any necessary precaution against injury or damage to persons, vehicles, or property of any kind.
- (3) Unless otherwise approved, a minimum of one lane of traffic in each direction shall be provided. Every effort shall be made on the part of the permittee to provide reasonable access to all properties adjacent to his project. In the event traffic is limited to less than one lane in each direction, a flagman or temporary traffic control signal shall be provided so as to safely cycle traffic in each direction past the work area.
- (4) The permittee shall perform the work in such a manner so as not to disrupt the flow of traffic in the area or endanger the safety of workmen or passersby. It shall be the responsibility of the permittee to prevent traffic backup during construction operation. The permittee shall notify the Village or its designee **twenty-four (24) hours** prior to commencement of excavation of the location and extent of the excavation, unless the excavation is an emergency excavation as identified in Article 104, Subsection D.
- (5) When the operations will result in the loss of any utility service to private properties, the private properties shall be notified in writing or by personal contact at least **twelve (12) hours** prior to the loss of service, unless the operations are part of any emergency excavation as defined in Article 104, Subsection D.

(C) **Pavement Removal.**

- (1) Removal of existing pavement shall be to neat, straight lines. The permittee shall make a final saw cut in the existing pavement after backfilling. Excavations shall be kept to the minimum possible and

acceptable for the convenience and safe performance of the work and in accordance with all applicable codes and regulations.

- (2) If the pavement is damaged during excavation beyond the original saw cut lines, it shall be saw cut again along neat, straight lines. The finished saw cut shall leave a regular rectangular section for pavement replacement. Should the street opening occur within, adjacent or close to an existing patch or require more than one opening within a short distance, the permittee shall identify and locate the existing patches or additional openings on the permit application form. The Village Board or its designee shall, on the basis of an onsite inspection, approximate the boundaries of the pavement replacement area.
- (3) Pavement replacement areas with the long dimension in the direction of travel shall have the long dimension parallel to the curb line or the direction of travel. Pavement replacement areas in concrete pavements shall be parallel to or at right angles to the direction of travel.
- (4) The Village Board or its designee may order the permittee to remove and replace up to one full lane width of pavement along the patched or excavated area. Special care shall be taken with concrete pavement to produce a vertical face on the existing concrete at the point of the saw cut to ensure a full depth of concrete at the joint.

(D)

Excavation.

- (1) All excavated material shall be piled in a manner such that pedestrian and motor traffic is not unnecessarily disrupted. Gutters shall be kept clear or other satisfactory provisions made for street drainage. Storm sewers and natural watercourses shall not be obstructed.
- (2) Excavated material to be used for backfilling of the trench must be so handled and placed as to be of as little inconvenience as practical to public travel and adjoining tenants.

(E)

Backfilling.

- (1) All backfill material shall be free from cinders, ashes, refuse, vegetable or organic matter, boulders, rocks or stones greater than **eight (8) inches** in their greatest dimension, frozen lumps, or other material which, in the opinion of the Village Board or its designee, is unsuitable.
- (2) In refilling the excavation, if there is not sufficient material excavated suitable for refilling, the deficiency shall be made up with material, approved prior to use by the Village Board or its designee, hauled in.
- (3) Wherever an excavation crosses an existing utility, pipe, or other structure, backfill shall be carefully compacted in stages from the bottom of the excavation. Any sanitary sewer, storm sewer, water, telephone, natural gas, or other service shall not be interrupted by the permittee. It shall be the permittee's responsibility to have the various utilities locate and mark their facilities prior to excavation.
- (4) Mechanical compaction shall be used on all materials used for trench backfill in all grass areas in R.O.W. but not under any paving. Each layer (**twelve (12) inches** minimum) shall be uniformly compacted to a density as determined by the Modified Proctor Test (ASTM-1557). Compaction or consolidation by flooding shall not be permitted.
- (5) All excavations shall be subject to testing by the Village. Backfilled material not achieving the above compaction requirements shall be removed and re-compacted by the permittee. The cost of any retesting shall be paid by the permittee.
- (6) When the sides of the trench will not stand perpendicular, sheathing and braces shall be used to prevent caving. No timber, bracing, lagging,

sheathing, or other lumber shall be left in any trench. At no time shall any street pavements be permitted to overhang the excavation.

(F) **Notice.** It shall be the duty of the permittee to notify the Village and all public and private individuals, firms, and corporations affected by the work to be done at least **one (1) business day** before such work is to commence. The Village shall also be notified at least **four (4) hours** prior to backfilling and/or restoring the surface.

(G) **Specifications Applicable to Streets and Sidewalks.** All construction shall conform to the applicable provisions of the current edition of the Standard Specifications for Road and Bridge Construction in Illinois and the Village Code.

- (1) **Width.** All sidewalks shall have a maximum width of **five (5) feet** or shall match existing sidewalk width except for ramps. Ramps shall have a width of **five (5) feet** face to face of any side curbs. All driveways shall have a minimum width of **ten (10) feet** at the right-of-way line. Curb cut lengths shall be kept to the minimum needed for good design. Residential driveways shall not exceed **twenty-four (24) feet** wide at the tangent to the curb radii (at the throat), and commercial/industrial shall not exceed **thirty-five (35) feet** wide unless called for by design approved by the Village. If the throat width of a driveway exceeds **sixteen (16) feet**, a longitudinal control joint is required.
- (2) **Thickness and Length.** Driveway sidewalks shall be replaced to a minimum thickness of **six (6) inches** across driveway approaches and extend to the nearest joint, a minimum of **twelve (12) inches** either side of the driveway approach. Other sidewalk locations within right-of-way shall have a minimum thickness of **six (6) inches**. Thickness for driveways serving commercial or industrial areas shall be designed for the proposed vehicle use. The driveway standard requires the driveway sidewalk to be a separately constructed strip from the rest of the approach.
- (3) **Materials.** Driveways and walks shall be constructed of Portland Cement concrete conforming to the IDOT mix design criteria in the current edition of the "Standard Specifications for Road and Bridge Construction." Only IDOT approved mix designs from approved ready-mix plants are allowed. The minimum required compressive strength is 3500 psi in **fourteen (14) days**. Maximum slump of all concrete work is **four (4) inches**. Air entrainment shall be 5% - 8%.
- (4) **Subgrade.** The subgrade for all sidewalks and driveways shall be free of all vegetation, debris, and loose material and it shall be tamped or rolled until thoroughly compacted. Dry subgrade shall be moistened with water just before the concrete is placed. Overly wet or organic materials shall be removed and replaced with granular material (sand or gravel) as conditions warrant. Sidewalk and driveway subgrade shall be compacted sufficiently to prevent future settlement under the loading of a fully loaded building materials delivery truck.
- (5) **Slopes.** All sidewalks shall be constructed to meet current PROWAG (Public Right-of-Way Accessibility Guidelines) standards. All sidewalks shall have a straight cross slope from the property side towards the street side of approximately 1.75%, cross slope sidewalk. Sidewalks and ramps shall be constructed having a longitudinal slope no greater than **one (1) inch** per foot.
- (6) **Grade.** All walks shall be reasonably level, which in some instances may require filling or cutting of earth. The top of the walk shall, in general, conform to the contour of ground after the aforementioned leveling procedure has been completed.

- (7) **Joints.** All walks shall be provided with **three-fourths (3/4) inch** expansion joints placed where the sidewalk abuts the curb. All structures located within sidewalk pavement shall be surrounded with a minimum **three-fourths (3/4) inch** thick expansion joint. A **three-fourths (3/4) inch** expansion joint material shall be placed where the driveway approach meets the gutter and where the driveway approach meets the sidewalk.
- (8) **Sidewalk Ramps.** Whenever a sidewalk repair or replacement is made between the intersection of the sidewalk and the street intersection curb (where no ramp/curb opening exists), such curb shall also be removed, and a sidewalk ramp installed. All sidewalk ramps shall meet all current IDOT and ADA dimensions and slope standards.

33-4-15 PAVEMENT STANDARDS IN RIGHT-OF-WAY. This work shall consist of replacement of street pavement after an excavation has been made for either new construction or a repair.

(A) **Materials.** Materials shall conform to the current IDOT edition of "Standard Specifications for Road and Bridge Construction."

(B) **Construction Requirements.** All disturbed street pavement areas shall be replaced in accordance with the most current edition of the IDOT Standard Specifications. All excavations within the right-of-way, on local or collector streets that encroach within **two (2) feet** of the pavement (street or sidewalk) shall be backfilled flowable fill (CLSM) at a compressive strength of 100 to 200 psi or granular trench backfill meeting IDOT gradation requirements placed in uniform layers not exceeding **six (6) inch** thick (loose measure) and compacted to 95% of Standard Proctor. For arterial streets, CLSM will be required for backfill of all excavations in or encroaching within **two (2) feet** of pavements.

(C) **Pavement Repairs/Replacement.** At a minimum, and except as otherwise provided herein, the performance of material used in new pavement shall meet or exceed that of the pavement being replaced. When removing pavement, full depth saw cuts shall be made and a **two (2) foot** shelf on each side of trench walls of subgrade shall be maintained on pavement sides of any excavation (i.e., minimum pavement patch to be **six (6) feet** plus trench width). Pavement repairs for any work shall conform to Section 442 of the "Standard Specifications for Road and Bridge Construction," with the following exceptions and additions.

- (1) **Required Permit.** Any work in the public right-of-way requires a permit and a description of that work shall be submitted in writing to the Village or its designee.
- (2) **Minimum Thickness.** If the pavement being replaced did not meet current standards for new pavement construction, it must be replaced to current standards including requirements for pavement thickness (concrete pavement minimum thickness is **seven (7) inches**, non-reinforced; bituminous pavement minimum thickness is **ten (10) inches**).
- (3) **Full Depth Bituminous or Composite Pavement Repair.** An acceptable alternative to a full depth, **ten (10) inch**, multi-layer bituminous repair is to construct a minimum of an **eight (8) inch** concrete base course, overlaid with a **two (2) inch** hot-mix asphalt surface course; or construct a minimum **eight (8) inch** PCC patch with integral black dye.
- (4) **Oil and Chip.** Oil and chip pavements shall be replaced within an **eight (8) inch** CA-6 compacted crushed stone base course, overlaid with a **four (4) inch** hot-mis asphalt surface course.
- (5) **Pavement Removal.** All pavement removals shall be accomplished with a full depth saw cut. A minimum **three (3) foot** bench shall be maintained on all sides of an open trench excavation. Subgrade shall be compacted to the satisfaction of the right-of-way inspector and, if necessary, repaired with granular backfill as instructed by the inspector.

33-4-16 VILLAGE TREES AND SEWER CONNECTIONS. This Section outlines the protection and separation requirements for construction in the vicinity of Village trees. Village trees are those trees that are located within the right-of-way.

(A) **Underground Utility Installations.** All installations of underground utilities on the public right-of-way are subject to approval by the Village. Any installations that may affect parkway trees due to underground conflicts are subject to the review and approval. Open trenching in the root zone area of a public tree is prohibited except in cases where trenching falls outside the root zone of the tree involved.

(B) **Excavation within Tree Root Zone.** Cutting roots is unavoidable in trenching and excavation operation within the tree root zone. Generally, the root zone lies within the drip line of the trees but may extend beyond the drip line for some trees. When roots are encountered in excavation, it is necessary that all exposed roots be cut cleanly to promote wound closure and regeneration. The cuts shall be a clean vertical cut at the proper root located nearer the tree trunk. The cut shall be made by and digging around the root and cutting with a chain saw, hand saw, lopper, or other similar method. Ripping, shredding, chopping or tearing will not be permitted. Alternatively, a root saw such as a Mermeer Model V1550, or approved equal, may be used to cut roots prior to excavation. Use of a backhoe, axe, hatchet, pickaxe, machete, or knife will not be permitted.

(C) **Connections to Sewer Mains.** Connections to sewer mains that are smaller than **twelve (12) inches** diameter shall be done by removing a limited amount of the sewer main and inserting a wye connection with approved couplings as specified in Section 140 of the SSS. Connections to manholes or pipes **twelve (12) inches** and larger in diameter shall be made by core drilling the existing pipe/manhole and installing a flexible connector assembly such as KOR n SEAL by NPC Inc. or approved equal. See Standard Attachments 25.01(a), 25.01(c), and 25.01(d).

(1) **Wye Connections.** Wyes for sewer service lateral connections must be made of the same material as the main line piping and comply with the appropriate provisions of the Standard Specifications (SSWMC) and shall be encased in granular material as specified. Concrete encasement is not allowed (See Standard Attachment 25.01(h) and 25.01(i)).

(2) **Pipe Couplings.** Pipe couplings shall be installed in accordance with Section 143 of the SSS. They shall be made of elastomeric polyvinyl chloride and shall be specifically sized to fit the outer diameter of the pipes being joined and shall have stainless steel take-up clamps to fit the appropriate outer diameter of the couplings. The entire connection shall be encased in the appropriate granular backfill as specified. The use of concrete collars to couple sanitary sewer pipe shall not be allowed.

(D) **Emergency Excavation.** In the event of an emergency, any person, firm, or corporation owning or controlling any sewer, gas main, water main, conduit, or other utility in or under any public street, alley, easement, way, or ground and his/her or its agents and employees take immediate proper emergency measures to remedy dangerous conditions for the protection of property, life, health, or safety without obtaining an excavation permit, provided that such person, firm, or corporation shall apply for an excavation permit not later than the next business day and shall notify the Village office immediately.

(E) **Excavation in New Streets Limited.** Whenever the Village Board determines to provide for the permanent improvement or repaving of any street, such determination shall be made not less than **twenty (20) days** before the work of improvement or repaving shall begin. Immediately after such determination by the Village Board, the Village, or its designee shall notify, in writing, each person, utility, or other agency owning or controlling any sewer, water main, conduit, or other utility in or under said street or any real property abutting said street that all such excavation work in such street must be completed within **thirty (30) days**. After such permanent improvement or repaving, no permit shall be issued to open or excavate said street for a period of **five (5) years** after the date of improvement or repaving unless, in the opinion of the Village Board or its designee, conditions existing which make it absolutely essential that the permit be issued. Every effort shall be made to place gas, electric, telephone and television cable lines in street terraces.

33-4-17 TRAFFIC CONTROL.

(A) **Minimum Requirements.** The Village's minimum requirements for traffic protection are contained in IDOT's Illinois Manual on Uniform Traffic Control Devices and this Code.

(B) **Warning Signs, Protective Devices, and Flaggers.** The utility is responsible for providing and installing warning signs, protective devices and flaggers, when necessary, meeting all applicable federal, state, and local requirements for protection of the public and the utility's workers when performing any work on the public rights-of-way.

(C) **Interference with Traffic.** All work shall be phased so that there is minimum interference with pedestrian and vehicular traffic.

(D) **Notice When Access is Blocked.** At least **forty-eight (48) hours** prior to beginning work that will partially or completely block access to any residence, business or institution, the utility shall notify the resident, business or institution of the approximate beginning time and duration of such work; provided, however, that in cases involving emergency repairs pursuant to **Section 33-4-23** of this Article, the utility shall provide such notice as is practicable under the circumstances.

(E) **Compliance.** The utility shall take immediate action to correct any deficiencies in traffic protection requirements that are brought to the utility's attention by the Village.

33-4-18 LOCATION OF UTILITIES.

(A) **General Requirements.** In addition to location requirements applicable to specific types of utility facilities, all utility facilities, regardless of type, shall be subject to the general location requirements of this paragraph.

(1) **No Interference with Village Facilities.** No utility facilities shall be placed in any location if the Superintendent determines that the proposed location will require the relocation or displacement of any of the Village's utility facilities or will otherwise interfere with the operation or maintenance of any of the Village's utility facilities.

(2) **Minimum Interference and Impact.** The proposed location shall cause only the minimum possible interference with the use of the right-of-way and shall cause only the minimum possible impact upon, and interference with the rights and reasonable convenience of property owners who adjoin said right-of-way.

(3) **No Interference with Travel.** No utility facility shall be placed in any location that interferes with the usual travel on such right-of-way.

(4) **No Limitations on Visibility.** No utility facility shall be placed in any location so as to limit visibility of or by users of the right-of-way.

(5) **Size of Utility Facilities.** The proposed installation shall use the smallest suitable vaults, boxes, equipment enclosures, power pedestals, and/or cabinets then in use by the facility owner, regardless of location, for the particular application.

(B) Parallel Facilities Located Within Highways.

(1) **Overhead Parallel Facilities.** An overhead parallel facility may be located within the right-of-way lines of a highway only if:

(a) Lines are located as near as practicable to the right-of-way line and as nearly parallel to the right-of-way line as reasonable pole alignment will permit;

(b) Where pavement is curbed, poles are as remote as practicable from the curb with a minimum distance of **two (2) feet (0.6m)** behind the face of the curb, where available;

(c) Where pavement is uncurbed, poles are as remote from pavement edge as practicable with minimum distance of **four (4) feet (1.2m)** outside the outer shoulder line of the roadway and are not within the clear zone;

(d) No pole is located in the ditch line of a highway; and

- (e) Any ground-mounted appurtenance is located within **one (1) foot (0.3m)** of the right-of-way line or as near as possible to the right-of-way line.
- (2) **Underground Parallel Facilities.** An underground parallel facility may be located within the right-of-way lines of a highway only if:
- (a) The facility is located as near the right-of-way line as practicable and not more than **eight (8) feet (2.4m)** from and parallel to the right-of-way line;
- (b) A new facility may be located under the paved portion of a highway only if other locations are impracticable or inconsistent with sound engineering judgment (e.g., a new cable may be installed in existing conduit without disrupting the pavement); and
- (c) In the case of an underground power or communications line, the facility shall be located as near the right-of-way line as practicable and not more than **five (5) feet (1.5m)** from the right-of-way line and any above-grounded appurtenance shall be located within **one (1) foot (0.3m)** of the right-of-way line or as near as practicable.
- (C) **Facilities Crossing Highways.**
- (1) **No Future Disruption.** The construction and design of crossing facilities installed between the ditch lines or curb lines of Village highways may require the incorporation of materials and protections (such as encasement or additional cover) to avoid settlement or future repairs to the roadbed resulting from the installation of such crossing facilities.
- (2) **Cattle Passes, Culverts, or Drainage Facilities.** Crossing facilities shall not be located in cattle passes, culverts, or drainage facilities.
- (3) **90 Degree Crossing Required.** Crossing facilities shall cross at or as near to a **ninety (90) degree** angle to the centerline as practicable.
- (4) **Overhead Power or Communication Facility.** An overhead power or communication facility may cross a highway only if:
- (a) It has a minimum vertical line clearance as required by ICC's rules entitled, "Construction of Electric Power and Communication Lines" (83 Ill. Adm. Code 305);
- (b) Poles are located within **one (1) foot (0.3m)** of the right-of-way line of the highway and outside of the clear zone; and
- (c) Overhead crossings at major intersections are avoided.
- (5) **Underground Power or Communication Facility.** An underground power or communication facility may cross a highway only if:
- (a) The design materials and construction methods will provide maximum maintenance-free service life; and
- (b) Capacity for the utility's foreseeable future expansion needs is provided in the initial installation.
- (6) **Markers.** The Village may require the utility to provide a marker at each right-of-way line where an underground facility other than a power or communication facility crosses a highway. Each marker shall identify the type of facility, the utility, and an emergency phone number. Markers may also be eliminated as provided in current Federal regulations. (49 C.F.R. §192.707 (1989)).
- (D) **Facilities to be Located Within Particular Rights-of-Way.** The Village may require that facilities be located within particular rights-of-way that are not highways, rather than within particular highways.

- (E) **Freestanding Facilities.**
- (1) The Village may restrict the location and size of any freestanding facility located within a right-of-way.
 - (2) The Village may require any freestanding facility located within a right-of-way to be screened from view.
- (F) **Facilities Installed Above Ground.** Above ground facilities may be installed only if:
- (1) No other existing facilities in the area are located underground;
 - (2) New underground installation is not technically feasible; and
 - (3) The proposed installation will be made at a location, and will employ suitable design and materials, to provide the greatest protection of aesthetic qualities of the area being traversed without adversely affecting safety. Suitable designs include, but are not limited to, self-supporting armless, single-pole construction with vertical configuration of conductors and cable. Existing utility poles and light standards shall be used wherever practicable; the installation of additional utility poles is strongly discouraged.
- (G) **Facility Attachments to Bridges or Roadway Structures.**
- (1) Facilities may be installed as attachments to bridges or roadway structures only where the utility has demonstrated that all other means of accommodating the facility are not practicable. Other means shall include, but are not limited to, underground, underwater, independent poles, cable supports, and tower supports, all of which are completely separated from the bridge or roadway structure. Facilities transmitting commodities that are volatile, flammable, corrosive, or energized, especially those under significant pressure or potential, present high degrees of risk and such installations are not permitted.
 - (2) A utility shall include in its request to accommodate a facility installation on a bridge or roadway structure supporting data demonstrating the impracticability of alternate routing. Approval or disapproval of an application for facility attachment to a bridge or roadway structure will be based upon the following considerations:
 - (a) The type, volume, pressure or voltage of the commodity to be transmitted and an evaluation of the resulting risk to persons and property in the event of damage to or failure of the facility;
 - (b) The type, length, value, and relative importance of the highway structure in the transportation system;
 - (c) The alternative routings available to the utility and their comparative practicability;
 - (d) The proposed method of attachment;
 - (e) The ability of the structure to bear the increased load of the proposed facility;
 - (f) The degree of interference with bridge maintenance and painting;
 - (g) The effect on the visual quality of the structure; and
 - (h) The public benefit expected from the utility service as compared to the risk involved.
- (H) **Appearance Standards.**
- (1) The Village may prohibit the installation of facilities in particular locations in order to preserve visual quality.
 - (2) A facility may be constructed only if its construction does not require extensive removal or alteration of trees or terrain features visible to the right-of-way user or to adjacent residents and property owners, and if it does not impair the aesthetic quality of the lands being traversed.

33-4-19
 (A)
Methods.

CONSTRUCTION METHODS AND MATERIALS.
Standards and Requirements for Particular Types of Construction

- (1) **Boring or Jacking.**
 - (a) **Pits and Shoring.** Boring and jacking under rights-of-way shall be accomplished from pits located at a minimum distance specified by the Superintendent from the edge of the pavement. Pits for boring or jacking shall be excavated no more than **forty-eight (48) hours** in advance of boring or jacking operations and backfilled within **forty-eight (48) hours** after boring or jacking operations are completed. While pits are open, they shall be clearly marked and protected by barricades. Shoring shall be designed, erected, supported, braced, and maintained so that it will safely support all vertical and lateral loads that may be imposed upon it during the boring or jacking operation.
 - (b) **Wet Boring or Jetting.** Wet boring or jetting shall not be permitted under the roadway.
 - (c) **Borings With Diameters Greater than Six (6) Inches.** Borings over **six (6) inches (0.15m)** in diameter shall be accomplished with an auger and following pipe, and the diameter of the auger shall not exceed the outside diameter of the following pipe by more than **one (1) inch (25mm)**.
 - (d) **Borings with Diameters Six (6) Inches or Less.** Borings of **six (6) inches** or less in diameter may be accomplished by either jacking, guided with auger, or auger and following pipe method.
 - (e) **Tree Preservation.** Any facility located within the drip line of any tree designed by the Village to be preserved shall be bored under or around the root system.
- (2) **Trenching.** Trenching for facility installation, repair, or maintenance on rights-of-way shall be done in accord with the applicable portions of Section 603 IDOT's "Standard Specifications for Road and Bridge Construction".
 - (a) **Length.** The length of open trench shall be kept to the practicable minimum consistent with requirements for pipe-line testing. Only one-half of any intersection may have an open trench at any time unless special permission is obtained from the Superintendent.
 - (b) **Open Trench and Excavated Material.** Open trench and wind rowed excavated material shall be protected as required by Chapter 6 of the Illinois Manual on Uniform Traffic Control Devices. Where practicable, the excavated material shall be deposited between the roadway and the trench as added protection. Excavated material shall not be allowed to remain on the paved portion of the roadway. Where right-of-way width does not allow for wind rowing excavated material off the paved portion of the roadway, excavated material shall be hauled to an off-road location.
 - (c) **Drip Line of Trees.** The utility shall not trench within the drip line of any tree designated by the Village to be preserved.
- (3) **Backfilling.**
 - (a) Any pit, trench, or excavation created during the installation of facilities shall be backfilled for its full width, depth, and length using methods and materials in accordance with IDOT's

"Standard Specifications for Road and Bridge Construction". When excavated material is hauled away or is unsuitable for backfill, suitable granular backfill shall be used.

- (b) For a period of **three (3) years** from the date construction of a facility is completed, the utility shall be responsible to remove and restore any backfilled area that has settled due to construction of the facility. If so ordered by the Superintendent, the utility, at its expense, shall remove any pavement and backfill material to the top of the installed facility, place and properly compact new backfill material, and restore new pavement, sidewalk, curbs, and driveways to the proper grades, as determined by the Superintendent.
- (4) **Pavement Cuts.** Pavement cuts for facility installation or repair shall be discouraged but may be permitted only upon location specific approval by the Superintendent and only if that portion of the roadway is closed to traffic.
- (a) Any excavation under pavements shall be backfilled and compacted as soon as practicable with granular material of CA-6 or CA-10 gradation, as designated by the Superintendent.
 - (b) Restoration of pavement, in kind, shall be accomplished as soon as practicable, and temporary repair with bituminous mixture shall be provided immediately. Any subsequent failure of either the temporary repair or the restoration shall be rebuilt upon notification by the Village.
 - (c) All saw cuts shall be full depth.
 - (d) For all rights-of-way which have been reconstructed with a concrete surface/base in the last **seven (7) years** or resurfaced in the last **three (3) years**, permits shall not be issued unless such work is determined to be an emergency repair or other work considered necessary and unforeseen before the time of the reconstruction or unless a pavement cut is necessary for a Common Ground Alliance 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 between **twenty-four (24) to forty-eight (48) inches** at least in the amount specified in the following table for minimum cover for the type of facility:

Type of Facility	Minimum Cover
Electric Lines	30 inches (0.8m)
Communication, Cable or Video Service Lines	18 to 24 inches (0.6m, as Determined by Village)
Gas or Petroleum Products	30 inches (0.8m)
Water Line	Sufficient Cover to Provide Freeze Protection
Sanitary Sewer, Storm Sewer, Or Drainage Line	Sufficient Cover to Provide Freeze Protection

(B)

Standards and Requirements for Particular Types of Facilities.

- (1) **Electric Power or Communication Lines.**
- (a) **Code Compliance.** Electric power or communications facilities within Village rights-of-way shall be constructed, operated, and maintained in conformity with the provisions of 83 Ill. Adm. Code 305 (formerly General Order 160 of the Illinois Commerce Commission) entitled "Rules for Construction of Electric Power and Communications Lines", and the National Electrical Safety Code.
 - (b) **Overhead Facilities.** Overhead power or communication facilities shall use single pole construction and, where practicable, joint use of poles shall be used. Utilities shall make every reasonable effort to design the installation so guys and braces will not be needed. Variances may be allowed if there is no feasible alternative and if guy wires are equipped with guy guards for maximum visibility.
 - (c) **Underground Facilities.**
 - (i) Cable may be installed by trenching or plowing, provided that special consideration is given to boring in order to minimize damage when crossing improved entrances and side roads.
 - (ii) If a crossing is installed by boring or jacking, encasement shall be provided between jacking or bore pits. Encasement may be eliminated only if:
 - a. the crossing is installed by the use of "moles", "whip augers", or other approved method which compress the earth to make the opening for cable installation or

- b. the installation is by the open trench method which is only permitted prior to roadway construction.
 - (iii) Cable shall be grounded in accordance with the National Electrical Safety Code.
 - (d) **Burial of Drops.** All temporary service drops placed between **November 1** of the prior year and **March 15** of the current year, also known as snowdrops, shall be buried by **May 31** of the current year, weather permitting, unless otherwise permitted by the Village. Weather permitting, utilities shall bury all temporary drops, excluding snowdrops, within **ten (10) business days** after placement.
 - (2) **Underground Facilities Other Than Electric Power or Communication Lines.** Underground facilities other than electric power or communication lines may be installed by:
 - (a) The use of "moles", "whip augers", or other approved methods which compress the earth to move the opening for the pipe;
 - (b) jacking or boring with vented encasement provided between the ditch lines or toes of slopes of the highway;
 - (c) open trench with vented encasement between ultimate ditch lines or toes of slopes, but only if prior to roadway construction; or
 - (d) tunneling with vented encasement, but only if installation is not possible by other means.
 - (3) **Gas Transmission, Distribution and Service.** Gas pipelines within rights-of-way shall be constructed, maintained, and operated in a Village approved manner and in conformance with the Federal Code of the Office of Pipeline Safety Operations, Department of Transportation, Part 192 – Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards (49 CFR §192), IDOT's "Standard Specifications for Road and Bridge Construction", and all other applicable laws, rules, and regulations.
 - (4) **Petroleum Products Pipelines.** Petroleum products pipelines within rights-of-way shall conform to the applicable sections of ANSI Standard Code for Pressure Piping. (Liquid Petroleum Transportation Piping Systems ANSI-B 31.4).
 - (5) **Waterlines, Sanitary Sewer Lines, Storm Water Sewer Lines or Drainage Lines.** Water lines, sanitary sewer lines, storm sewer lines, and drainage lines within rights-of-way shall meet or exceed the recommendations of the current "Standard Specifications for Water and Sewer Main Construction in Illinois".
 - (6) **Ground Mounted Appurtenances.** Ground mounted appurtenances to overhead or underground facilities, when permitted within a right-of-way, shall be provided with a vegetation-free area extending **one (1) foot (305mm)** in width beyond the appurtenance in all directions. The vegetation-free area may be provided by an extension of the mounting pad, or by heavy duty plastic or similar material approved by the Superintendent, shrubbery surrounding the appurtenance may be used in place of vegetation-free area. The housing for ground-mounted appurtenances shall be painted a neutral color to blend with the surroundings.
- (C) **Materials.**
- (1) **General Standards.** The materials used in constructing facilities within rights-of-way shall be those meeting the accepted standards of the

appropriate industry, the applicable portions of IDOT's "Standard Specifications for Road and Bridge Construction", the requirements of the Illinois Commerce Commission, or the standards established by other official regulatory agencies for the appropriate industry.

- (2) **Material Storage on Right-of-Way.** No material shall be stored on the right-of-way without the prior written approval of the Superintendent. When such storage is permitted, all pipe, conduit, wire, poles, cross arms, or other materials shall be distributed along the right-of-way prior to and during installation in a manner to minimize hazards to the public or an obstacle to right-of-way maintenance or damage to the right-of-way and other property. If material is to be stored on right-of-way, prior approval must be obtained from the Village.
- (3) **Hazardous Materials.** The plans submitted by the utility to the Village shall identify any hazardous materials that may be involved in the construction of the new facilities or removal of any existing facilities.

(D) **Operational Restrictions.**

- (1) Construction operations on rights-of-way may, at the discretion of the Village, be required to be discontinued when such operations would create hazards to traffic or the public health, safety, and welfare. Such operations may also be required to be discontinued or restricted when conditions are such that construction would result in extensive damage to the right-of-way or other property.
- (2) These restrictions may be waived by the Superintendent when emergency work is required to restore vital utility services.
- (3) Unless otherwise permitted by the Village, the hours of construction are from **6:00 A.M. to 6:00 P.M.**

(E) **Location of Existing Facilities.** Any utility proposing to construct facilities in the Village shall contact Common Ground Alliance 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. When notified of an excavation or when requested by the Village or by Common Ground Alliance, a utility shall locate and physically mark its underground facilities within **forty-eight (48) hours**, excluding weekends and holidays, in accordance with the Illinois Underground Facilities Damage Prevention Act (220 ILCS 50/1 *et seq.*)

33-4-20 VEGETATION CONTROL.

(A) **Electric Utilities - Compliance with State Laws and Regulations.** An electric utility shall conduct all tree-trimming and vegetation control activities in the right-of-way in accordance with applicable Illinois laws and regulations, and additionally, with such local franchise or other agreement with the Village as permitted by law.

(B) **Other Utilities - Tree Trimming Permit Required.** Tree trimming that is done by any other utility with facilities in the right-of-way and that is not performed pursuant to applicable Illinois laws and regulations specifically governing the same, shall not be considered a normal maintenance operation, but shall require the application for, and the issuance of, a permit, in addition to any other permit required under this Article.

- (1) **Application for Tree Trimming Permit.** Applications for tree trimming permits shall include assurance that the work will be accomplished by competent workers with supervision who are experienced in accepted tree pruning practices. Tree trimming permits shall designate an expiration date in the interest of assuring that the work will be expeditiously accomplished.
- (2) **Damage to Trees.** Poor pruning practices resulting in damaged or misshapen trees will not be tolerated and shall be grounds for cancellation of the tree trimming permit and for assessment of damages.

The Village will require compensation for trees extensively damaged and for trees removed without authorization. The formula developed by the International Society of Arboriculture will be used as a basis for determining the compensation for damaged trees or unauthorized removal of trees. The Village may require the removal and replacement of trees if trimming or radical pruning would leave them in an unacceptable condition.

(C) **Specimen Trees or Trees of Special Significance.** The Village may require that special measures be taken to preserve specimen trees or trees of special significance. The required measures may consist of higher poles, side arm extensions, covered wire or other means.

(D) **Chemical Use.**

- (1) Except as provided in the following paragraph, no utility shall spray, inject or pour any chemicals on or near any trees, shrubs or vegetation in the Village for any purpose, including the control of growth, insects or disease.
- (2) Spraying of any type of brush-killing chemicals will not be permitted on rights-of-way unless the utility demonstrates to the satisfaction of the Superintendent that such spraying is the only practicable method of vegetation control.

33-4-21 REMOVAL, RELOCATION, OR MODIFICATION OF UTILITY FACILITIES.

(A) **Notice.** Within **ninety (90) days** following written notice from the Village, a utility shall, at its own expense, protect, support, temporarily or permanently disconnect, remove, relocate, change or alter the position of any utility facilities within the rights-of-way whenever the corporate authorities have determined that such removal, relocation, change or alteration, is reasonably necessary for the construction, repair, maintenance, or installation of any Village improvement in or upon, or the operations of the Village in or upon, the rights-of-way.

(B) **Removal of Unauthorized Facilities.** Within **thirty (30) days** following written notice from the Village, any utility that owns, controls, or maintains any unauthorized facility or related appurtenances within the rights-of-way shall, at its own expense, remove all or any part of such facilities or appurtenances from the rights-of-way. A facility is unauthorized and subject to removal in the following circumstances:

- (1) Upon expiration or termination of the permittee's license or franchise, unless otherwise permitted by applicable law;
- (2) If the facility was constructed or installed without the prior grant of a license or franchise, if required;
- (3) If the facility was constructed or installed without prior issuance of a required permit in violation of this Article; or
- (4) If the facility was constructed or installed at a location not permitted by the permittee's license or franchise.

(C) **Emergency Removal or Relocation of Facilities.** The Village retains the right and privilege to cut or move any facilities located within the rights-of-way of the Village, as the Village may determine to be necessary, appropriate or useful in response to any public health or safety emergency. If circumstances permit, the Municipality shall attempt to notify the utility, if known, prior to cutting or removing a facility and shall notify the utility, if known, after cutting or removing a facility.

(D) **Abandonment of Facilities.** Upon abandonment of a facility within the rights-of-way of the Village, the utility shall notify the Village within **ninety (90) days**. Following receipt of such notice the Village may direct the utility to remove all or any portion of the facility if the Superintendent determines that such removal will be in the best interest of the public health, safety and welfare. In the event that the Village does not direct the utility that abandoned the facility to remove it, by giving notice of abandonment to the Village, the abandoning utility shall be deemed to consent to the alteration or removal of all or any portion of the facility by another utility or person.

33-4-22 CLEANUP AND RESTORATION. The utility shall remove all excess material and restore all turf and terrain and other property within **ten (10) days** after any portion of the rights-of-way are disturbed, damaged or destroyed due to construction or maintenance by the utility, all to the satisfaction of the Village. This includes restoration of entrances and side roads. Restoration of roadway surfaces shall be made using materials and methods approved by the Superintendent. Such cleanup and repair may be required to consist of backfilling, regrading, reseeding, resodding, or any other requirement to restore the right-of-way to a condition substantially equivalent to that which existed prior to the commencement of the project. The time period provided in this Section may be extended by the Superintendent for good cause shown.

33-4-23 MAINTENANCE AND EMERGENCY MAINTENANCE.

(A) **General.** Facilities on, over, above, along, upon, under, across, or within rights-of-way are to be maintained by or for the utility in a manner satisfactory to the Village and at the utility's expense.

(B) **Emergency Maintenance Procedures.** Emergencies may justify noncompliance with normal procedures for securing a permit:

- (1) If an emergency creates a hazard on the traveled portion of the right-of-way, the utility shall take immediate steps to provide all necessary protection for traffic on the highway or the public on the right-of-way including the use of signs, lights, barricades or flags. If a hazard does not exist on the traveled way, but the nature of the emergency is such as to require the parking on the shoulder of equipment required in repair operations, adequate signs and lights shall be provided. Parking on the shoulder in such an emergency will only be permitted when no other means of access to the facility is available.
- (2) In an emergency, the utility shall, as soon as possible, notify the Superintendent or his or her duly authorized agent of the emergency, informing him or her as to what steps have been taken for protection of the traveling public and what will be required to make the necessary repairs. If the nature of the emergency is such as to interfere with the free movement of traffic, the Village law enforcement shall be notified immediately.
- (3) In an emergency, the utility shall use all means at hand to complete repairs as rapidly as practicable and with the least inconvenience to the traveling public.

(C) **Emergency Repairs.** The utility must file in writing with the Village a description of the repairs undertaken in the right-of-way within **forty-eight (48) hours** after an emergency repair.

33-4-24 VARIANCES.

(A) **Request for Variance.** A utility requesting a variance from one or more of the provisions of this Article must do so in writing to the Superintendent as a part of the permit application. The request shall identify each provision of this Article from which a variance is requested and the reasons why a variance should be granted.

(B) **Authority to Grant Variances.** The Superintendent shall decide whether a variance is authorized for each provision of this Article identified in the variance request on an individual basis.

(C) **Conditions for Granting of Variance.** The Superintendent may authorize a variance only if the utility requesting the variance has demonstrated that:

- (1) One or more conditions not under the control of the utility (such as terrain features or an irregular right-of-way line) create a special

hardship that would make enforcement of the provision unreasonable, given the public purposes to be achieved by the provision; and

- (2) All other designs, methods, materials, locations or facilities that would conform with the provision from which a variance is requested are impracticable in relation to the requested approach.

(D) **Additional Conditions for Granting of a Variance.** As a condition for authorizing a variance, the Superintendent may require the utility requesting the variance to meet reasonable standards and conditions that may or may not be expressly contained within this Article, but which carry out the purposes of this Article.

(E) **Right to Appeal.** Any utility aggrieved by any order, requirement, decision or determination, including denial of a variance, made by the Superintendent under the provisions of this Article shall have the right to appeal to the Village Board, or such other board or commission as it may designate. The application for appeal shall be submitted in writing to the Village Clerk within **thirty (30) days** after the date of such order, requirement, decision or determination. The Village Board shall commence its consideration of the appeal at the Board's next regularly scheduled meeting occurring at least **seven (7) days** after the filing of the appeal. The Village Board shall timely decide the appeal.

33-4-25 PENALTIES. Any person who violates, disobeys, omits, neglects or refuses to comply with any of the provisions of this Article shall be subject to fine in accordance with the penalty provisions of this Code. There may be times when the Village will incur delay or other costs, including third party claims, because the utility will not or cannot perform its duties under its permit and this Article. Unless the utility shows that another allocation of the cost of undertaking the requested action is appropriate, the utility shall bear the Village's costs of damages and its costs of installing, maintaining, modifying, relocating, or removing the facility that is the subject of the permit. No other administrative agency or commission may review or overrule a permit related cost apportionment of the Village. Sanctions may be imposed upon a utility that does not pay the costs apportioned to it. **(See Section 1-1-20 for additional penalties.)**

33-4-26 ENFORCEMENT.

(A) **Notifications.** Nothing in this Article shall be construed as limiting any additional or further remedies that the Village may have for enforcement of this Article. Upon timely completion, the Village shall conduct its final inspections. In the event that completion is not timely accomplished and/or such work is not properly completed as provided herein, the Village may elect to tender to applicant a notice of same providing applicant at least **five (5) business days** to complete such work. Such notice may, at the Village's election, be personally served and/or served by First Class U.S. Mail to the address contained in the permit application with such service being effective the date mailed. Upon the expiration of said notice period, the Village may elect to enforce this Chapter by judicial action or may complete such work itself recovering the cost of doing same from bonds and/or the applicant all as the village deems appropriate.

(B) **Superseder and Publication.** All code provisions, ordinances, resolutions and orders, or parts thereof, in conflict herewith, are to the extent of such conflict hereby superseded. A full, true and complete copy of this Chapter shall be published in pamphlet form or in a newspaper published and of general circulation within the Village as provided by the Illinois Municipal Code, as amended.

(C) **Effective Date.** This Chapter shall be in full force and effect upon passage and approval, as provided by the Illinois Municipal Code, as amended.

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.

(B) **Permit.** It shall be unlawful for any person to build, lay or construct any sidewalk along any property in the Village or along any of the streets, alleys, or public highways thereon, without first obtaining permission from the Street Superintendent to do so.

(C) **Cost to Owner.** If the funds are available and the Village Board approves the request, the property owner shall pay the cost of the concrete and thereafter, the sidewalk shall be constructed by the Village. The cost of construction shall not include any engineering fees; these shall be paid by the Village.

(C) **Subdivisions.** This Section is not applicable to new subdivisions. **(See 65 ILCS 5/11-80-13)**

33-5-2 CURBS AND GUTTERS.

(A) **Request in Writing.** Any person owning property within the Village who desires to have new curbs and gutters constructed along the street adjoining his premises shall file a request with the Street Superintendent, giving the location of the property and the length of the curbs and gutters requested.

(B) **Cost to Owner.** If the funds are available and the Village Board approves the request, the property owner shall pay **one-half (1/2)** of the cost of the construction and thereafter, the curb and gutter will be constructed by the Village.

(C) **Approval by Village Board.** The approval of the request for construction of curbs and gutters by the Village Board shall be dependent upon the approval of funds, priority of projects and continuity of construction for the best benefit of the Village as determined by the Village Board.

(D) **Subdivisions.** This Section is not applicable to new subdivisions. **(See 65 ILCS 5/11-80-11)**

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 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 drainpipe (**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 install the culvert purchased by the Village.

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 5/11-80-7)

ARTICLE VII - DRIVEWAYS

33-7-1 PERMITS REQUIRED. No person shall construct a driveway for vehicles or animals across any sidewalk in the Village without having first obtained a permit therefor.

Applications for such permits shall be made to the Village Clerk and shall be accompanied by the fee required.

No permit for construction of a driveway for commercial use, or for the habitual use of other than the owner or occupant of the premises served shall be issued except upon the order of the Village Clerk.

33-7-2 FEE. The fee for all such construction shall be **One Dollar (\$1.00)**.

33-7-3 GRADE SURFACE. No driveway shall be so constructed or graded as to leave a step, sharp depression or other obstruction in the sidewalk. The grade shall be as nearly as possible the same as that of the adjoining sidewalk. It shall be unlawful to have the surface finish of any driveway where the same crosses the sidewalk constructed of such materials as to render it slippery and hazardous to pedestrians, or to have the grade of such portion vary from the grade of the sidewalk or be other than level.

33-7-4 SPECIFICATIONS. Driveways across sidewalks shall be constructed in compliance with the specifications required by the Street Superintendent.

33-7-5 BREAKING CURB - BOND REQUIRED. Before a permit can be issued to break a curb in the Village for the installation of a driveway or any other purpose, a bond or cash in the amount of **One Hundred Dollars (\$100.00)** is required to be posted with the Village Clerk.

33-7-6 REPAIR. It shall be the duty of the person maintaining the driveway to keep the same in good repair where it crosses the sidewalk and free from obstruction and openings.

(See 65 ILCS 5/11-80-2)

ARTICLE VIII - 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 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.

VILLAGE OF SADORUS

EXCAVATION PERMIT

NAME _____

FIRM NAME _____

ADDRESS _____

CITY/VILLAGE _____ STATE _____ PHONE _____

LOCATION OF PROPOSED EXCAVATION _____

NATURE OF EXCAVATION _____

BONDING COMPANY:

NAME _____

ADDRESS _____

CITY/VILLAGE _____ STATE _____ PHONE _____

AMOUNT OF BOND \$ _____

PREVIOUS EXPERIENCE (LIST CITIES AND/OR VILLAGES)

	<u>CITY/VILLAGE</u>	<u>CITY/VILLAGE OFFICIAL</u>
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____

I have read the municipal law with regard to excavations and my firm or company intends to fully comply with the Street Regulations Code provisions.

(Applicant's Signature)

VILLAGE OF SADORUS

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: _____

VILLAGE OF SADORUS

PUBLIC RIGHT-OF-WAY PERMIT

Applicant Name: _____

Address: _____

Phone: _____

Email: _____

Contact Person: _____

Location of Proposed Work: _____

Nature of Work: _____

Method of Construction: _____

Dates of Construction: _____

Special Items: _____

Bond Information: _____

Insurance Information: _____

The undersigned applicant has reviewed and agrees to comply with the terms of the Village of Sadorus ordinances including but not limited to Chapter 33, Article IV "Utility Requirements in Village Right-of-Way."

Dated this _____ day of _____, 20____.

Applicant:

Duly Authorized Agent

Accepted (not yet approved) this _____ day of _____, 20____.

Duly Authorized Agent

Approved/Declined (**circle one**) this _____ day of _____, 20____.

Special conditions of permit/reason for declination:

Village of Sadorus

Duly Authorized Agent

CHAPTER 34

SUBDIVISION CODE

ARTICLE I - GENERAL PROVISIONS

34-1-1 TITLE. These regulations shall be known as and may be referred to as the Subdivision Code. (As amended by Ord. No. 2022-0-7; 11-29-22)

34-1-2 PURPOSE. In accordance with State law (65 ILCS 5/11-12-5, 5/11-12-8 -- 5/11-12-12; 765 ILCS 205/1 et seq.) this Code regulates the subdivision and development of land in order to implement the Comprehensive Plan and Official Map duly adopted by the Village. Thus, this Code assists in achieving the following specific objectives:

- (A) to preserve, protect, and promote the public health, safety, and welfare;
- (B) to provide a pleasant living environment by furthering the orderly and efficient layout and use of land and by facilitating aesthetic urban design;
- (C) to establish accurate legal records, to avoid development in wetland areas, and to avoid legal and other problems by requiring that subdivided land be properly monumented and recorded;
- (D) to conserve and increase the value of land, improvements, and buildings throughout the Village;
- (E) to preserve the natural beauty and topography of the Village to the maximum feasible extent, including preservation of such features as stands of trees, streams, significant archaeological sites, and historical landmarks;
- (F) to provide adequate light, air, and privacy for all residents of new developments by preventing undue concentration of population;
- (G) to protect against injury or damage caused by fire, pollution, flooding, storm water runoff, or erosion and sedimentation;
- (H) to provide safe and convenient access to new developments and to avoid traffic congestion and unnecessary public expenditures by requiring the proper location, design, and construction of streets and sidewalks;
- (I) to provide an environment whereby the cost of installing and maintaining adequate water mains, sanitary sewers, storm water sewers, and other utilities and services can be kept at a minimum; and
- (J) to ensure that adequate parks, schools, and similar facilities can be made available to serve the residents.

34-1-3 JURISDICTION. The provisions of this Code shall apply to all Planned Developments whether Residential, Commercial, or otherwise in nature, and to any other developments whether a Plat is required or not under the law, statutes, ordinances or regulations of the governmental body or agency having jurisdiction or control, and regardless of whether the same is labeled a subdivision or not, it being the intent of this Code to apply to all types of development, both within the Village and to areas lying within **one and one-half (1.5) miles** of the corporate limits of the Village.

[County’s law will prevail in one and one-half (1 ½) mile area if it is more restrictive.]

34-1-4 INSTANCES WHEN PLATS WILL NOT BE REQUIRED. The provision of these regulations does not apply and no plat is required in any of the following instances:

- (A) the division or subdivision of land into parcels or tracts of **five (5) acres** or more in size which does not involve any new streets or easements of access or special utility easements;

(B) the division of lots or blocks of less than **one (1) acre** in any recorded subdivision which does not involve any new streets or easements of access or special utility easements;

(C) the sale or exchange of parcels of land between owners of adjoining and contiguous land;

(D) the conveyance of parcels of land or interests therein for use as a right-of-way for railroads or other public utility facilities and other pipelines which does not involve any new streets or easements of access or special utility easements;

(E) the conveyance of land for highway or other public purposes or grants or conveyance relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use;

(F) conveyance made to correct description in prior conveyances;

(G) the sale or exchange of parcels or tracts of land following the division into no more than **two (2) parts** of a particular parcel or tract of land recorded on or before **July 17, 1959** and not involving any new streets or easements of access or add special utility easements;

(H) the conveyance of land owned by a railroad or other public utility which does not involve any new streets or easements of access or special utility easements;

(I) the sale of a single lot of less than **five (5) acres** from a larger tract when a survey is made by a registered surveyor; provided, however, that this exemption shall not apply to the sale of any subsequent lots from the same larger tract of land, as determined by the dimensions and configuration of the larger tract existing as of **October 1, 1973**.

The Village retains the right to review and approve the infrastructure improvements including, but not limited to stormwater and erosion control regulations. **(See Chapter 32 for Stormwater Code)**

34-1-5 INTERPRETATION. Every provision of this Code shall be construed liberally in favor of the Village, and every regulation set forth herein shall be considered the minimum requirement for the promotion of public health, safety, and welfare.

(A) **More Restrictive Requirements Apply.** Whenever the requirements of this Code differ from those of any statute, lawfully adopted ordinance or regulation, easement, covenant, or deed restriction, the more stringent requirement shall prevail. Thus, in accordance with State law whenever this Code imposes higher standards than the Village Subdivision Code, said higher standards shall supersede the Village regulations in the unincorporated territory located within the Village's subdivision jurisdiction. **(See 65 ILCS 5/11-12-11)**

34-1-6 DISCLAIMER OF LIABILITY.

(A) Except as may be provided otherwise by statute or ordinance, no officer, council member, agent, or employee of the Village shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this Code. **(See "Local Governmental and Governmental Employees Tort Immunity Act," 745 ILCS, Secs. 10/1-101.)**

(B) Any suit brought against any officer, council member, agent, or employee of the Village, as a result of any act required or permitted in the discharge of his duties under this Code, shall be defended by the Village Attorney until the final determination of the legal proceedings.

ARTICLE II - DEFINITIONS

34-2-1 **INTERPRETATION OF TERMS.** In construing the intended meaning of terminology used in this Code, the following rules shall be observed:

(A) Unless the context clearly indicates otherwise, words and phrases shall have the meanings respectively ascribed to them in **Section 34-2-2**; terms not defined in **Section 34-2-2** shall have the meanings respectively ascribed to them in the Village's Zoning Code; if any term is not defined either in **Section 34-2-2** or in the Zoning Code, said term shall have its standard English dictionary meaning.

(B) Words denoting the masculine gender shall be deemed to include the feminine and neuter genders.

(C) Words used in the present tense shall include the future tense.

(D) Words used in the singular number shall include the plural number, and vice versa.

(E) The word "shall" is mandatory; the word "may" is discretionary.

(F) Captions (i.e., titles of sections, subsections, etc.) are intended merely to facilitate general reference and in no way limit the substantive application of the provisions set forth thereunder.

(G) References to sections shall be deemed to include all subsections within that section; but a reference to a particular subsection designates only that subsection.

(H) A general term that follows or is followed by enumerations of specific terms shall not be limited to the enumerated class unless expressly limited.

(I) All distances shall be measured to the nearest integral foot; **six (6) inches** or more shall be deemed **one (1) foot**.

34-2-2 **SELECTED DEFINITIONS.**

Administrator: The official appointed by the Mayor and the Village Board to administer the Subdivision Code.

Alley: A public right-of-way which affords a secondary means of vehicular access to the side or rear of premises that front on a nearby street, and which may be used for utility purposes.

Amendment: A change in the provisions of this code, properly effected in accordance with State law and the procedures set forth herein.

Area, Building: The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of unenclosed patios, terraces, and steps.

Area, Gross: The entire area within the lot lines of the property proposed for subdivision/development, including any areas to be dedicated/reserved for street and alley rights-of-way and for public uses.

Area, Net: The entire area within the boundary lines of the territory proposed for subdivision, less the area to be dedicated for street and alley rights-of-way and public use.

Arterial Street: A street designed or utilized primarily for high vehicular speeds or for heavy volumes of traffic on a continuous route with intersections at grade, and on which traffic control devices are used to expedite the safe movement of through traffic.

Barrier (Natural or Artificial): Any street, highway, river, pond, canal, railroad, levee, embankment, or screening by a fence or hedge.

Block: An area of land entirely bounded by streets, highways, barriers, or rights-of-ways (except alleys, pedestrian ways, or exterior boundaries of a subdivision unless exterior boundary is a street, highway, or R.O.W.) or bounded by a combination of streets, public parks, cemeteries, railroad rights-of-way, waterways, or corporate boundary lines.

Building: Any structure, whether temporary, semi-permanent, or permanent, designed or intended for the support, enclosure, shelter or protection of persons or property.

Building Line: See Setback Line.

Catch Basin: A receptacle, located where a street gutter opens into a storm sewer, designed to retain matter that would not easily pass through the storm sewer.

Centerline:
(A) the centerline of any right-of-way having a uniform width;
(B) the original centerline, where a right-of-way has been widened irregularly;
(C) the new centerline, whenever a road has been relocated.

Centerline Offset: The distance between the centerline of two roughly parallel streets, measured along the third street with which both said "parallel" streets intersect.

Cluster Development: A subdivision planned and constructed so as to group housing units into relatively dense patterns while providing a unified network of open space and wooded areas and meeting the requirements of the Subdivision Code and the Zoning Code of the Village.

Collector Street: A street which carries or is proposed to carry intermediate volumes of traffic from local streets to arterial streets and which may or may not be continuous. Collector streets are those streets which carry or are expected to carry traffic intensities as generated by serving more than one hundred fifty (150) dwelling units.

Common Land: That land set aside for open space or recreational use for the owners of the lots of a subdivision, which land is conveyed by the developer in fee simple absolute title by warranty to trustees whose trust indenture shall provide that said common land be used for the sole benefit, use and enjoyment of the lot owners present and future. No lot owner shall have the right to convey his interest in the common land except as an incident of the ownership of a regularly platted lot.

Comprehensive Plan: The plan, if any, or any portion thereof adopted by the Village Board to guide and coordinate the physical and economic development of the Village. The Village's Comprehensive Plan may include, but is not limited to, plans and programs regarding the location, character, and extent of highways, bridges, public buildings or uses, utilities, schools, residential, commercial, or industrial land uses, parks, drainage facilities, etc.

Cross-slope: The degree of inclination measured across a right-of-way rather than in the direction traffic moves on said right-of-way.

Cul-de-Sac: A short minor local street having only one outlet for vehicular traffic and having the other end permanently terminated by a turn-around for vehicles; the term may also be used to refer solely to said turn-around.

Curb and Gutter, Integral: The rim forming the edge of a street plus the channel for leading off surface water, constructed of concrete as a single facility.

Dedicate: To transfer the ownership of a right-of-way, parcel of land, or improvement to the Village or other appropriate government entity without compensation.

Density, Gross: The total number of dwelling units divided by the total project area, expressed as gross dwelling units per acre.

Density, Net: The total number of dwelling units divided by the net acreage. See definition of Area, Net.

Design: The arrangement of uses on the land and the arrangement of easements, lots and rights-of-way, including specifications of materials, alignment, grade and width of these elements.

Develop: To erect any structure or to install any improvements on a tract of land, or to undertake any activity (such as grading) in preparation, therefore.

Dimensions: Refers to both lot depth and lot width.

District, Zoning: A portion of the territory of the Village wherein certain uniform requirements or various combinations thereof apply to structures, lots, and uses under the terms of the Zoning Code. (See Chapter 40)

Drainageway: A watercourse, gully, dry stream, creek, or ditch which carries storm water runoff, or which is fed by street or building gutters or by storm water sewers, or which serves the purpose of draining water from the lands adjacent to such watercourse, gully, dry stream, creek, or ditch.

Easement: A grant by the property owner to the public, a corporation, or a person of the use of land for limited and specifically named purpose.

Escrow Deposit: A deposit in cash or other approved securities to assure the completion of improvements within a subdivision.

Filing Date: The date that the applicant has filed the last item of required data or information with the Village Clerk and has paid the necessary fees for review by the Hearing Officer.

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 Hearing Officer and the Village Board.

Improvement Plans: The engineering plans showing types of materials and construction details for earth moving and for the structures and facilities to be installed both in, or in conjunction with, a

subdivision. Plans shall include drainage, streets, alleys and utility locations to be installed in or in conjunction with a subdivision - also, include overall drainage plan and its effect on contiguous land and source of effluent or discharge.

Inlet: A receptacle, located where surface and/or groundwater can run to by gravity to be received by the storm sewer.

Intersection: The point at which two or more public rights-of-way (generally streets) meet.

Land Use Plan: The comprehensive long-range plan for the desirable use of land, the purpose of such plan being, among other things, to serve as a guide to the zoning and progressive subdividing and use of undeveloped land.

Local Street: A street serving limited amounts of residential traffic and:

- (A) is used primarily for access to abutting properties and marginal streets;
- (B) has more than one outlet;
- (C) is not typically a through route; and
- (D) serves less than **one hundred fifty (150) dwelling units.**

Lot: A tract of land intended as a unit for the purpose (whether immediate or future) of development or transfer of ownership. A "lot" may or may not coincide with a "lot of record."

Lot Area: The area of a horizontal plane bounded by the front, side, and rear lines of a lot, exclusive of any land designated for street right-of-way.

Lot, Butt: A lot at the end of a block and located between **two (2) corner lots.**

Lot, Corner: A lot having at least **two (2) adjacent sides** that abut for their full length upon streets. Both such side lines shall be deemed front lot lines.

Lot Depth: The mean horizontal distance between the front end and the rear lot lines measured in the general direction of the side lot lines.

Lot, Interior: A lot whose side lines do not abut any street.

Lot Line, Front: The line separating the lot from the street. On a corner lot, the front lot line shall be the frontage having the least dimension.

Lot Line, Rear: The rear lot line is the lot line most nearly parallel to and most remote from the front lot line.

Lot Line, Side: Any lot line other than front or rear lot line. A corner side lot line separating a lot from a street is called a street side lot line. A side lot line separating a lot from another lot or lots is called an interior side lot line.

Lot of Record: An area of land designated as a lot on a plat of subdivision recorded with the County Recorder of Deeds in accordance with State law.

Lot, Through: A lot having a part of approximately parallel lot lines that abut **two (2)** approximately parallel streets. Both such lot lines shall be deemed front lot lines.

Lot Width: The mean horizontal width of the lot measured at right angle to the general direction of the side lot lines.

Maintenance Bond: A surety bond, posted by the developer and approved by the Village, guaranteeing the satisfactory condition of installed improvements for the two-year period following their dedication.

Marginal Street: A street serving minimal amounts of residential traffic at low speeds and:

- (A) is used for access to abutting properties;
- (B) is a permanently dead-end street;
- (C) terminates in a cul-de-sac of the required dimensions; and
- (D) serves no more than **twenty-five (25) dwelling units**.

Master Development Plan: A combination of maps, drawings, site plans, charts and supportive narrative material that portrays total development to be achieved in the overall project area; which provides sufficient detailed information to both illustrate and describe the intended character and configuration of development to be accomplished.

Metes and Bounds: A description of real property which is not described by reference to a lot or block shown on a map but is described by starting at a known point and description of the lines forming the boundaries of the property or delineates a fractional portion of a section, lot or area by describing lines or portions thereof.

Official Map: A graphic statement of the existing and proposed capital improvements planned by the Village which require the acquisition of land—such as streets, drainage systems, parks, etc.

Owner: A person having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under these regulations.

Parking Lane: An auxiliary lane of a street and primarily used for vehicular parking.

Pedestrian Way: A right-of-way dedicated to public use which cuts across a block to facilitate safe pedestrian access to adjacent streets and properties.

Performance Bond: A surety bond posted by the developer and approved by the Village, guaranteeing the installation of required improvements within, or in conjunction with, a subdivision.

Planned Unit Development (PUD): A planned unit development is a comprehensively planned development containing residential, commercial, industrial, or other land uses on an area of land under continuing unified control. A planned unit development may contain a single type of land use or combination of land uses provided that such development is reviewed, evaluated and approved by the Village and satisfies the requirements contained herein.

Plans: All of the drawings including plats, cross-sections, profiles, working details and specifications, which the subdivider prepares or has prepared to show the character, extent and details of improvements required in this Code and which plans shall conform to any requirements of the Hearing Officer as to scale and details for submittal to the approval officials of the Village for consideration, approval or disapproval.

Plat, Final: The final engineering and architectural maps, drawings, and supporting material indicating the subdivider's plan of the subdivision which, if approved, may be filed with the County Recorder of Deeds.

Plat, Preliminary: Preliminary engineering and architectural maps, drawings, and supportive material indicating the proposed layout of a subdivision.

Project Area: That territory intended to be subdivided or developed and portrayed and defined in the preliminary and final plats.

Reserve: To set aside a parcel of land in anticipation of its acquisition by the Village or other appropriate government entity for public purposes.

Reserve Strip: A narrow strip of land between a public street and adjacent lots which is designated on a recorded subdivision plat or property deed as land over which vehicular travel is not permitted.

Re-subdivision: See Subdivision.

Reverse Curve: A curve in a street heading in approximately the opposite direction from the curve immediately preceding it so as to form an S-shape.

Right-of-Way, Public: A strip of land which the owner/subdivider has dedicated to the Village or other appropriate government entity for streets, alleys, and other public improvements; sometimes abbreviated as r.o.w.

Roadbed: The graded portion of a street upon which the base course, surface course, shoulders and median are constructed.

Roadway: The entire improved portion of the street, including shoulders, parking lanes, travel way, curbs and gutter.

Setback Line: A line that is usually parallel to the front, side or rear lot line establishing the minimum space to be provided as the front, side or rear yard.

Sewerage System, Private: A sewer system including collection and treatment facilities established by the developer to serve a new subdivision in an outlying area.

Sidewalk: A pedestrian way constructed in compliance with the standards of this Code, generally abutting or near the curb line of the street.

Slope: The degree of inclination of site or right-of-way expressed as a percentage. Synonym for "grade."

Soil and Water Conservation District: The County Soil and Water Conservation District also known as the U.S. Natural Resource and Conservation Service.

Stop Order: An order used by the Administrator to halt work-in-progress that is in violation of this Code.

Street: A public or private way for motor vehicle travel. The term "street" includes a highway, thoroughfare, parkway, through way, road, pike, avenue, boulevard, lane, place, drive, court and similar designations, but excludes an alley or a way for pedestrian or bicycle use only.

Street, Area Service Highway: Area service highways interconnect collectors and land access streets with the principal system and vice versa, brings all developed areas within a reasonable distance of principal streets, connects and provides direct access to major traffic generators, provides secondary service to smaller communities, may provide access to abutting property, and have a medium volume design capacity and travel speeds.

Street, Cul-de-Sac: A short, land-access street, having only one (1) end open for vehicular traffic, and the other permanently terminated by a turn-around for vehicles.

Street, Dead-End: Land access streets similar to cul-de-sacs, except that they provide no turn-around circle at their closed end and are permitted in any proposed subdivision with the permission of the Village. (See Section 34-5-12(B))

Street, Land Access: Land access streets provide access to abutting properties, have a relatively short travel distance, and have a low volume design capacity and travel speeds.

Street, Looped: Land access streets having **two (2) open ends**, each end generally connecting with the same street, no other streets intersecting between its ends, and property fronts on both sides of the street.

Street, Marginal Access or Service Road: A land access street parallel and adjacent to area service highways providing access to abutting properties.

Structure: Anything constructed or erected which requires permanent or temporary location on or in the ground or is attached to something having a fixed location on or in the ground. All buildings are structures but not all structures are buildings (e.g., a fence).

Stub or Butt Street: A street that is temporarily terminated, but that is planned for future continuation.

Subdivider: Any person, firm, partnership, association, corporation, estate or other group or combination acting as a unit, dividing or proposing to divide land in a manner that constitutes a subdivision as defined in this Article.

Subdivision: (1) The division of land into two or more lots or parcels for the purpose of either immediate or future sale, rental or building development or use(s) other than agricultural use or production. (2) Establishment or dedication of a public street or alley through a tract of land regardless of size. The term "subdivision" shall also include all re-subdivisions of land or lots.

Subdivision, Minor: A division of land into **two (2)**, but not more than **four (4) lots**, all of which front upon an existing street, **not involving new streets** or other rights-of-way, easements, improvements, or other provisions for public areas and facilities.

Topography: The relief features or surface configuration of an area of land.

Travelway: That portion of a street used for the movement of vehicles, exclusive of shoulders and auxiliary lanes.

Vacate: To terminate the legal existence of right-of-way or subdivision, and to so note on the final plat recorded with the County Recorder of Deeds.

Variance, Subdivision: A relaxation in the strict application of the design and improvement standards set forth in this Code.

Yard, Front: A yard extending across the full width of the lot, the depth of which is set forth in the Zoning Code.

Yard, Rear: A yard extending across the full width of the lot between the nearest rear main building and the rear lot lines. The depth of the required rear yard shall be measured horizontally from the nearest part of the main building toward the nearest point of the rear lot lines.

Yard, Side: A yard between a main building and the side lot line, extending from the front yard or front lot lines, where no front yard is required, to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line toward the nearest part of the main building.

Zoning Code: The Zoning Code of the Village.

ARTICLE III - PLATS AND PLANS

DIVISION I - PRELIMINARY PLATS

34-3-1 GENERAL PROCEDURE. Before preparing a proposed plat for an area, the owner, developer, or their representatives should have a pre-application meeting with the Hearing Officer and/or the Village Engineer to determine applicable ordinance regulations and standards which must be complied with. After the pre-application meeting(s), the subdivider should then prepare the preliminary plat. As defined in the Subdivision Code, the preliminary plat must contain a substantial amount of data and will thus be incomplete and cannot be considered as filed until all required data are submitted. The preliminary plat is received with filing fees by the Village Clerk's office, who, in turn, will forward the same to the Hearing Officer for his review. Following its review (as well as comments from other appropriate agencies when required), the Hearing Officer forwards his recommendation(s) to the Village Board, who then either approve, disapprove, or approve with modifications the preliminary plat.

34-3-2 FILING PROCEDURE. Except as specifically provided otherwise below, every person who proposes to subdivide any land located within the subdivision jurisdiction of this municipality shall file **six (6) copies** of the preliminary plat of said subdivision with the Village Clerk.

He shall also file **one (1) copy** of the preliminary plat and supporting data with the appropriate Soil and Water Conservation District. Said district shall have not more than **thirty (30) days** to submit any comments it might wish to make to the Administrator. (See 70 ILCS 405/22.02A)

Whenever a large tract is to be developed in stages and only a portion of that tract is to be submitted for final plat approval, nonetheless, a Master Development Plan of the entire tract shall be submitted.

All preliminary plats shall be reviewed and acted upon in accordance with 65 ILCS 5/11-12-8 and the provisions of the subsections below.

EXCEPTION: The provision of this section shall not apply to:

- (A) minor subdivisions as defined at Section 34-2-2; or
- (B) land that is specifically exempted from the Illinois Plats Act as now or hereafter amended. (See 765 ILCS 205/1(B)).

34-3-3 INFORMATION REQUIRED. Every preliminary plat shall be prepared by an Illinois Registered Land Surveyor at any scale from **one inch equals twenty feet (1" = 20')** through **one inch equals one hundred feet (1" = 100')** provided the resultant drawing does not exceed **thirty-six (36) inches square**. Applicant shall provide 11" x 17" reduced size copies for Village Board review. Each preliminary plat shall indicate on its face the following information:

- (A) small key map showing the relation of the proposed subdivision to section or U.S. Survey lines and to platted subdivisions and dedicated roads within **three hundred (300) feet** of the proposed subdivision;
- (B) names and addresses of the owner, subdivider (if not the owner), and registered professional engineer;
- (C) proposed name of the subdivision;
- (D) zoning district classification of the tract to be subdivided, and of the adjacent land;
- (E) north arrow, graphic scale, and date of map;
- (F) the gross and net acreage area of the proposed subdivision, the acreage of streets, and of any areas reserved for the common use of the property owners within the subdivision and/or for public use;
- (G) all lot lines adjacent to and abutting the subdivision;
- (H) tract boundary lines showing dimensions, bearings, angles, and references to known land lines;

(I) topography of the tract to be subdivided as indicated by **two- (2) foot** contour data for land having slopes of **zero-four percent (0-4%)**, **five- (5) foot** contour data for land having slopes between **four-twelve percent (4-12%)**, and **ten- (10) foot** contour data for land having slopes of **twelve percent (12%)** or more;

(J) any proposed alteration, adjustment or change in the elevation or topography of any area;

(K) locations of such features as bodies of water, ponding areas, natural drainageways, railroads, cemeteries, bridges, parks, schools, etc.;

(L) streets and rights-of-way on and adjoining the site of the proposed subdivision; showing the names and including street right-of-way and paving widths; approximate gradients; types and widths of pavement, curbs, sidewalks, crosswalks, planting strips and other pertinent data, including classification of all existing or proposed streets as to function as collector, major, minor or county road;

(M) a copy of the results of any tests made to ascertain subsurface rock and soil conditions and the water table;

(N) locations, widths, and purposes of all existing and proposed easements;

(O) a copy of the description of all proposed deed restrictions and covenants;

(P) location and size of existing and proposed sanitary and storm sewers;

(Q) locations, types, and approximate sizes of all other existing and proposed utilities;

(R) building setback or front yard lines and dimensions;

(S) locations, dimensions, and areas of all parcels to be reserved or dedicated for schools, parks/playgrounds, and other public purposes; and

(T) locations, dimensions, and areas of all proposed or existing lots within the subdivision;

(U) information as defined in **Section 34-3-4(A)**;

(V) delineated boundaries of any wetland;

(W) delineated boundaries of any Federal Emergency Management Agency identified floodplain, floodway or flood prone areas.

[See Schedule "A" at conclusion of Chapter.]

34-3-4 HEARING OFFICER ACTION. The Hearing Officer 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 Hearing Officer and the subdivider mutually agree to extend this time limit. If the Hearing Officer 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 Hearing Officer approves the preliminary plat, they shall inform the Village Board that action can be taken at the next regularly scheduled Village Board meeting.

(A) **Notice of Meeting.** The Hearing Officer shall give notice of his consideration of any preliminary plat and allow the opportunity to be heard to the following person(s) or groups during its preliminary review time span:

(1) Any person requesting notification of the meeting.

(2) Any property owner whose property is contiguous to the property, including property across the streets, railroads, creeks, and similar barriers; said information shall be provided by the applicant to the Village Clerk's office when filing the plat.

(3) Any governmental or taxing body which requests notification of the meeting. (See 65 ILCS 5/11-12-8)

34-3-5 REVIEW BY VILLAGE BOARD; TIME CONSTRAINTS. The Village Board shall review the preliminary plat, along with the Hearing Officer 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

Hearing Officer recommendations, unless variances from Zoning Code requirements are needed, in which case, the Village Board's **thirty (30) days** commence the day after the Board of Appeals hearing is held.

If the Village Board rejects the preliminary plat, their resolution shall specify the aspects in which the plat fails to comply with this Code and/or the Official Map. The Village Clerk shall attach a certified copy of the Board's resolution of approval or disapproval to the preliminary plat. One copy of the resolution and plat shall be retained by the Clerk, one copy shall be filed with the Administrator, and one copy shall be sent to the subdivider by return receipt mail.

34-3-6 **RIGHTS AND PRIVILEGES OF SUBDIVIDER.** Preliminary plat approval shall confer the following rights and privileges upon the subdivider:

(A) That the preliminary plat will remain in effect for a **one (1) year** period from the day the Village Board approves the same. The applicant may, during this period, submit all or part or parts of said preliminary plat for final approval. In the event that the subdivision is being developed in stages, the applicant may, by written mutual agreement with the Village Board, have final approval of the last part of the plat delayed for a period not to exceed **five (5) years** from the date of the preliminary plat approval. Any part of a subdivision which is being developed in stages shall contain a tract of land at least **one (1) block** in area or **five (5) gross acres**.

(B) That the general terms and conditions under which the preliminary plat approval was granted will not be changed for final approval.

(C) The applicant may also proceed with any detailed improvement plans required for all facilities or utilities intended to be provided. Actual construction of such facilities and improvements may commence prior to final plat approval if the detailed improvement plans have been recommended by the Village Engineer and approved by the Village Board, provided that such facilities and improvements will be inspected throughout their construction, and final plat approval will be contingent in part upon acceptable compliance to Village improvement and facilities standards. If the applicant does not submit the improvement plans prior to the submission of the final plat, then he shall submit the improvement plans to the Village Clerk's office at the time that the final plat is submitted.

34-3-7 **RESERVED.**

DIVISION II - IMPROVEMENT PLANS

34-3-8 **SUBMISSION OF PLANS.** After the Village Board has approved the preliminary plat, but prior to submission of the final plat, the developer shall furnish **four (4) copies** of the plans and specifications for all improvements to be installed within or in conjunction with the proposed development to the Village Clerk, pay all associated filing fees before review by the Village Engineer. These plans and specifications shall be signed and sealed by the registered professional engineer responsible for their preparation. Until the Village Engineer certifies in writing that the proposed improvements conform to generally accepted engineering practices and to the standards in this Code:

(A) the Administrator shall not issue any building permit to allow construction of said improvements; and

(B) the Village Board shall not act upon the application for final plat approval.
(See Section 34-3-22)

34-3-9 **INFORMATION REQUIRED.** Improvement plans shall consist of black or blue line prints not larger than **twenty-four (24) by thirty-six (36) inches** and at a minimum horizontal scale of **one hundred (100) feet to one (1) inch** or minimum vertical scale of **five (5) feet to one (1) inch**. These plans and the related specifications shall provide all of the following information:

- (A) topography of the tract, both before and after development at the same scale as the approved preliminary plat;
 - (B) existing and proposed elevations along the centerline of all streets;
 - (C) radii of all curves and lengths of tangents on all streets;
 - (D) locations and typical cross-section of street pavements including curbs/gutters, catch basins, and inlets;
 - (E) locations and typical cross-section of sidewalks and driveway aprons;
 - (F) locations, sizes, and invert elevations of all existing and proposed sanitary sewers, storm sewers, and fire hydrants, showing connections to any existing or proposed utility systems;
 - (G) locations and sizes of all water, gas, electric, and other utilities;
 - (H) locations of street lighting standards and street signs;
 - (I) one or more benchmarks, when requested by Engineer, in or near the subdivision, to which the subdivision is referenced; the identity and elevation shall be based on sea level datum;
 - (J) all proposed measures to control erosion and sedimentation;
 - (K) high water elevations of all lakes/streams adjoining or within the tract;
 - (L) such other information as the Village Engineer may reasonably require to perform his duties under this section; and
 - (M) existing and proposed survey monuments on street plans or on the proposed final plat as required by this Code.
 - (N) stormwater detention facilities shown on plans and supporting engineering calculations for storm sewers and detention facilities.
 - (O) other requirements deemed appropriate by the Village.
- [See Schedule "B" at conclusion of Chapter.]**

34-3-10 INSPECTIONS REQUIRED. The subdivider/developer shall notify the Administrator and the Village Engineer of both the start and completion of construction.

- (A) The Village Engineer shall inspect said improvements while they are under construction. If he or his designated deputy determines that they are being built in violation of this Code, he shall request that the Administrator promptly issue a stop order.
- (B) The Village Engineer shall inspect improvements upon their completion. This municipality shall not accept any completed improvement until the Engineer has stated in writing that it complies with this Code.

34-3-11 FILING "AS-BUILT" RECORDS.

- (A) The subdivider/developer shall file with the Administrator a set of reproducible cloth- or polyester-base film positive showing the as-built details and any deviations from the approved plans upon the completion of improvements, or when **fifty percent (50%)** of the building permits have been issued in a given plat.
- (B) The subdivider/developer shall pay the costs to add water, sewer, street, and stormwater improvements to the overall Village map(s);
- (C) If the Village Engineer finds the as-built to be unacceptable, building permits shall be discontinued until such time as the information is acceptable.

34-3-12 RESERVED.

DIVISION III - ASSURANCE FOR COMPLETION OF REQUIRED IMPROVEMENTS

34-3-13 **APPROVAL OF FINAL PLAT - IMPROVEMENTS.** The Village Board shall not approve any final plat of subdivision (and, hence, said final plat shall not be entitled to recording) until:

(A) all improvements required in the improvement plan have been completed by the subdivider/developer at his expense, inspected by the Zoning Administrator and Engineer, and dedicated to this municipality or other appropriate entity; or

(B) in accordance with the sections below, the subdivider/ developer has provided this municipality with legal assurance to guarantee the satisfactory completion and dedication of all required improvements.

(C) The owner/developer's engineer shall provide a certificate that all public improvements and installations have been made or installed in accordance with the approved improvement plans and Village Code.

34-3-14 **FORMS OF ASSURANCE.** At the option of the Village Board, the required legal assurance may be either a performance bond or a bank letter of credit. Every performance bond shall be reviewed by the Village Attorney and posted with the Village Clerk.

34-3-15 **AMOUNT OF BOND OR DEPOSIT.** The amount of the performance bond or escrow deposit shall be equal to the Village Engineer's opinion of probable costs of constructing the uncompleted portion of the required improvements plus all required inspection fees. Developer's engineer shall prepare cost estimates for review and approval by the Village Engineer. Any escrow deposit may be in the form of:

(A) an irrevocable letter of credit or commitment from a lending institution guaranteeing to this municipality the availability of the escrow funds from time to time upon demand.

[See Schedules "D" and "E" at the conclusion of the Chapter.]

34-3-16 **ELIGIBLE SURETIES.** No person shall be eligible to act as surety unless he has been approved by the Village Board. The Treasurer shall conduct or cause to be conducted spot audits of all sureties. Any surety who fails to perform shall be ineligible for **two (2) years** thereafter to act as surety for any subdivision improvement within this Village's jurisdiction.

34-3-17 **TERM OF ASSURANCE, EXTENSION.** The initial term of any performance bond or bank letter of credit shall not exceed **two (2) years**. If all the required improvements have not been completed by the end of the two-year period, the Administrator, with the advice and consent of the Village Board, may either extend said bond/bank letter of credit for **one (1) year** only, or may proceed as per **Section 34-3-19**.

34-3-18 **RELEASE OF BOND/ESCROW DEPOSIT.**

(A) The Village Treasurer may release up to **ninety percent (90%)** of the amount of the performance bond/escrow deposit upon receipt of written authorization from the Village Board. The amount which the Village Board authorizes to be released shall be equal to the value of improvements actually completed in accordance with approved plans.

(B) The balance of the amount of the performance bond/escrow deposit shall not be released by the Village Treasurer until:

(1) the Village Engineer has certified to the Village in writing that all required improvements have been satisfactorily completed; and

- (2) said improvements have been accepted by and dedicated to this Village or other appropriate entity.

34-3-19 **FAILURE TO COMPLETE IMPROVEMENTS.** If all the required improvements have not been completed by the end of the two-year period (or three-year period, in the case of an extension), the Administrator, with the assistance of the Village Attorney, may:

(A) require the surety to perform on the bond, and to pay to this municipality an equal amount to the cost of completing the required improvements or the amount of the bond not theretofore released, whichever is less; or

(B) order the Village Treasurer to retain all escrow funds needed to complete the required improvements, and to return the balance (if any) of such funds to the subdivider/developer; or

(C) require the subdivider/developer to submit a new performance bond or bank letter of credit in an amount sufficient to cover any increase in the cost of constructing the required improvements.

An extension may be granted only for a **one (1) year** period by the Village Board.

34-3-20 - 34-3-21 **RESERVED.**

DIVISION IV - FINAL PLATS

34-3-22 **VILLAGE BOARD APPROVAL.** The Village Board shall not approve any final plat unless they determine that it is in compliance with all pertinent requirements of this Code including those set forth in the sections below.

34-3-23 **FILING, TIME LIMITS.** The subdivider of every subdivision -- whether major or minor but excluding land specifically exempted from the Illinois Plats Act as now or hereafter amended (**Ill. Comp. Stats., Chap. 765, Sec. 205/1(b)**) -- who desires final plat approval shall file **six (6) copies** of the final plat and supporting data with the Village Clerk and pay all associated filing fees not later than **one (1) year** after preliminary plat approval has been granted. However, with the consent of the Village Board, the subdivider may delay application for final approval of part(s) of the tract shown on the preliminary plat for successive one-year periods. No subdivision plat or re-plat shall be filed for record or recorded in the office of the County Recorder of Deeds, unless and until the approval of the Village is endorsed thereon. No lot shall be sold for such subdivision plat or re-plat until it has been approved by the Village Board and filed for record in the office of the County Recorder of Deeds as required by the State Statutes.

For official filings, the subdivider shall file the approved final plat with the County Recorder of Deeds within **sixty (60) days** after the Village Board has approved the same and the Mayor has affixed his signature thereto. **One (1) copy** of the final plat shall be given to the Village Clerk's office by the subdivider bearing the official stamp of the County Recorder attesting its recording within **twenty (20) days** of such action.

34-3-24 **INFORMATION REQUIRED.** Every final plat shall be prepared by a registered Illinois land surveyor on polyester-base film with waterproof black ink at a scale not greater than **one hundred (100) feet equals one (1) inch**, provided that the resultant drawing shall not exceed **twenty-four (24) by thirty-six (36) inches**. The final plat and supporting data shall portray/provide all of the following information:

- (A) north arrow, graphic scale, and date;
- (B) name of subdivider, subdivision, identification of the portion of the Public Lands Survey in which the subdivision is located;

- (C) accurate metes and bounds or other adequate legal description of the tract, and the included area of the subdivision to the nearest **one-hundredth (1/100) of an acre**;
- (D) accurate boundary lines, with dimensions and bearings or angles which provide a survey of the tract, closing with an error of closure of not more than **one (1) foot in ten thousand (10,000) feet**;
- (E) all dimensions shall be shown in feet and decimals of a foot;
- (F) reference to recorded plats of adjoining platted land within **three hundred (300) feet**, by record name, plat book, and page number;
- (G) accurate locations of all existing streets intersecting the boundaries of the subdivision;
- (H) right-of-way lines of all streets, other rights-of-way, easements, and lot lines with accurate dimensions, angles, or bearings and curve data, including radii, arcs or chords, points of tangency, and central angles;
- (I) name and right-of-way width of every proposed street;
- (J) purpose of any existing or proposed easement(s);
- (K) number of each lot, lot dimensions, and (in a separate list) lot areas;
- (L) purpose(s) for which sites, other than private lots, are reserved;
- (M) building or setback lines with accurate dimensions;
- (N) restrictions of all types which will run with the land, and become covenants in the deeds of lots;
- (O) certification of dedication of all public areas;
- (P) accurate distances and directions to the nearest established official monument; reference corners shall be accurately described on the final plat;
- (Q) reference to known and permanent monuments and benchmarks from which future surveys may be made together with elevations of any benchmarks; and the Surveyor must, at the time of making his survey, establish permanent monuments (set in such a manner that they will not be moved by frost) which mark the external boundaries of the tract to be divided or subdivided and must designate upon the plat the locations where they may be found;
- (R) location, type, material and size of all monuments and lot markers.

In addition, the subdivider shall furnish the Village Board with a sample sales contract which reflects both restrictive covenants and local development ordinances which the property will be subject to.

[See Schedule "C" at conclusion of Chapter.]

34-3-25 CERTIFICATES REQUIRED. As required by State law (765 ILCS 205/2; 65 ILCS 5/11-12-8), the following certificates shall be executed on the final plat:

(A)

OWNER'S CERTIFICATE

We, _____, the Owners of _____ (description) _____, have caused the said tract to be surveyed and subdivided in the manner shown, and said subdivision is to be hereinafter known as _____. All rights-of-way and easements shown hereon are hereby dedicated to the use of the public forever including the release and waiver of the right of homestead under the Homestead Exemption laws of the State of Illinois.

Dated this ___ day of _____, 20__.

_____ (Seal)

_____ (Seal)

(B)

NOTARY PUBLIC'S CERTIFICATE

State of Illinois)
) SS
County of Champaign)

I, _____, a Notary Public in and for the Village aforesaid, do hereby certify that (owners) _____ are personally known to me to be the same persons whose names are subscribed to the foregoing instrument, and that they appeared before me this day in person and acknowledged that they signed and sealed the same as their free and voluntary act for the uses and purposes therein set forth, including the release of waiver of the right of homestead.

Given under my hand and Notarial Seal this _____ day of _____, 20__.

Notary Public

(C)

SURVEYOR'S CERTIFICATE

I, _____, an Illinois Registered Land Surveyor, do hereby certify that this plat is a correct representation of a survey made under my direct supervision at the request of _____ for the purpose of subdividing the tract into lots as shown.

Land Surveyor

Illinois Registration Number

Date

(D)

VILLAGE ENGINEER'S CERTIFICATE

This plat has been approved by the Village Highway Department with respect to roadway access pursuant to the requirements of the Village of Sadorus governing access rights.

Village Engineer

Date

(E)

VILLAGE CLERK'S CERTIFICATE

I, _____, Village Clerk of the Village of Sadorus, Illinois, do hereby certify that I find no unpaid or forfeited taxes against any of the real estate included within this plat.

Village Clerk

Date

(F)

CERTIFICATE OF VILLAGE BOARD

I, _____, Mayor of the Village, do hereby certify that the plat shown herein was duly presented to the Village Board and approved at a meeting of same held on ___(date)___.

Mayor, Village of Sadorus

Village Clerk, Village of Sadorus

(G)

9-1-1 CERTIFICATE

State of Illinois)
)
County of Champaign)

This plat has been reviewed for 9-1-1 implementation.

Champaign County 9-1-1 Coordinator

Date

34-3-26 ADMINISTRATIVE REVIEW, ADVISORY REPORT. Within thirty (30) days from the date of application for Final Plat approval, the Village Engineer and the Administrator shall review said Final Plat (and supporting data) and shall each advise the Village Board in writing whether it substantially conforms to the approved preliminary plat and improvement plans. A copy of their Advisory Report shall be forwarded to the Hearing Officer. The Hearing Officer may prepare an addendum to said report (should he so desire), and forward same to the Village Board.

34-3-27 ACTION BY VILLAGE BOARD. The Village Board shall either approve or disapprove the application for Final Plat approval by resolution within sixty (60) days from the date of said application or the filing of the last item of required supporting data, whichever date is later, unless the Board and the subdivider mutually agree to extend this time limit. The Village Board shall not approve any Final Plat unless:

- (A) the final plat substantially conforms to the approved preliminary plat; and
- (B) the final plat manifests substantial compliance with the design and improvements standards of this Code, the Zoning Code, and the Official Map; and
- (C) to the Board's knowledge and belief, the final plat complies with all pertinent requirements of State law; and
- (D) either of the following has been met:
 - (1) all required improvements have been completed, inspected, accepted, and dedicated; or
 - (2) the subdivider/developer has posted a performance bond to guarantee the satisfactory completion and dedication of all required improvements.

If the Village Board disapproves the Final Plat, their resolution shall specify the aspects in which the Plat fails to meet the above conditions for approval.

The Village Clerk shall attach a certified copy of the Board's resolution of approval or disapproval to the Final Plat. One copy of the resolution and plat shall be retained by the Clerk, one copy shall be filed with the Administrator, and one copy shall be given to the subdivider. (See 65 ILCS 5/11-2-8)

34-3-28 CHANGES IN APPROVED FINAL PLATS. Once a Final Plat is approved by the Village Board, it shall not thereafter be modified; provided, however, that minor changes may be made upon written application to the Administrator. Major changes require the filing of a new Final Plat and complete re-review. (See Section 34-4-4.6)

34-3-29 - 34-3-34 RESERVED.

DIVISION V - MAINTENANCE OF IMPROVEMENTS

34-3-35 **SUBDIVIDER'S RESPONSIBILITIES.** The subdivider/developer shall maintain all the improvements in the subdivision until they have been accepted by and dedicated to the Village or other appropriate entity.

34-3-36 **MAINTENANCE BOND.** Prior to dedication, the subdivider/ developer shall post a maintenance bond with the Village Clerk in the form approved by the Village Attorney. Said bond shall be in the amount of **twenty-five percent (25%)** of the approved construction estimate amount as determined by the Village Engineer to be sufficient to guarantee the satisfactory condition of the required improvements for a period of **two (2) years** from the date of their acceptance and dedication. In addition to the improvements, the maintenance bond shall cover any problems developing in the area of the subdivision which can be proven to have created as a result of the construction of the subdivision. If at any time during the **two (2) year** period the improvements are found to be defective or problems above develop, they shall be repaired, replaced, or corrected at the subdivider/developer's expense. If the subdivider/developer fails or refuses to pay such costs within **ninety (90) days** after demand is made upon him by the Administrator, the Village shall use the maintenance bond to make the necessary repairs, replacements, or corrections. If the cost of repairs, replacements, or corrections exceeds the bond amount, the subdivider/developer shall be liable for the excess. At the end of the **two (2) year** period, the maintenance bond shall be released. **[See Schedule "F" at the conclusion of the Chapter.]**

DIVISION VI - VACATION OF PLATS

34-3-37 **VACATION OF PLATS.** In accordance with State law (**765 ILCS 205/6, 205/7, and 205/8**), any plat or part thereof may be vacated by the owner of the tract, at any time before the sale of any lot therein, by a written vacation instrument to which a copy of the plat is attached. If there are public service facilities in any street, other public way, or easement shown on said plat, the instrument shall reserve to the Village or other public entity or public utility owning such facilities the property, rights-of-way, and easements necessary for continuing public service by means of those facilities and for maintaining or reconstructing the same. The vacation instrument shall be approved by the Board in the same manner as plats of subdivision and shall also be approved by the Village Engineer, the Highway Commissioner, the District Engineer of the State Department of Transportation, and the public utilities. In the case of the platted tracts wherein any lots have been sold, the written vacation instrument must also be signed by all the owners of lots in said tracts.

ARTICLE IV - ADMINISTRATIVE PROCEDURES

34-4-1 **ENFORCEMENT OFFICER, DUTIES.** The Administrator is hereby authorized and directed to administer and enforce the provisions of this Code. This broad responsibility encompasses, but is not limited to, the following specific duties.

- (A) to review and forward preliminary plats to the Hearing Officer (**See Art. III; Div. I**);
- (B) to transmit improvements plans to the Village Engineer for his review (**See Art. III; Div. II**);
- (C) to review and forward final plats to the Village Board (**See Sec. 34-3-23**);
- (D) to issue stop orders as necessary when the Zoning Administrator or Village Engineer determines that approved improvements are being constructed in violation of this Code (**See Sec. 34-3-10**);
- (E) to pursue actions authorized at **Section 34-3-19** when a developer fails to complete required improvements;
- (F) to evaluate and pass upon proposed changes in approved final plats (**See Sec. 34-3-28**);
- (G) to review and forward applications for subdivision variances to the Hearing Officer (**See Sec. 34-4-2**);
- (H) to maintain up-to-date records of matters pertaining to this Code including, but not limited to, preliminary plats, as-built records of completed improvements (**See Sec. 34-3-11**), final plats, variances, and amendments;
- (I) to provide information to subdividers/developers and to the general public on matters related to this Code; and
- (J) to periodically review the provisions of this Code to determine whether revisions are needed, and to make recommendations on such matters to the Hearing Officer as necessary.

34-4-2 **SUBDIVISION VARIANCES.** Any subdivider/developer desiring a variance from the requirements of this Code shall file a written application therefore with the Administrator at the same time that he files his preliminary plat. The application shall fully explain the grounds for the variance request and specify the section(s) of this Code which, if strictly applied, would cause great practical difficulties or hardship. The Administrator shall prepare an advisory report on every variance application and submit it, together with the completed application, to the Hearing Officer.

34-4-3 **REVIEW BY HEARING OFFICER.** The Hearing Officer shall review the variance application and the Administrator's comments, perform on-site review when appropriate, and submit their advisory report to the Village Board together with their recommendation on preliminary plat approval (**See Sec. 34-3-2**). The Hearing Officer's advisory report shall be responsive to all the variances standards set forth in **Section 34-4-4**.

34-4-4 **ACTION BY VILLAGE BOARD, VARIANCE STANDARDS.** At the same meeting at which they take action on the application for preliminary plat approval (**See Sec. 34-3-3**), the Village Board shall decide by resolution whether to grant or deny the requested subdivision variance. A copy of their decision, clearly stating their reasons therefore and the exact terms of any variance granted, shall be attached to both the preliminary and final plats. The Village Board shall not grant any subdivision variance unless, based upon the information presented to them, they determine that:

- (A) the proposed variance is consistent with the general purposes of this Code (**See Sec. 34-1-1**); and
- (B) strict application of the subdivision requirements (**See Article V**) would result in great practical difficulties or hardship to the applicant, not a mere inconvenience; and

- (C) the proposed variance is the minimum deviation from the subdivision requirements that will alleviate the difficulties/hardship; and
 - (D) the plight of the applicant is due to peculiar circumstances not of his own making; and
 - (E) the peculiar circumstances creating the variance request are not applicable to other tracts and, therefore, that a variance would be a more appropriate remedy than a code amendment; and
 - (F) the variance, if granted, will not materially frustrate implementation of the comprehensive plan including the Official Map. (See Section 34-5-2.2)
- Financial consideration or peculiar circumstances do not constitute a hardship.

34-4-5 AMENDMENTS. Amendments to this Code may be proposed by the Administrator, any member of the Village Board, the Hearing Officer, or any party in interest. Every amendment proposal shall be filed on a prescribed form in the Administrator's office. The Administrator shall promptly transmit each proposal, together with any comments or recommendations he may wish to make to the Hearing Officer for a public hearing.

(A) **Public Hearing, Notice.** The Hearing Officer 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 Hearing Officer 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 Hearing Officer for further consideration.

34-4-6 SCHEDULE OF FEES. All fees indicated in tabular form below shall be paid to the Village Clerk. Said fees are intended to defray the administrative costs connected with the processing/conducting of the listed item; they do not constitute a tax or other revenue-raising device.

<u>Procedure</u>	<u>Fee</u>
Filing preliminary plat	\$15.00 per lot or a minimum of \$500.00
Filing Improvement plans	\$1,500.00 flat fee
Improvements inspection	3% of estimated improvement costs
Filing final plat	\$5.00 per lot
Filing variance request	\$100.00 plus the cost of mailing; public notices, and the court recorder fees
Filing amendment proposal	\$100.00 plus the cost of mailing; public notices, and the court recorder fees

34-4-7 PENALTIES.

(A) Any person who is convicted of a violation of this Code shall be fined not less than **Seventy-Five Dollars (\$75.00)** nor more than **Seven Hundred Fifty Dollars (\$750.00)**, plus costs. Each day that a violation continues shall be considered a separate offense; likewise, in the case of multiple violations, each violation shall be considered a separate offense.

**(B) Nothing contained in this Section shall prevent the Village from taking any other lawful action that may be necessary to secure compliance with this Code.
(See Section 1-1-20)**

ARTICLE V - DESIGN AND IMPROVEMENT STANDARDS

DIVISION I - GENERALLY

34-5-1 **APPLICABILITY OF ARTICLE.** No land within the subdivision and development jurisdiction of this municipality shall be subdivided or developed except in compliance with the regulations of this Article and the applicable provisions of State law. **(65 ILCS 5/11-12-8; 765 ILCS 205/1 et seq.)** No lot in any subdivision shall be conveyed until:

(A) the final plat of said subdivision has been approved by the Village Board and recorded in the office of the County Recorder of Deeds; and

(B) the portion of said subdivision in which the lot is located has been improved in accordance with the requirements of this Article or until a performance bond or other security has been posted to assure the completion of such improvements.

The Zoning Administrator shall not issue a Certificate of Zoning Compliance for any lot conveyed in violation of this Section; nor shall the Administrator issue a Building Permit for such lot until said Certificate has been issued following correction of violation. **(See Article III in old Code)**

34-5-2 **SUITABILITY FOR DEVELOPMENT GENERALLY.** Land that is unsuitable for development due to flooding, poor drainage, rough topography, adverse soil conditions, or other features which will be harmful to the health, safety, and general welfare of the inhabitants of the development and/or its surrounding areas shall not be subdivided or developed unless the subdivider/developer formulates adequate plans/methods to solve the problems caused by the adverse land conditions.

34-5-3 **RESERVATIONS FOR PUBLIC USE.** Instead of – or besides – requiring the developer to dedicate parcels, the Village Board may require that the developer reserve land for parks, playgrounds, schools, or other public purposes in locations designated in the Village’s Comprehensive Plan, if any.

DIVISION II - LOT REQUIREMENTS

34-5-4 **CONFORMITY WITH ZONING.** All lots in a subdivision shall conform to the minimum lot area and dimensions requirements of the zoning district in which said subdivision is located; land that is under water or reserved for street improvements shall not be counted to satisfy these minimum requirements. Every corner and through lot shall be large enough to permit compliance with the district’s front setback requirements on every side of the lot that faces a street. All lot remnants shall be added to adjacent lots to avoid the creation of unbuildable parcels. All lots shall contain adequate space for required off-street parking and loading. **(See Chapter 40)**

34-5-5 **ACCESS AND RELATIONSHIP TO STREET.** Land shall be subdivided in such a way that each lot abuts a street meeting the requirements of **Section 34-5-7**. All side lot lines shall be at right angles to straight street right-of-way lines or radial to curved street right-of-way lines except where a deviation from this rule will provide a better street and lot design.

34-5-6 **REFERENCE MONUMENTS.** Stone or reinforced concrete reference monuments, set in the ground in such a manner that they will not be moved by frost, shall be placed in the field in accordance with the Plats Act, as now or hereafter amended. **(765 ILCS 205/1.)** All block corners shall be **thirty-six (36) inches** permanent concrete post monuments and **four (4) inches** in diameter. All lot corners shall be marked by **one-half (0.5) inch** iron pins not less than **thirty (30) inches** long. These pins shall be driven into the ground deep enough that they do not protrude above the ground surface more than **one-half (0.5) inch**.

DIVISION III - STREET DESIGN STANDARDS

34-5-7 **PLAN INTEGRATION.** All streets shall be properly integrated with the existing and proposed street system indicated in the municipal comprehensive plan, and shall meet the specifications set forth in **Table 5-A**.

34-5-8 **RIGHT-OF-WAY AND PAVEMENT WIDTHS.** Every right-of-way established for subdivision purposes is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. All rights-of-way shall be dedicated to the public by the developer.

The minimum pavement widths shall be as noted in **Table 5-A**.

34-5-9 **TOPOGRAPHICAL CONSIDERATIONS.** Grades of street shall conform as closely as possible to the natural topography but shall not exceed the maximum grade nor be less than the minimum grade indicated in the Table of Street Design Specifications. All streets shall be arranged so that as many as possible of the building sites are at or above street grade.

34-5-10 **THROUGH TRAFFIC DISCOURAGED.** Marginal access and local streets shall be laid out so as to discourage use by through traffic. The rigid rectangular gridiron street pattern shall be avoided, and the use of curvilinear streets, cul-de-sacs, or U-shaped streets shall be encouraged to affect 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 Hearing Officer may recommend to the Village Board that access to said arterial street be limited by one of the following means:

(A) by subdividing lots so they back onto the arterial street and front onto a parallel local street (double frontage lots), coupled with the installation of screening in a reserve (access-restricting) strip along the rear lot lines of such lots;

(B) a series of cul-de-sacs, U-shaped streets, or short loops entered from and generally at right angles to the arterial street, with the rear lot lines of the lots at the termini of such streets backing onto the arterial street; or

(C) a frontage road separated from the arterial street by a planting strip but having access thereto at suitable points.

34-5-12 **DEAD-END STREETS.**

(A) **Temporary Stub Streets.** Streets shall be so arranged to provide for the continuation of principal streets between adjacent properties when such continuation is necessary for convenient movement of traffic, effective fire and police protection, and efficient provision of utilities, and where such continuation comports with the Village's Official Map. If the adjacent property is undeveloped and the street must dead-end temporarily, the right-of-way shall be extended to the property line, and no strip that would prevent connections with future streets shall be reserved. A temporary turnabout shall be provided at the terminus of any temporary dead-end street, if required by the Village.

(B) **Permanent Dead-End Streets.** For greater convenience to traffic and more effective police and fire protection, permanent dead-end streets shall be limited to **five hundred (500) feet** in length.

The terminus of a permanent dead-end street shall not be closer than **fifty (50) feet** to the boundary of an adjacent tract. A cul-de-sac turnaround, having a minimum right-of-way radius of **fifty (50) feet** and a minimum pavement radius of **forty-two (42) feet**, shall be provided at the end of every permanent dead-end street.

34-5-13 INTERSECTIONS.

(A) **Only Two Streets.** Not more than **two (2) streets** shall intersect at any one point.

(B) **Right Angles.** Streets shall be laid out so as to intersect as nearly as possible at right angles; in no case shall **two (2) streets** intersect at an angle of less than **seventy-five (75) degrees**. An oblique street shall be curved approaching an intersection and shall be approximately at right angles with said intersection for at least **one hundred (100) feet** therefrom.

(C) **Proper Alignment.** Proposed new intersections along one side of an existing street shall, whenever practicable, coincide with any existing intersections on the opposite side of such street. Street jogs with centerline offsets of less than **one hundred twenty-five (125) feet** shall not be permitted, except where the intersected street has divided lanes without median breaks at either intersection. Intersections involving collector or arterial streets shall be at least **eight hundred (800) feet** apart.

(D) **Curb Radii.** To permit safe vehicular movements at corners, the minimum curb radius at the intersection of two streets shall be **twenty-five (25) feet** from back of curb.

(E) **Flat Grade.** Intersections shall be designed with a flat grade wherever practical. In hilly terrain, an area having not greater than a **three percent (3%)** slope for a distance of **fifty (50) feet** from the nearest right-of-way line of the intersecting street shall be provided at the approach to an intersection.

(F) **Maximum Cross-Slope.** The cross-slopes on all streets, including intersections, shall not exceed **three percent (3%)**.

(G) **Adequate Sight-Lines.** Where any street intersection will involve earth banks or existing vegetation on the triangular area shown in **Figure 1**, the developer shall cut such ground and/or vegetation (including trees) in connection with the grading of the public right-of-way to the extent necessary to provide an adequate sight distance.

(H) **Driveways.** It shall be unlawful to construct a driveway in the triangular area shown in **Figure 1**.

34-5-14 REVERSE CURVES. A tangent at least **one hundred (100) feet** long shall be introduced between reverse curves on local and collector streets (**see Figure 2**).

34-5-15 IMPROVEMENTS TO EXISTING STREETS. Whenever any development abuts an existing street that is narrower than the standards indicated in the Table of Street Design Specifications, the subdivider shall dedicate sufficient right-of-way on the side abutting the development to permit compliance with those standards. The developer shall improve said street to the standards imposed at **Section 34-5-21** et seq. and pay one-half the cost of said improvements.

34-5-16 WHEN EXCESS RIGHT-OF-WAY REQUIRED. Right-of-way width in excess of the standards set forth in the Table of Street Design Specifications shall be required where:

(A) due to topography, additional width is necessary to provide adequate earth slopes; or

(B) due to the location of railroad tracks, additional width is needed to construct overpasses, underpasses, and approaches thereto.

34-5-17 - 34-5-19 RESERVED.

DIVISION IV - STREET IMPROVEMENT STANDARDS

34-5-20 **DEVELOPER'S EXPENSE.** All streets and alleys shall be improved solely at the expense of the developer in accordance with the requirements set forth herein. All streets shall be graded as hereinafter provided:

(A) **All new streets,** which are created and dedicated for use within a subdivision shall be graded, drained and surfaced in accordance with the minimum requirements hereinbelow set forth and in a manner which will provide complete and adequate drainage of all the streets, alleys, and public grounds which may be necessary in order to provide adequate and satisfactory drainage along the side of any existing public street which lies adjacent to the subdivision.

In general, all such new streets within the subdivision and all work to be undertaken thereon shall be designed and constructed according to **IDOT Roads and Bridges Standard Specifications** as the same are in effect at the time the Preliminary Plat and plans for such improvement work are submitted for approval.

(B) **Grading Roadway and Side Slopes.** The roadway shall be considered to be that part of the improvement which lies between the right-of-way lines.

(C) **Street Construction Standards.** All streets within the jurisdictional authority of the Municipality other than state highways shall be improved with pavements bounded by integral concrete curbs and gutter, in accordance with the following criteria:

- (1) Collector street pavements shall be provided with a bituminous surface of **one and one-half (1 ½) inches** of bituminous concrete binder and **one and one-half (1 ½) inches** of bituminous concrete surface Class 1 placed upon a crush stone base course of CA #6 having a minimum thickness of **six (6) inches** compacted. The center **forty (40) feet** of the base course shall have a crown of **three (3) inches**.
- (2) Local street pavements shall be provided with a CA #6 crushed stone base course, having a minimum thickness of **seven (7) inches** compacted. An A-2 surface treatment shall be applied in accordance with the **IDOT Roads and Bridges Standard Specifications**.
- (3) The crushed stone base course shall be permitted to remain throughout one winter season before the bituminous surface is placed thereon. Following inspection of the base and subbase as to compaction and thickness of the base by the administrative officer, he may, by authority in writing to the subdivider, waive the winter season waiting period. Compaction based on percent of optimum density.
- (4) The subdivider shall be required to improve arterial streets only to the width required by the current and immediate needs of his subdivision consistent to the standards and specifications herein contained.

(D) **Alleys.** Alleys where permitted or required, shall be constructed as specified for local streets.

(E) **Utility Lines.** Underground utilities in streets or rights-of-way or in easements shall be installed prior to the construction of such streets and/or alleys. Wherever possible, utilities will be placed in rear lot easements with street placement permitted in only the most unusual circumstances.

34-5-21 **CURB AND GUTTER.** All streets, except alleys and collector commercial, local commercial, arterial or industrial, shall be constructed with Portland cement concrete vertical curb and gutter and/or V-type gutter in accordance with the dimensions and specifications shown,

therefore, in the Appendices. Only vertical curb and gutter shall be constructed in Industrial Streets. The materials and construction methods for curb and/or gutter shall conform with **IDOT Roads and Bridges Standard Specifications**.

34-5-22 EARTH SUBBASE. The earth subbase shall be compacted to not less than **ninety-five percent (95%)** of the standard laboratory density and shall extend across the entire width of the roadway. Soil analysis shall be performed to determine the standard laboratory density in accordance with Article 207.05 of the current edition of the Illinois Department of Transportation's "Standard Specifications for Road and Bridge Construction". The results of the soil analysis shall be filed with the Village Engineer and compaction testing of the earth subbase shall be required in the areas of both driving lanes at a minimum sampling rate of **one (1) test** per lane per **five hundred (500) lineal feet** of roadway length. All tests required shall be run by the subdivider's authorized agent and the results, along with the certification of the subdivider's Engineer, shall be filed with the Village Engineer.

All developers shall replace excavated soil with black soil whenever and wherever they excavate.

34-5-23 MAINTENANCE RESPONSIBILITY. Subsequent to completion of street construction by the subdivider, the Village Engineer shall make a final inspection of all streets to ascertain the acceptability of structural condition, earth slopes, drainage structures, etc. If said inspection indicates no deficient items, the Village shall take formal action to accept the completed streets for maintenance based upon the Engineer's recommendation.

Should any item need correction or repair, the subdivider will be notified in writing of each deficiency. No street(s) shall be accepted in a subdivision until all streets comply with the Village's requirements to the satisfaction of the Village Engineer. In addition, the developer shall be required to provide a guarantee in the form of a Surety Bond in the amount of **twenty-five percent (25%) of the approved construction cost estimate** for a period of **three (3) years**.

34-5-24 RESERVED.

DIVISION V - BLOCKS

34-5-25 BLOCK WIDTH. Blocks shall be sufficiently wide to accommodate **two (2) tiers** of lots having the minimum depth required by the zoning district regulations; provided, that this requirement may be waived in blocks adjacent to local collector or collector streets, railroads, or watercourses.

34-5-26 BLOCK LENGTH. No block shall be longer than **one thousand two hundred (1,200) feet** nor shorter than **five hundred (500) feet**. Wherever practicable, blocks along collector streets shall not be less than **one thousand (1,000) feet** in length.

34-5-27 CROSSWALKS. Crosswalks, not less than **ten (10) feet** wide, may be required through the center of blocks more than **one thousand (1,000) feet** long where necessary to provide circulation or access to schools, playgrounds, shopping centers, transportation, or other community facilities.

34-5-28 RESERVED.

DIVISION VI - SIDEWALKS

34-5-29 **SIDEWALKS.** Sidewalks shall be required:

- (A) on at least **one (1) side** of a local street, when residential density is **two (2)** or more dwelling units per net acre; and
- (B) along collector streets, near schools, and in shopping areas and similar public places.

These requirements shall not be waived unless the Hearing Officer advises the Village Board that, in the area in question, sidewalks are not needed to ensure public safety, and/or that topographical conditions make the installation of sidewalks impractical.

All sidewalks constructed within the municipality shall meet IDOT standards, policies and specifications.

34-5-30 **SIDEWALK CONSTRUCTION STANDARDS.**

- (A) **Relationship to Curb.** The outside edge of every sidewalk shall be located **twelve (12) inches** inside right-of-way.
- (B) **Width.** Residential sidewalks shall be at least **four (4) feet** wide. Non-residential sidewalks shall be at least **five (5) feet** wide.
- (C) **Thickness of Concrete.** All sidewalks shall be constructed of concrete at least **four (4) inches** thick, except that across driveways the thickness shall be increased to **six (6) inches** and/or number **six (6)** reinforcing mesh shall be used.
- (D) **Grade.** No sidewalk shall be constructed at a grade steeper than **ten percent (10%)**.
- (E) **Ramps at Intersections.** Curbs shall be cut and sidewalks shall be ramped at all intersections so as to enhance the mobility of handicapped individuals.

34-5-31 **RESERVED.**

DIVISION VII - STREETLIGHTS

34-5-32 **INTERSECTION LIGHTING.** Streetlights shall be provided at each intersection of streets (or alleys) within a subdivision and at each cul-de-sac, but in no event shall there be less than one streetlight per **four hundred (400) feet** (or portion thereof) of street frontage between intersections, or between a street intersection and the terminus of a dead-end street. Additionally, in multi-family dwelling subdivisions, lighting shall be provided within parking areas at a minimum rate of one light per **twenty-five (25) parking spaces** or any fraction thereof.

34-5-33 **STREETLIGHT SYSTEM STANDARDS.** The design and installation of the streetlight system in every subdivision shall be reviewed by the Administrator and the appropriate electric utility company.

The lighting intensity of each streetlight shall be equivalent, at a minimum, to a **175-watt lamp** or **6800 mercury luminary lamp**. Each streetlight standard (post) shall be at least **sixteen (16) feet** high.

34-5-34 **RESERVED.**

DIVISION VIII - SIGNS

34-5-35 **STREET SIGN SPECIFICATIONS.** Street name signs of the size, height, and type approved by the Administrator shall be supplied and placed by the developer at all intersections within or abutting any subdivision. Street names shall be sufficiently different in sound and spelling from other street names in this municipality so as to avoid confusion. The Village Clerk shall maintain a list of existing street names for reference. A street which is planned as a continuation of an existing street shall bear the same name.

34-5-36 **STOP SIGNS.** Stop signs shall be provided by the developer. The Village Superintendent shall specify the design and the location of the signs. He shall inspect the final installation.

DIVISION IX - UTILITIES

34-5-37 **UTILITY LOCATION AND EASEMENTS REQUIRED.** All utility lines shall be located underground throughout the subdivision, in such a manner that the various service lines can be logically extended to adjacent areas and that such underground services do not adversely affect one another. Generally, gas, electric, telephone and CATV utility lines shall be buried a minimum of **one (1) foot** below the finished grade, while water and sewer utility lines shall be a minimum of **three (3) feet**. In addition, any support equipment required to be above ground (e.g., transformer boxes, vaults, etc.) shall be located in a safe and sightly manner. No utility line shall be placed such that it runs parallel within the area bordered by vertical planes located **one (1) foot** inside and outside the curb and gutter lines.

Underground service connections to the property line of each platted lot shall be installed at the subdivider's expense; provided that, on the recommendation of the Hearing Officer, the requirement for service connections to each lot may be waived in the case of adjoining lots to be retained in single ownership.

34-5-38 **UTILITY EASEMENTS.** Utility easements, not less than **twenty (20) feet** wide for sanitary sewers and water mains and not less than **fifteen (15) feet** wide for gas, electric, telephone, and cable television, shall be provided where necessary. Normally, in the case of abutting lots, an equal amount should be taken from each lot. Property owners may (at their own risk) plant shrubbery or hedges or install fences on the easement areas. Utilities (private and public), however, in order to have access for repair shall have the election to destroy said improvements and restore the area only by grading and seeding, or to have alternate access through the owner's property.

34-5-39 **MAINTENANCE EASEMENTS.** Maintenance easements of not less than **five (5) feet** in width shall be provided along all rear and side lot lines.

34-5-40 **EXCAVATION BACKFILL.** The trench width for installation of all water and sewer lines shall be a maximum of **one and one-half (1.5) foot** greater the outside diameter of the pipe being placed. Pipe shall be placed on bedding material of select material free of stones, frozen clods, or other materials likely to cause damage to the pipe material. The initial lift of backfill shall be select material free of stones, frozen clods, or other materials likely to cause damage to the pipe, placed such that uniform support of the pipe haunches is obtained and to a depth of one-half diameter of the pipe. The next lift of backfill material shall again be select material free of stones, frozen clods, or other materials likely to cause damage to the pipe, placed for a minimum

compacted depth of **six (6) inches** above the top of the pipe. The remaining backfill shall be placed in compacted layers of approximately **six (6) inch lifts**.

Water or sewer lines which fall within the area bounded by an imaginary vertical plane located **one (1) foot** outside the curb and gutter lines, shall be backfilled with sand placed in **six (6) inch** compacted lifts to a depth of **eighteen (18) inches** below the finished grade. Should the line cross beneath the curb and gutter or fall in the roadway, the last **eighteen (18) inches** of backfill shall consist of CA-6 gradation crushed stone compacted in **six (6) inch lifts**. Other areas may be backfilled with select earthen material. Water and sewer lines consisting of non-ferrous pipe materials shall require placing detector wires or tape such that the location of the line may be found using available metal detecting equipment.

34-5-41 **RESERVED.**

DIVISION X - WATER FACILITIES

34-5-42 **POTABLE WATER REQUIRED.** An adequate supply of potable water shall be provided to every platted lot in accordance with Illinois Department of Public Health regulations and the Illinois Environmental Protection Agency regulations. If the public water system is reasonably accessible, each lot shall be properly connected thereto at the property line. All water distribution lines shall be at least **six (6) inches** in diameter and shall conform to the latest edition of Standard Specifications for Water and Sewer Construction in Illinois and in accordance with all City administrative regulations.

The developer shall provide at his expense a minimum of **one (1)** water main tap per lot and shall be responsible for having a curb box installed in accordance with Village administrative regulations.

Where public water supply facilities are available, private water wells shall not be installed. Backflow prevention devices shall be provided on public water supply services on properties where an existing well is already located.

Valves shall be located so that no more than **eight hundred (800) feet** of water main shall be put out of service at any one time.

34-5-43 **FIRE HYDRANTS.** Fire hydrants of the type approved by the Village Fire Chief and the Fire Protection District (where applicable) shall be installed in every subdivision as part of the water distribution system. Unless otherwise stated, fire hydrants shall have at least a **five (5) inch** barrel, be equipped with **two (2) connections** for **two and one-half (2.5) inch** hose and **one (1) four(4) inch** pumper connection and have a separate shutoff valve and box of at least **six (6) inches** in nominal size. In general, said fire hydrants shall be installed throughout the subdivision so that no residence shall be greater than **four hundred (400) feet** from a fire hydrant. This distance being measured from the center line of the street right-of-way to the residence. Commercial and industrial areas shall have **four hundred (400) foot** spacing for fire hydrants.

34-5-44 **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, 5th Edition, or as amended.

34-5-46 **ALTERNATE METHODS OF DISPOSAL.** In the event it is not possible, or feasible, for the subdivider to extend the public sewer system into the proposed subdivision, for whatever reason, the subdivider has the right to petition the Village to install an alternative method of sewage disposal. Any such petition shall be considered on an individual basis with each case standing on its own merit. No subdivision shall be approved without the Village's approval of the method of sewage disposal:

(A) **Private Central Sewage Systems.** Upon specific approval of the Village Board, the subdivider may install a private central sewage system. The Village shall reserve the right to review and approve/reject the detailed plans for such a system. Approval of the plans by the Village shall in no way be construed as acceptance of the design or operation or maintenance responsibility for said installation. Such installation shall be designed and constructed in accordance with the rules and regulations of the Illinois Environmental Protection Agency, and the Illinois Department of Public Health. The subdivider shall assume perpetual operational and maintenance responsibilities for such installation unless arrangements to the contrary are provided for in a formal written agreement between homeowners and the subdivider. Failure of the subdivider to discharge his operational/maintenance responsibilities may result in a fine of **Seven Hundred Fifty Dollars (\$750.00)** per day for each day a deficiency exists and shall apply to the subdivider, his heirs, successors, or assigns.

(B) **Individual Disposal Systems.** Upon written approval of the Village Board, the subdivider may install individual sewage disposal systems providing the lot size is in excess of **fifty thousand (50,000) s.f.** If such installations are permitted, they shall be designed and installed in accordance with the applicable provisions of the requirements and regulations of the "**Private Sewage Disposal Licensing Act and Code**" of the Illinois Department of Public Health or the County Health Department regulations whichever are stricter.

34-5-47 - 34-5-50 **RESERVED.**

(See Chapter 32 for the Stormwater Code and Chapter 40 for the Zoning Code.)

**VILLAGE OF SADORUS
SUBDIVISION CODE**

SCHEDULES AND BONDS

Schedule A	Checklist for Preliminary Plat
Schedule B	Checklist for Engineering Plans
Schedule C	Checklist for Final Plat
Schedule D	Surety Bond for Improvements
Schedule E	Cash Bond
Schedule F	Maintenance Bond
Appendix A	Financial Commitment

Schedule A. Checklist for Preliminary Plat

_____ (Name of Subdivision)

_____ (Date of Submission)

_____ (Due date of recommendation – 90 days)

NOTE: To properly execute this checklist, the subdivider or his engineer shall:

- (A) Insert the required information.
- (B) Denote compliance with applicable ordinances by placing his initials in all spaces where applicable.
- (C) Denote those items which the subdivider considers "not applicable" to this particular subdivision by the abbreviation "N.A.").

- _____ 1. Six copies of preliminary plan submitted.
- _____ 2. Plans conform to Sec. 34-3-3.
- _____ 3. Plan scale is not less than 1" to 100'.
- _____ 4. Minimum profile scale is 1" to 100' horizontal and 1" to 10' vertical.
- _____ 5. A title sheet is included with each set of preliminary plans.
- _____ 6. Name of proposed subdivision shown.
- _____ 7. Location given by town, range, section or other legal description.
- _____ 8. Name and address of owner, trust, corporation, or subdivider having control of project is shown.
- _____ 9. Name and seal of professional engineer or surveyor who prepared topographic survey is shown.
- _____ 10. Name and address of the designer of the plan is shown.
- _____ 11. North direction is shown.
- _____ 12. Date of preparation and date of revision, if any, is shown.
- _____ 13. A location map is included indicating:
 - _____ a. A scale of not less than 1" to 1,000'.
 - _____ b. Boundary lines of adjoining land within an area bounded by the nearest arterial streets or other natural boundaries.
 - _____ c. Use of surrounding land.
 - _____ d. Ownership of the surrounding land.
 - _____ e. Alignment of existing streets.
 - _____ f. Section and corporate lines.
- _____ 14. Boundary lines of proposed subdivision are clearly shown.
- _____ 15. Total approximate acreage is shown.
- _____ 16. Existing zoning classification is indicated.
- _____ 17. The following existing items, if within the boundaries of the subdivision, or located 100' or less outside the boundaries are shown:
 - _____ a. Previously platted streets and other right-of-way, with improvements, if any, indicating:
 - _____ 1. Location
 - _____ 2. Widths
 - _____ 3. Names

- _____ b. Railroad rights-of-way, indicating:
 - _____ 1. Location
 - _____ 2. Dimensions
- _____ c. Utility rights-of-way, indicating:
 - _____ 1. Location
 - _____ 2. Widths
 - _____ 3. Type
 - _____ a. Sewer
 - _____ b. Water
 - _____ c. Electric
 - _____ d. Other
- _____ d. Parks and other open spaces indicating:
 - _____ 1. Location
 - _____ 2. Area
- _____ e. Easements, including:
 - _____ 1. Location
 - _____ 2. Width
 - _____ 3. Purpose
- _____ f. Permanent buildings and structures, indicating:
 - _____ 1. Location
 - _____ 2. Setback lines
 - _____ 3. Names of owners
- _____ g. Section and corporate lines
- _____ h. Sanitary sewers, indicating:
 - _____ 1. Location
 - _____ 2. Size
 - _____ 3. Manholes
 - _____ 4. Invert elevations at manholes
- _____ i. Water mains, indicating:
 - _____ 1. Location
 - _____ 2. Size
 - _____ 3. Valves, indicating:
 - _____ a. Valve manhole, or
 - _____ b. Valve box
 - _____ 4. Fire hydrants and auxiliary valves
- _____ j. Culverts, indicating:
 - _____ 1. Type
 - _____ 2. Location
 - _____ 3. Size
 - _____ 4. Invert elevation
- _____ k. Storm sewers, indicating:
 - _____ 1. Location
 - _____ 2. Size
 - _____ 3. Catch basins
 - _____ 4. Invert elevations
- _____ l. Watercourses, indicating:
 - _____ 1. Type
 - _____ 2. High water width and elevation
 - _____ 3. Width of easement
 - _____ 4. Location of easement

- _____ m. Marshes or wetlands, indicating:
 - _____ 1. Location
 - _____ 2. Dimensions
 - _____ 3. Soil bearing capacity
- _____ n. Floodplains, floodways, or flood prone areas, indicating:
 - _____ 1. Location
 - _____ 2. Dimensions
 - _____ 3. Type
- _____ o. Rock outcrops, indicating:
 - _____ 1. Location
 - _____ 2. Dimensions
- _____ p. Monuments and survey markers, indicating:
 - _____ 1. Location
 - _____ 2. Type
- _____ 18. Topographic data is given in feet above mean sea level within the tract and to a distance of 100' beyond, indicating:
 - _____ a. Existing contours at vertical intervals of not more than 2'.
 - _____ b. Proposed contours at vertical intervals of not more than 2'.
 - _____ c. Bench mark, indicating:
 - _____ 1. Location
 - _____ 2. Description
 - _____ 3. Elevation
- _____ 19. Soil bearing data is given, if required by the municipality, indicating:
 - _____ a. Location of tests
 - _____ b. Depth of tests
 - _____ c. Soil bearing capacity
 - _____ d. Moisture content
- _____ 20. The following proposed items, if within the boundaries of the subdivision or located 100' or less outside of the boundaries, are shown:
 - _____ a. Layout of streets, indicating:
 - _____ 1. Arterial streets, indicating:
 - _____ a. Right-of-way width
 - _____ b. Roadway width, back to back of curbs
 - _____ 2. Collector streets, indicating:
 - _____ a. Right-of-way width
 - _____ b. Roadway width, back to back of curbs
 - _____ 3. Local streets, indicating:
 - _____ a. Right-of-way width
 - _____ b. Roadway width, back to back of curbs
 - _____ 4. Cul-de-sac streets, indicating:
 - _____ a. Right-of-way width
 - _____ b. Roadway width, back to back of curbs
 - _____ c. The length does not exceed 500' unless there are less than 16 lots abutting the cul-de-sac street.

- _____ d. Terminus is circular, or nearly so, and right-of-way is at least 120' in diameter.
- _____ e. Terminus roadway width is 80' in diameter.
- _____ 5. Marginal access street, indicating:
 - _____ a. Right-of-way width
 - _____ b. Roadway width, back to back of curbs
- _____ 6. Through street shown extended to boundaries of subdivision
- _____ 7. Storm water runoff pattern on paving
- _____ b. Names of streets
 - _____ 1. Not duplicating the name of any street heretofore used in the municipality or its environs, unless the street is an extension of an already existing street, in which case, the name shall be used.
- _____ c. Street improvement plan showing location of all new street improvements, including those to the center line of previously dedicated rights-of-way, abutting the subdivision, in accordance with prevent municipality standards.
- _____ d. Utility easements:
 - _____ 1. Located at the rear of each lot and other necessary locations
 - _____ 2. Not less than 10' in width on each lot
 - _____ 3. Purpose is indicated
 - _____ 4. Storm water runoff is indicated
- _____ e. Centerline profiles of all streets showing gradients not less than 0.4 percent and not more than:
 - _____ 1. 5.0% on collector streets
 - _____ 2. 7.0% on minor streets
- _____ f. Pedestrian ways, when required, indicating:
 - _____ 1. Location at approximately the center of blocks in excess of 1000' in length
 - _____ 2. Width not less than 10'
 - _____ 3. Shrub or tree hedge at side boundary lines
- _____ g. Block layout, indicating:
 - _____ 1. Blocks do not exceed 1200' in length
 - _____ 2. Additional access ways to parks, schools, etc., are shown in accordance with the hearing officer's requirements
 - _____ 3. Blocks fit readily into the overall plan of the subdivision, with due consideration given to:
 - _____ a. Topographical conditions
 - _____ b. Lot planning
 - _____ c. Traffic flow pattern
 - _____ d. Public open space areas
 - _____ 4. Block numbers
 - _____ 5. Blocks intended for commercial, industrial or institutional use are so designated

- _____ h. Lot layout, indicating:
 - _____ 1. Lot dimensions
 - _____ 2. Lot areas, not less than those stipulated in the appropriated district regulations of the zoning code (Areas may be listed by Schedule)
 - _____ 3. Building setback lines shown and properly dimensioned
 - _____ 4. Proposed land use
 - _____ 5. Lot numbers
 - _____ 6. Corner lots are sufficiently larger than interior lots to allow maintenance of building setback lines on both street frontages and still allow a buildable width equal to that of the smallest interior lot in the block
 - _____ 7. All lots abut a publicly dedicated street for a distance of not less than the minimum width of the lot
 - _____ 8. Lots are as nearly rectangular in shape as is practicable
 - _____ 9. Lots are not less than the provision of the zoning code
 - _____ 10. Lot lines are substantially at right angles to the street lines and radial to curved street lines
 - _____ 11. Double frontage lots only where:
 - _____ a. Lots back upon an arterial street and front on an access street
 - _____ b. Topographic or other conditions make subdividing otherwise unreasonable
 - _____ c. Lots can be made an additional 20' deeper than average
 - _____ d. A protective screen planting is indicated on one frontage
 - _____ 12. Lots abutting or traversed by a watercourse, drainage way, channel way, channel, or stream, indicate:
 - _____ a. Additional width and depth to provide an acceptable building site
 - _____ b. Width of easement is at least 15' wider on each side of water at high water level
 - _____ 13. Due regard for natural features, such as:
 - _____ a. Trees
 - _____ b. Watercourses
 - _____ c. Historic items
 - _____ d. Other similar conditions
- _____ i. Areas intended to be dedicated for public use, indicating:
 - _____ 1. Plan conforms to general development plan of the municipality
 - _____ 2. Purpose
 - _____ 3. Acreage
- _____ j. Source of domestic water supply, indicating:
 - _____ 1. Connection to existing water mains
 - _____ 2. Location of site for community water plans
- _____ k. Provision for sewage disposal, indicating:
 - _____ 1. Connection to existing sanitary sewer mains
 - _____ 2. Location of site for community sewage disposal plant

- _____ i. School sites, indicating:
 - _____ 1. Location
 - _____ 2. Dimensions
 - _____ 3. Acreage
- _____ m. Topographic information, indicating:
 - _____ 1. Proposed changes in elevation of land showing that any flooding would be relieved
 - _____ 2. Adequate installation of storm sewers would remove the possibility of flooding
- _____ n. Sanitary sewer layout, indicating:
 - _____ 1. Location
 - _____ 2. Size
 - _____ 3. Invert elevation at manholes
 - _____ 4. Manhole locations
- _____ o. Watermain layout, indicating:
 - _____ 1. Location
 - _____ 2. Size
 - _____ 3. Looped pattern where practicable
 - _____ 4. Fire hydrants, as per Section 34-5-43
- _____ p. Storm sewer layout (See Ch. 32)
 - _____ 1. Location
 - _____ 2. Catch basins at not more than 600' intervals
 - _____ 3. Storm water is not carried across or around any intersection
 - _____ 4. Surface water drainage pattern for individual lot and block
- _____ q. Street light layout, indicating:
 - _____ 1. Locations and typical street light detail, or
 - _____ 2. Statement by subdivider that street lights will be installed in accordance with municipality standards
- _____ 21. An outline of proposed covenants accompanies the plans, indicating the intention of the subdivider to have the covenants recorded with the final plat.
 - _____ a. Protective against obstruction against drainage easements
- _____ 22. Typical street cross-section showing base construction, surfacing, concrete curb and sidewalk in accordance with the land improvements code.
- _____ 23. Indication that sidewalks will be installed along all lot lines coincidental with street rights-of-way.
- _____ 24. Indication on drawing or by certificate that subdivider is aware of his responsibility for installation of street signs and for seeding and tree planting in all parkways.

Completed by _____ (Name)
_____ (Address)
Reviewed by _____ (Zoning Administrator)
_____ (Date)
Considered by Hearing Officer on _____ (Date)
_____ (Chairman)

Schedule B. Checklist for Engineering Plans

_____ (Name of Subdivision)
_____ (Date of Submission)
_____ (Due date of recommendation – 45 days)

NOTE: To properly execute this checklist, the subdivider or his engineer shall:

- (A) Insert the required information.
- (B) Denote compliance with applicable ordinances by placing his initials in all spaces where applicable.
- (C) Denote those items which the subdivider considers “not applicable” to this particular subdivision by the abbreviation “N.A.”).

- _____ 1. Plans have been submitted within twelve (12) months of the date of approval by the municipality board of the Preliminary Plan.
- _____ 2. Four (4) copies of engineering plans have been submitted.
- _____ 3. Plans conform to Article V.
- _____ 4. A title sheet is included with each set of plans, and includes:
 - _____ a. Name of subdivision and unit number.
 - _____ b. Type of work covered.
 - _____ c. Location map showing relation of area to be improved to existing streets.
 - _____ d. An index of sheets.
 - _____ e. A summary of quantities.
 - _____ f. Name, address, and seal of registered engineer preparing the plans.
 - _____ g. Date of preparation and revisions, if any, is shown.
- _____ 5. Plans and profiles are on Federal Aid Sheets, plate I or II or equal.
 - _____ a. Horizontal scale is not less than 1" to 50'.
 - _____ b. Vertical scale is not less than 1" to 5'.
- _____ 6. Cross sections are plotted on Federal Aid Sheets, plate III.
- _____ 7. North direction is shown for each separate plan view.
- _____ 8. An adequate number of bench marks are shown with elevations referenced to mean sea level, to facilitate checking of elevations.
- _____ 9. Delineation is shown of all easements necessary to serve all lots with underground and overhead utilities, and to allow for perpetual maintenance to these facilities.
- _____ 10. An application for State Environmental Protection Agency permit for the sanitary sewer extension accompanies the plans.
- _____ 11. Sanitary sewer plans and specifications are complete and conform to the standards and requirements of the codes applicable thereto and denote all of the following:
 - _____ a. All properties in the subdivision are served and house service connections are provided.
 - _____ b. The minimum size main is 8" I.D.
 - _____ c. The plan conforms to the overall municipal plan for any trunk sewers traversing the subdivision.
 - _____ d. The distance between manholes does not exceed 400'.
 - _____ e. The invert elevation of each manhole is shown.
 - _____ f. The grade of each section of sewer is shown by percentage in accordance with accepted engineering practice.

- _____ g. Extra strength pipe and extra strength manhole wall construction is specified and shown on the plans and in the estimates of quantities where the depth of installation exceeds 8'.
- _____ h. Profile of existing and proposed ground surfaces.
- _____ i. Risers are shown for individual house service laterals where depths of main exceeds 12'.
- _____ j. Pipe joints are of permitted type.
- _____ k. Minimum manhole cover weights are correct.
 - _____ 1. 540 pounds in collector streets.
 - _____ 2. 400 pounds in minor and cul-de-sac streets.
 - _____ 3. 335 pounds in rear-lot easements.
- _____ 12. An application for State Environmental Protection Agency approval of the water main installation accompanies the plans.
- _____ 13. Water distribution plans and specifications are complete and conform to the codes applicable thereto and include all of the following:
 - _____ a. All properties in the subdivision are served.
 - _____ b. The minimum size main is 6" I.D.
 - _____ c. The plan conforms to the municipality's overall plan for any trunk lines which might traverse the subdivision.
 - _____ d. Valve and hydrant spacing and location conform to the approved preliminary plan.
 - _____ e. Materials and joint specifications comply with the municipality's standards.
 - _____ f. Specifications include provisions for testing and sterilization of all new water distribution facilities.
 - _____ 1. Valve cover
 - _____ 2. Standard cover
 - _____ 3. Standard hydrant installation
- _____ 14. Street plans, including storm sewers, are complete and conform to the codes applicable thereto and include the following:
 - _____ a. The location of streets and width of pavements conform to those indicated on the approved preliminary plan.
 - _____ b. Plan shows curb, gutter and sidewalk locations, and include the following information:
 - _____ 1. Corner curb radius is not less than 16'.
 - _____ 2. Curve data for all horizontal curves.
 - _____ 3. Direction of flow along all curbs.
 - _____ 4. No surface water is carried across or around any street intersection, nor for a distance greater than 600'.
 - _____ c. Cross-sections are submitted as necessary to indicate feasibility of proposed street elevations in relation to adjacent lot elevations, and include sidewalk location.
 - _____ d. Profiles are submitted for all paving centerlines and storm sewers and indicate:
 - _____ 1. Catch basin invert elevations.
 - _____ 2. Minimum pipe size is 12" I.D., except that a lead from a single inlet may be 10" I.D.
 - _____ 3. The grade of each section of sewer is shown by percentage in accordance with accepted engineering practice.
 - _____ 4. Storm sewer elevations do not conflict with any other underground utilities.

- _____ 5. Storm sewer is connected with an adequate outfall.
- _____ 6. Curve data is given for vertical road curves.
- _____ e. The storm sewer system is designed to provide sufficient capacity for the drainage of upland areas contributing to the storm water runoff on the street.
 - _____ 1. Storm sewer design computations are submitted with plans.
- _____ f. A surface water drainage pattern is shown for each block.
- _____ g. Material specifications comply with municipality standards and include:
 - _____ 1. Paving base material
 - _____ 2. Paving surface materials
 - _____ 3. Concrete
 - _____ 4. Pipe materials
- _____ h. Typical cross-sections and details include the following:
 - _____ 1. Collector street
 - _____ 2. Minor or cul-de-sac street
 - _____ 3. Concrete curb and gutter
 - _____ 4. Concrete sidewalk
 - _____ 5. Standard manhole
 - _____ 6. Standard cover
 - _____ 7. Catch basin
- _____ 15. Street light plans are complete and include the following:
 - _____ a. Pole locations
 - _____ b. Spacing
 - _____ c. Average maintained footcandle illumination (calculated).
 - _____ 1. Type of base and pole
 - _____ 2. Bracket or arm
 - _____ 3. Luminaire, indicating type of lamp and wattage
 - _____ 4. Mounting height
- _____ 16. Parkway improvement specifications are complete and include provisions for:
 - _____ a. Removal of stumps, trees that cannot be saved, boulders, and all other similar items.
 - _____ b. Grading, installation of topsoil and seeding or sodding.
- _____ 17. Street signs are shown to be installed at all street intersections not previously marked.

Completed by _____ (Name)
_____ (Address)
_____ (Date)
Reviewed by _____ (Zoning Administrator)
_____ (Date)
Considered by Hearing Officer on _____ (Date)
_____ (Chairman)

Schedule C. Checklist for Final Plat

_____ (Name of Subdivision)
_____ (Date of Submission)
_____ (Due date of recommendation – 30 days)

NOTE: To properly execute this checklist, the subdivider or his engineer shall:

- (A) Insert the required information.
- (B) Denote compliance with applicable ordinances by placing his initials in all spaces where applicable.
- (C) Denote those items which the subdivider considers "not applicable" to this particular subdivision by the abbreviation "N.A.").

- _____ 1. Plat has been submitted within six (6) months after the approval of the engineering plans.
- _____ 2. Plat has been submitted within three (3) years after the approval of the preliminary plan (unless an extension of time has been requested and granted by the Village Board.
- _____ 3. One (1) original drawing of the final plat has been submitted.
- _____ 4. One (1) transparency print of the final plat has been submitted.
- _____ 5. Four (4) copies of the final plat have been submitted.
- _____ 6. Plat is drawn with black or blue ink on heavy linen tracing cloth or polyester film.
- _____ 7. North direction is shown.
- _____ 8. Scale is shown (minimum 1" equals 100').
- _____ 9. Section corners and section lines are accurately tied into subdivision by distances and angles.
- _____ 10. Official survey monuments are shown as required.
- _____ 11. All necessary easements are shown and dimensioned.
- _____ 12. Building setback lines are shown and dimensioned in accordance with the zoning code.
- _____ 13. Lot areas are in accordance with the applicable zoning regulations.
- _____ 14. Street names are shown.
- _____ 15. Areas to be dedicated or reserved for public use are shown and described and the purpose is designated.
- _____ 16. Protective covenants are lettered on the plat or are appropriately referenced.
- _____ 17. Required certificates are shown and signed:
 - _____ a. Surveyor's certificate (including legal description).
 - _____ b. Owner's certificate.
 - _____ c. Notary certificate.
 - _____ d. County Clerk certificate.
 - _____ e. Flood Hazard certificate.
 - _____ f. Hearing Officer certificate.
 - _____ g. Village Board Certificate.
 - _____ h. Administrator.
- _____ 18. The following items have been submitted with the final plat:
 - _____ a. Detailed specifications for all required land improvements not previously submitted and approved with the engineering plans.
 - _____ b. A copy of the state sanitary water board permit for the sanitary sewer installation.
 - _____ c. A copy of the state department of public health approval of the water main installation.

- _____ d. An affidavit by the subdivider acknowledging responsibility for the proper installation of all required land improvements.
- _____ e. A certified estimate of cost of all required land improvements prepared by a registered engineer.
- _____ f. A description of the bond or guarantee collateral intended to be submitted after contingent approval is granted by the Village Board.

Completed by _____ (Name)
_____ (Address)
_____ (Date)
Reviewed by: _____ (Zoning Administrator)
_____ (Date)
Considered by Hearing Officer on _____ (Date)
_____ (Chairman)

Schedule D. Surety Bond for Improvements

"Know all men by these presents that we, _____, (name of individual, corporation, etc.), as principal, and the _____, (name of bonding company), a corporation, authorized to do business in the State of _____, as surety, are held and firmly bound unto the Village of Sadorus, in the penal sum _____ Dollars, lawful money of the United States for the payment of which we and each of us bind ourselves, our heirs, executors, administrators, successors and assigns jointly by these presents:

"The condition of this obligation is such that whereas, the said _____, (name of individual, corporation or principal) has agreed to construct and/or install at its expense the following improvements:

- Street base and paving
- Concrete curb and gutters
- Water mains, appurtenances, and house services
- Storm sewers, appurtenances, and house services
- Sanitary sewers, appurtenances, and house services
- Concrete sidewalks
- Street lights
- Site improvements

All in accordance with the specifications and codes of the Village, and contained in plans and specifications prepared by _____ (named engineer), and approved by the Village Board, at the following location:

(Description of Property)

`And has agreed to maintain such improvement constructed under this bond for a period of two years from the date of acceptance of the same by the Village.

`Now, therefore, if the said principal shall well and truly perform in all respects in strict accordance with the requirements, and shall save the Village harmless from all loss, cost or damage, by reason of their failure to complete said work, or maintain said improvements, relating to the above described work, then this obligation to be void, otherwise to remain in full force and effect."

Schedule E. Cash Bond

The Hearing Officer may permit a developer to file in lieu of the surety bond called for in Schedule D, a cash bond guaranteeing that the improvements will be completed as follows:

(A) Undertaking in Lieu of Completion Bond.

WHEREAS, the statutes of the State of Illinois grant to a municipal corporation the right to require that a developer constructing certain improvements within that community guarantee the construction of such improvements by a completion bond or other security acceptable to the community; and WHEREAS, _____ desires to construct a residential development within the _____ of _____, and that said municipality is willing to accept an undertaking from a financial institution in the nature of an irrevocable commitment in lieu of such completion bond.

NOW, THEREFORE, are the following representations made by the owner and/or developer to the _____ of _____, as follows:

1. THAT _____ is the owner and/or developer of the property legally described in clause 2 of this undertaking, and shall hereinafter be referred to as "OWNER"; and, THAT the _____ of _____ shall hereinafter be referred to as "MUNICIPALITY".

2. THAT the OWNER is the legal title holder of the following described property:

[Legal Description]

3. THAT the OWNER shall be required to install and guarantee the installation of streets, sidewalks, street lights, sanitary sewers, storm sewers, water lines, recreational facilities (including structures), and common landscaping. In order to guarantee that such facilities shall be installed, the OWNER shall submit to the municipal engineer such specifications and estimated engineering costs as shall be required to meet with his approval. In aiding the municipal engineer in determining the amount of reasonably anticipated costs for the construction of such improvements, the OWNER may submit to the engineer signed contracts for the construction of such improvements. The municipal engineer, upon being satisfied that the design of the required improvements are in accordance with the ordinances of the MUNICIPALITY and in accordance with good engineering practices, shall estimate and certify an amount which shall represent one hundred twenty-five percent (125%) of the reasonably estimated cost of completing the required improvements for which the MUNICIPALITY is requiring a completion guarantee.

4. [THAT except for the issuance of building permits for a reasonable number of models], the OWNER shall not be entitled to the issuance of [further] building permits until and unless said OWNER shall submit to the municipality an irrevocable financial commitment from a bank, savings and loan, or mortgage company approved by the municipality in the amount certified by the municipal engineer.

5. THAT the written irrevocable financial commitment shall be furnished by the municipality from a banking or lending institution in the form marked Appendix A and appended to this agreement.

6. THAT the OWNER guarantees the workmanship of the public improvements to be installed upon the site for a period of one (1) year after their donation to the municipality. Upon final completion of the streets, sidewalks, street lights, sanitary sewers, storm sewers, and water mains, the OWNER shall execute a Bill of Sale for those items which are personal property. For a period of one (1) year after the granting of the Bill of Sale in the case of personal property and the acceptance for maintenance in the case of streets and sidewalks, all necessary repairs to such facilities shall be the responsibility of the OWNER.

IN WITNESS WHEREOF _____
has hereunto set his hand and seal this _____ day of _____, 20____.

(OWNER)

APPROVED by the _____ of _____ this _____ day of _____, 20____.

BY: _____
(MUNICIPALITY)

(B) [Letterhead of Bank, Savings and Loan or Mortgage House]

_____, 20____

**Schedule F. Maintenance Bond
(See Section 34-3-36)**

The contractor making subdivision improvements shall furnish a two-year maintenance bond in the amount of 25% of the total cost of any improvements and installations excluding street tree plants and landscaping, which are to be maintained by the municipality. Such bond shall be in full force and effect from the date of the letter from the Administrator certifying that all required subdivision improvements and installations have been completed. This bond shall provide that all defects in the improvements and installations will be corrected at the end of the bond period subject to the approval of the Administrator. In those cases where a surety bond has been posted for the improvements in accordance with division (D) of this section, the applicant may provide that the surety bond be extended to cover this two-year period. Otherwise, a separate maintenance bond shall be posted.

APPENDIX A: FINANCIAL COMMITMENT

GENTLEMEN:

We hereby establish our irrevocable credit in favor of _____ [developer] _____, or the municipality of _____ in the amount of _____ Dollars (\$_____). We understand that this irrevocable credit is to be used to construct the following improvements in the residential development known as _____ to be constructed within the _____ of _____, Illinois:

streets; sidewalks; street lights; the portion of sanitary sewers, storm sewers, and water mains to become municipality-owned; recreational facilities (including a recreational building and a swimming pool and appurtenances thereof); and, landscaping in common areas.

The development is legally described as follows: [Legal Description]

We shall make payouts from this irrevocable commitment as follows:

If we have not been notified by the municipality of a default by the owner and/or developer, we shall disburse the funds for labor and materials furnished by contractors in accordance with the sworn statement on order of the owner, the submission of proper lien waivers from the contractors engaged in such work, and the certificate by the municipal engineer, _____ [his name] _____, that such work has been properly completed, however, that we shall withhold from each payment made under such sworn statement(s) or order(s) an amount equal to ten percent (10%) thereof until all improvements have been completed except final surfacing of the streets and sidewalks, at which time the ten percent (10%) sum withheld shall be disbursed less a sum equal to one hundred and twenty-five percent (125%) of the cost of the final surfacing of the streets, which sum shall be finally disbursed when the work has been completed and the requirements of certification and lien waivers as has been hereinabove set out.

The required improvements shall be completed in accordance with the following schedule: [Insert Schedule].

If we receive a resolution of the corporate authorities of the municipality indicating that the owner and/or developer has failed to satisfactorily complete or carry on the work of the installation and construction of the required improvements, and such resolution indicates that the owner and/or developer has been notified that the municipality finds that a breach of the owner's and/or developer's obligations has occurred and have not been cured within a period of thirty (30) days, that in such case we shall make payments for materials and labor to such contractor(s) or subcontractor(s) retained by the municipality who have completed the improvements in substantial accordance with the plans and specifications of the owner and/or developer; such payments shall be made upon the certification of the municipal engineer that the work has been completed and the submission of proper waiver of liens from the contractor(s) or subcontractor(s). The amount of the payouts shall be in accordance with the retention provisions as previously set out.

The irrevocable credit established by us shall be in force for a period of _____ (_____) years, and shall remain in effect without regard to any default in payments of sums owned us by the owner and/or developer and without regard to other claims which we may have against the owner and/or developer. Sixty (60) days prior to the expiration of this irrevocable credit, we shall notify the corporate authorities of the municipality, by registered letter return receipt requested, of the impending expiration date. This commitment shall not terminate without such notice.

If the work covered by this commitment has not been completed within the time set forth in this agreement, the municipality may at its option continue drawing funds as otherwise provided for an additional period of one (1) year. It is recognized that the municipality is according to the owner and/or developer the permission to proceed with the development project expressly upon the guarantee of the irrevocable nature of this commitment. It is further acknowledged that the consideration for this irrevocable commitment is provided by agreements between this financial institution and the developer. The sum of this credit shall, however, be reduced in the amount of disbursements made from time to time in accordance with the terms under which this credit is extended as set out above.

CHAPTER 36

TAXATION

ARTICLE I - GENERALLY

36-1-1 **CORPORATE RATE.** The maximum rate for general corporate purposes of the Village be and the same is hereby established at a rate of **.25%**. (See **65 ILCS Sec. 5/8-3-1**)

36-1-2 **POLICE TAX.** The maximum rate for police protection purposes of the Village be and the same is hereby established at a rate of **.075%**. (See **65 ILCS Sec. 5/11-1-3**)

36-1-3 **AUDIT TAX.** The Village Board may levy a "Municipal Auditing Tax" upon all taxable property in the Village which will produce an amount which will equal the cost of all auditing for the Village. (See **65 ILCS Sec. 5/8-8-8**)

36-1-4 **F.I.C.A. TAX.** The Village Board may levy a tax upon all taxable property in the Village at whatever rate is necessary to participate in the federal Social Security System. (See **40 ILCS Sec. 5/21-101 et seq.**)

36-1-5 **GENERAL LIABILITY.** The Village Board may levy a tax upon all taxable property in the Village at whatever rate is necessary to purchase general liability insurance for the Village.

36-1-6 **GARBAGE TAX.** The maximum tax for garbage collection purposes, be and the same is hereby established at a rate of **.20%**. (See **65 ILCS Sec. 5/11-19-4**)

36-1-7 **WORKMEN'S COMPENSATION.** The maximum tax for Worker's Compensation and Occupational Diseases Claims purposes, be and the same is hereby established at a rate to pay for legal services, purchase insurance, purchase claim services, pay for judgments and settlements. (See **745 ILCS Sec. 10/9-107**)

36-1-8 **PUBLIC PARKS TAX.** The maximum tax for Public Park purposes, be and the same is hereby established at a rate of **.075%**. (See **65 ILCS Sec. 5/11-98-1**)

36-1-9 **STREET AND BRIDGE.** The maximum tax for Street and Bridge purposes, be and the same is hereby established at a rate of **.06%**. (See **65 ILCS Sec. 5/11-81-1 and 5/11-81-2**)

ARTICLE II

TAXPAYERS' RIGHTS CODE

36-2-1 **TITLE.** This Article shall be known as, and may be cited as, the "Locally Imposed and Administered Tax Rights and Responsibility Code".

36-2-2 **SCOPE.** The provisions of this Code shall apply to the Village's procedures in connection with all of the Village's locally imposed and administered taxes.

36-2-3 **DEFINITIONS.** Certain words or terms herein shall have the meaning ascribed to them as follows:

(A) **Act.** "Act" means the "Local Government Taxpayers' Bill of Rights Act".

(B) **Corporate Authorities.** "Corporate Authorities" means the Mayor and Board of Trustees.

(C) **Locally Imposed and Administered Tax or "Tax".** "Locally Imposed and Administered Tax" or "Tax" means each tax imposed by the Village that is collected or administered by the Village not an agency or department of the State. It does not include any taxes imposed upon real property under the Property Tax Code or fees collected by the Village other than infrastructure maintenance fees.

(D) **Local Tax Administrator.** "Local Tax Administrator", the Village's Treasurer, is charged with the administration and collection of the locally imposed and administered taxes, including staff, employees or agents to the extent they are authorized by the local tax administrator to act in the local tax administrator's stead. The local tax administrator shall have the authority to implement the terms of this Code to give full effect to this Code. The exercise of such authority by the local tax administrator shall not be inconsistent with this Code and the Act.

(E) **Village.** "Village" means the Village of Tovey, Illinois.

(F) **Notice.** "Notice" means each audit notice, collection notice or other similar notice or communication in connection with each of the Village's locally imposed and administered taxes.

(G) **Tax Ordinance.** "Tax Ordinance" means each ordinance adopted by the Village that imposes any locally imposed and administered tax.

(H) **Taxpayer.** "Taxpayer" means any person required to pay any locally imposed and administered tax and generally includes the person upon whom the legal incidence of such tax is placed and with respect to consumer taxes includes the business or entity required to collect and pay the locally imposed and administered tax to the Village.

36-2-4 **NOTICES.** Unless otherwise provided, whenever notice is required to be given, the notice is to be in writing mailed not less than **seven (7) calendar days** prior to the day fixed for any applicable hearing, audit or other scheduled act of the local tax administrator. The notice shall be sent by the local tax administrator as follows:

(A) First class or express mail, or overnight mail, addressed to the persons concerned at the persons' last known address, or

(B) Personal service or delivery.

36-2-5LATE PAYMENT. Any notice, payment, remittance or other filing required to be made to the Village pursuant to any tax ordinance shall be considered late unless it is:

- (A) physically received by the Village on or before the due date, or
- (B) received in an envelope or other container displaying a valid, readable U.S. postmark dated on or before the due date, properly addressed to the Village, with adequate postage prepaid.

36-2-6PAYMENT. Any payment or remittance received for a tax period shall be applied in the following order:

- (A) first to the tax due for the applicable period;
- (B) second to the interest due for the applicable period; and
- (C) third to the penalty for the applicable period.

36-2-7CERTAIN CREDITS AND REFUNDS.

(A) The Village shall not refund or credit any taxes voluntarily paid without written protest at the time of payment in the event that a locally imposed and administered tax is declared invalidly enacted or unconstitutional by a court of competent jurisdiction. However, a taxpayer shall not be deemed to have paid the tax voluntarily if the taxpayer lacked knowledge of the facts upon which to protest the taxes at the time of payment or if the taxpayer paid the taxes under duress.

(B) The statute of limitations on a claim for credit or refund shall be **four (4)** or less years after the end of the calendar year in which payment in error was made. The Village shall not grant a credit or refund of locally imposed and administered taxes, interest, or penalties to a person who has not paid the amounts directly to the Village.

(C) The procedure for claiming a credit or refund of locally imposed and administered taxes, interest or penalties paid in error shall be as follows:

- (1) The taxpayer shall submit to the local tax administrator in writing a claim for credit or refund together with a statement specifying:
 - (a) the name of the locally imposed and administered tax subject to the claim;
 - (b) the tax period for the locally imposed and administered tax subject to the claim;
 - (c) the date of the tax payment subject to the claim and the cancelled check or receipt for the payment;
 - (d) the taxpayer's recalculation, accompanied by an amended or revised tax return, in connection with the claim; and
 - (e) a request for either a refund or a credit in connection with the claim to be applied to the amount of tax, interest and penalties overpaid, and, as applicable, related interest on the amount overpaid; provided, however, that there shall be no refund and only a credit given in the event the taxpayer owes any monies to the Village.
- (2) Within **ten (10) days** of the receipt by the local tax administrator of any claim for a refund or credit, the local tax administrator shall either:
 - (a) grant the claim; or
 - (b) deny the claim, in whole or in part, together with a statement as to the reason for the denial or the partial grant and denial.

- (3) In the event the local tax administrator grants, in whole or in part, a claim for refund or credit, the amount of the grant for refund or credit shall bear interest at the rate of **six percent (6%)** per annum, based on a year of **three hundred sixty-five (365) days** and the number of days elapsed, from the date of the overpayment to the date of mailing of a refund check or the grant of a credit.

36-2-8 **AUDIT PROCEDURE.** Any request for proposed audit pursuant to any local administered tax shall comply with the notice requirements of this Code.

(A) Each notice of audit shall contain the following information:

- (1) the tax;
- (2) the time period of the audit; and
- (3) a brief description of the books and records to be made available for the auditor.

(B) Any audit shall be conducted during normal business hours and if the date and time selected by the local tax administrator is not agreeable to the taxpayer, another date and time may be requested by the taxpayer within **thirty (30) days** after the originally designated audit and during normal business hours.

(C) The taxpayer may request an extension of time to have an audit conducted. The audit shall be conducted not less than **seven (7) days** nor more than **thirty (30) days** from the date the notice is given, unless the taxpayer and the local tax administrator agreed to some other convenient time. In the event taxpayer is unable to comply with the audit on the date in question, the taxpayer may request another date within the **thirty (30) days**, approved in writing, that is convenient to the taxpayer and the local tax administrator.

(D) Every taxpayer shall keep accurate books and records of the taxpayer's business or activities, including original source documents and books of entry denoting the transactions which had given rise or may have given rise to any tax liability, exemption or deduction. All books shall be kept in the English Language and shall be subject to and available for inspection by the Village.

(E) It is the duty and responsibility of every taxpayer to make available its books and records for inspection by the Village. If the taxpayer or tax collector fails to provide the documents necessary for audit within the time provided, the local tax administrator may issue a tax determination and assessment based on the tax administrator's determination of the best estimate of the taxpayer's tax liability.

(F) If an audit determines there has been an overpayment of a locally imposed and administered tax as a result of the audit, written notice of the amount of overpayment shall be given to the taxpayer within **thirty (30) days** of the Village's determination of the amount of overpayment.

(G) In the event a tax payment was submitted to the incorrect local governmental entity, the local tax administrator shall notify the local governmental entity imposing such tax.

36-2-9APPEAL.

(A) The local tax administrator shall send written notice to a taxpayer upon the local tax administrator's issuance of a protestable notice of tax due, a bill, a claim denial, or a notice of claim reduction regarding any tax. The notice shall include the following information:

- (1) the reason for the assessment;
- (2) the amount of the tax liability proposed;
- (3) the procedure for appealing the assessment; and

(4) the obligations of the Village during the audit, appeal, refund and collection process.

(B) A taxpayer who receives written notice from the local tax administrator of a determination of tax due or assessment may file with the local tax administrator a written protest and petition for hearing, setting forth the basis of the taxpayer's request for a hearing. The written protest and petition for hearing must be filed with the local tax administrator within **forty-five (45) days** of receipt of the written notice of the tax determination and assessment.

(C) If a timely written notice and petition for hearing is filed, the local tax administrator shall fix the time and place for hearing and shall give written notice to the taxpayer. The hearing shall be scheduled for a date within **fourteen (14) days** of receipt of the written protest and petition for hearing, unless the taxpayer requests a later date convenient to all parties.

(D) If a written protest and petition for hearing is not filed within the **forty-five (45) day** period, the tax determination, audit or assessment shall become a final bill due and owing without further notice.

(E) Upon the showing of reasonable cause by the taxpayer and the full payment of the contested tax liability along with interest accrued as of the due date of the tax, the local tax administrator may reopen or extend the time for filing a written protest and petition for hearing. In no event shall the time for filing a written protest and petition for hearing be reopened or extended for more than **ninety (90) days** after the expiration of the **forty-five (45) day** period.

36-2-10 HEARING.

(A) Whenever a taxpayer or a tax collector has filed a timely written protest and petition for hearing under **Section 36-2-9**, above, the local tax administrator shall conduct a hearing regarding any appeal.

(B) No continuances shall be granted except in cases where a continuance is absolutely necessary to protect the rights of the taxpayer. Lack of preparation shall not be grounds for a continuance. Any continuance granted shall not exceed **fourteen (14) days**.

(C) At the hearing the local tax administrator shall preside and shall hear testimony and accept any evidence relevant to the tax determination, audit or assessment. The strict rules of evidence applicable to judicial proceedings shall not apply.

(D) At the conclusion of the hearing, the local tax administrator shall make a written determination on the basis of the evidence presented at the hearing. The taxpayer or tax collector shall be provided with a copy of the written decision.

36-2-11 INTEREST AND PENALTIES. In the event a determination has been made that a tax is due and owing, through audit, assessment or other bill sent, the tax must be paid within the time frame otherwise indicated.

(A) **Interest.** The Village hereby provides for the amount of interest to be assessed on a late payment, underpayment, or nonpayment of the tax to be **six percent (6%)** per annum, based on a year of **three hundred sixty-five (365) days** and the number of days elapsed.

(B) **Late Filing and Payment Penalties.** If a tax return is not filed within the time and manner provided by the controlling tax ordinance, a late filing penalty, of **five percent (5%)** of the amount of tax required to be shown as due on a return shall be imposed; and a late payment penalty of **five percent (5%)** of the tax due shall be imposed. If no return is filed within the time or manner provided by the controlling tax ordinance and prior to the Village issuing a notice of tax delinquency or notice of tax liability, then a failure to file penalty shall be assessed equal to **twenty-five percent (25%)** of the total tax due for the applicable reporting period for which the return was required to be filed. A late filing or payment penalty shall not apply if a failure to file penalty is imposed by the controlling ordinance.

36-2-12 ABATEMENT. The local tax administrator shall have the authority to waive or abate any late filing penalty, late payment penalty or failure to file penalty if the local tax administrator shall determine reasonable cause exists for delay or failure to make a filing.

36-2-13 INSTALLMENT CONTRACTS. The Village may enter into an installment contract with the taxpayer for the payment of taxes under the controlling tax ordinance. The local tax administrator may not cancel any installment contract so entered unless the taxpayer fails to pay any amount due and owing. Upon written notice by the local tax administrator that the payment is **thirty (30) days** delinquent, the taxpayer shall have **fourteen (14) working days** to cure any delinquency. If the taxpayer fails to cure the delinquency within the **fourteen (14) day** period or fails to demonstrate good faith in restructuring the installment contract with the local administrator, the installment contract shall be canceled without further notice to the taxpayer.

36-2-14 STATUTE OF LIMITATIONS. The Village, through the local tax administrator, shall review all tax returns in a prompt and timely manner and inform taxpayers of any amounts due and owing. The taxpayer shall have **forty-five (45) days** after receiving notice of the reviewed tax returns to make any request for refund or provide any tax still due and owing.

(A) No determination of tax due and owing may be issued more than **four (4) years** maximum after the end of the calendar year for which the return for the applicable period was filed or for the calendar year in which the return for the applicable period was due, whichever occurs later.

(B) If any tax return is not filed or if during any **four (4) year** period for which a notice of tax determination or assessment may be issued by the Village, the tax paid was less than **seventy-five percent (75%)** of the tax due, the statute of limitations shall be **six (6) years** maximum after the end of the calendar year in which return for the applicable period was due or end of the calendar year in which the return for the applicable period was filed.

(C) No statute of limitations shall not apply if a fraudulent tax return was filed by the taxpayer.

36-2-15 VOLUNTARY DISCLOSURE. For any locally imposed and administered tax for which a taxpayer has not received a written notice of an audit, investigation, or assessment from the local tax administrator, a taxpayer is entitled to file an application with the local tax administrator for a voluntary disclosure of the tax due. A taxpayer filing a voluntary disclosure application must agree to pay the amount of tax due, along with interest of **one percent (1%)** per month, for all periods prior to the filing of the application but not more than **four (4) years** before the date of filing the application. A taxpayer filing a valid voluntary disclosure application may not be liable for any additional tax, interest, or penalty for any period before the date the application was filed. However, if the taxpayer incorrectly determined and underpaid the amount of tax due, the taxpayer is liable for the underpaid tax along with applicable interest on the underpaid tax, unless the underpayment was the result of fraud on the part of the taxpayer, in which case the application shall be deemed invalid and void. The payment of tax and interest must be made by no later than **ninety (90) days** after the filing of the voluntary disclosure application or the date agreed to by the local tax administrator. However, any additional amounts owed as a result of an underpayment of tax and interest previously paid under this Section must be paid within **ninety (90) days** after a final determination and the exhaustion of all appeals of the additional amount owed or the date agreed to by the local tax administrator, whichever is longer.

36-2-16 **PUBLICATION OF TAX ORDINANCES.** Any locally administered tax ordinance shall be published via normal or standard publishing requirements. The posting of a tax ordinance on the Internet shall satisfy the publication requirements. Copies of all tax ordinances shall be made available to the public upon request at the Village Clerk's office.

36-2-17 **INTERNAL REVIEW PROCEDURE.** The local tax administrator shall establish an internal review procedure regarding any liens filed against any taxpayers for unpaid taxes. Upon a determination by the local tax administrator that the lien is valid, the lien shall remain in full force and effect. If the lien is determined to be improper, the local tax administrator shall:

- (A) timely remove the lien at the Village's expense;
- (B) correct the taxpayer's credit record; and
- (C) correct any public disclosure of the improperly imposed lien.

36-2-18 **APPLICATION.** This Ordinance shall be liberally construed and administered to supplement all of the Village's tax ordinances. To the extent that any tax ordinance is in conflict with or inconsistent with this ordinance, this ordinance shall be controlling.

(See 50 ILCS 45/1 et seq.)

ARTICLE III – TELECOMMUNICATIONS TAX

36-3-1 **DEFINITIONS.** As used in this Article, the following terms shall have the following meanings:

(A) **"Amount Paid"** means the amount charged to the taxpayer's service address in this municipality regardless of where such amount is billed or paid.

(B) **"Department"** means the Illinois Department of Revenue.

(C) **"Gross charge"** means the amount paid for the act or privilege of originating or receiving telecommunications in this municipality and for all services and equipment provided in connection therewith by a retailer, valued in money whether paid in money or otherwise, including cash, credits, services and property of every kind or nature, and shall be determined without any deduction on account of the cost of such telecommunications, the cost of the materials used, labor or service costs or any other expense whatsoever. In case credit is extended, the amount thereof shall be included only as and when paid. "Gross charges" for private line service shall include charges imposed at each channel termination point within this municipality and charges for the portion of the inter-office channels provided within this municipality. Charges for that portion of the inter-office channel connecting **two (2)** or more channel termination points, one or more of which is located within the jurisdictional boundary of this municipality, shall be determined by the retailer by multiplying an amount equal to the total charge for the inter-office channel by a fraction, the numerator of which is the number of channel termination points that are located within the jurisdictional boundary of the municipality and the denominator of which is the total number of channel termination points connected by the inter-office channel. However, "gross charge" shall not include any of the following:

- (1) any amounts added to a purchaser's bill because of a charge made pursuant to:
 - (a) the tax imposed by this Article,
 - (b) the tax imposed by the Telecommunications Excise Tax Act,
 - (c) the tax imposed by Section 4251 of the Internal Revenue Code,
 - (d) 911 surcharges, or
 - (e) charges added to customers' bills pursuant to the provisions of Section 9-221 or 9-222 of the Public Utilities Act, as amended, or any similar charges added to customers' bills by retailers who are not subject to rate regulation by the Illinois Commerce Commission for the purpose of recovering any of the tax liabilities or other amounts specified in those provisions of the Public Utilities Act;
- (2) charges for a sent collect telecommunication received outside of such municipality;
- (3) charges for leased time on equipment or charges for the storage of data or information for subsequent retrieval or the processing of data or information intended to change its form or content. Such equipment includes, but is not limited to, the use of calculators, computers, data processing equipment, tabulating equipment or accounting equipment and also includes the usage of computers under a time-sharing agreement;
- (4) charges for customer equipment, including such equipment that is leased or rented by the customer from any source, wherein such charges are disaggregated and separately identified from other charges;

- (5) charges to business enterprises certified as exempt under Section 9-222.1 of the Public Utilities Act to the extent of such exemption and during the period of time specified by the Department of Commerce and Economic Opportunity;
- (6) charges for telecommunications and all services and equipment provided in connection therewith between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries when the tax imposed under this Article has already been paid to a retailer and only to the extent that the charges between the parent corporation and wholly owned subsidiaries or between wholly owned subsidiaries represent expense allocation between the corporations and not the generation of profit for the corporation rendering such service;
- (7) bad debts ("bad debt" means any portion of a debt that is related to a sale at retail for which gross charges are not otherwise deductible or excludable that has become worthless or uncollectible, as determined under applicable federal income tax standards; if the portion of the debt deemed to be bad is subsequently paid, the retailer shall report and pay the tax on that portion during the reporting period in which the payment is made);
- (8) charges paid by inserting coins in coin-operated telecommunication devices; or
- (9) amounts paid by telecommunications retailers under the Telecommunications Infrastructure Maintenance Fee Act.
- (10) Charges for nontaxable services or telecommunications if:
 - (a) those charges are aggregated with other charges for telecommunications that are taxable,
 - (b) those charges are not separately stated on the customer bill or invoice, and
 - (c) the retailer can reasonably identify the nontaxable charges on the retailer's books and records kept in the regular course of business. If the nontaxable charges cannot reasonably be identified, the gross charge from the sale of both taxable and nontaxable services of telecommunications billed on a combined basis shall be attributed to the taxable services or telecommunications. The burden of proving nontaxable charges shall be on the retailer of the telecommunications.

(D) **"Interstate telecommunications"** means all telecommunications that either originate or terminate outside this State.

(E) **"Intrastate telecommunications"** means all telecommunications that originate and terminate within this State.

(F) **"Person"** means any natural individual, firm, trust, estate, partnership, association, joint stock company, joint venture, corporation, limited liability company, or a receiver, trustee, guardian, or other representative appointed by order of any court, the Federal and State governments, including State universities created by statute, or any city, town, county, or other political subdivision of this State.

(G) **"Purchase at retail"** means the acquisition, consumption or use of telecommunications through a sale at retail.

(H) **"Retailer"** means and includes every person engaged in the business of making sales at retail as defined in this Section. The Department may, in its discretion, upon application, authorize the collection of the tax hereby imposed by any retailer not maintaining a

place of business within this State, who, to the satisfaction of the Department, furnishes adequate security to insure collection and payment of the tax. Such retailer shall be issued, without charge, a permit to collect such tax. When so authorized, it shall be the duty of such retailer to collect the tax upon all of the gross charges for telecommunications in this State in the same manner and subject to the same requirements as a retailer maintaining a place of business within this State. The permit may be revoked by the Department at its discretion.

(I) **"Retailer maintaining a place of business in this State"**, or any like term, means and includes any retailer having or maintaining within this State, directly or by a subsidiary, an office, distribution facilities, transmission facilities, sales office, warehouse or other place of business, or any agent or other representative operating within this State under the authority of the retailer or its subsidiary, irrespective of whether such place of business or agent or other representative is located here permanently or temporarily, or whether such retailer or subsidiary is licensed to do business in this State.

(J) **"Sale at retail"** means the transmitting, supplying or furnishing of telecommunications and all services and equipment provided in connection therewith for a consideration, to persons other than the Federal and State governments, and State universities created by statute and other than between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries for their use or consumption and not for resale.

(K) **"Service address"** means the location of telecommunications equipment from which telecommunications services are originated or at which telecommunications services are received by a taxpayer. In the event this may not be a defined location, as in the case of mobile phones, paging systems, or maritime systems, service address means the customer's place of primary use as defined in the Mobile Telecommunications Sourcing Conformity Act. For air-to-ground systems and the like, "service address" shall mean the location of a taxpayer's primary use of the telecommunications equipment as defined by telephone number, authorization code, or location in Illinois where bills are sent.

(L) **"Taxpayer"** means a person who individually or through his or her agents, employees, or permittees engages in the act or privilege of originating or receiving telecommunications in a municipality and who incurs a tax liability as authorized by the Article.

(M) **"Telecommunications"**, in addition to the meaning ordinarily and popularly ascribed to it, includes, without limitation, messages or information transmitted through use of local, toll, and/or wide area telephone service, private line services, channel services, telegraph services, teletypewriter, computer exchange services, cellular mobile telecommunications service, specialized mobile radio, stationary two-way radio, paging service, or any other form of mobile and portable one-way or two-way communications, or any other transmission of messages or information by electronic or similar means, between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite, or similar facilities. As used in this Article, "private line" means a dedicated non-traffic sensitive service for a single customer, that entitles the customer to exclusive or priority use of a communications channel or group of channels, from one or more specified locations to one or more other specified locations. The definition of "telecommunications" shall not include value added services in which computer processing applications are used to act on the form, content, code, and protocol of the information for purposes other than transmission. "Telecommunications" shall not include purchases of telecommunications by a telecommunications service provider for use as a component part of the service provided by such provider to the ultimate retail consumer who originates or terminates the taxable end-to-end communications. Carrier access charges, right of access charges, charges for use of inter-company facilities, and all telecommunications resold in the subsequent provision of, used as a component of, or integrated into, end-to-end telecommunications service shall be non-taxable as sales for resale. Prepaid telephone calling arrangements shall not be considered "telecommunications" subject to the tax imposed under this Article. For purposes of this Section, "prepaid telephone calling arrangements" means that term as defined in Section 2-27 of the Retailers' Occupation Tax Act.

36-3-2 **SIMPLIFIED MUNICIPAL TELECOMMUNICATIONS TAX IMPOSED.** A tax is hereby imposed upon any and all of the following acts or privileges:

(A) The act or privilege of originating in the municipality or receiving in the municipality intrastate telecommunications by a person at a rate of **six percent (6%)** of the gross charge for such telecommunications purchased at retail from a retailer. To prevent actual multi-municipal taxation of the act or privilege that is subject to taxation under this subsection, any taxpayer, upon proof that the taxpayer has paid a tax in another municipality on that event, shall be allowed a credit against any tax enacted pursuant to or authorized by this Section to the extent of the amount of the tax properly due and paid in the municipality that was not previously allowed as a credit against any other municipal tax.

(B) The act or privilege of originating in the municipality or receiving in the municipality interstate telecommunications by a person at a rate of **six percent (6%)** of the gross charge for such telecommunications purchased at retail from a retailer. To prevent actual multi-municipal taxation of the act or privilege that is subject to taxation under this subsection, any taxpayer, upon proof that the taxpayer has paid a tax in another State or municipality in this State on such event, shall be allowed a credit against any tax enacted pursuant to or authorized by this Section to the extent of the amount of such tax properly due and paid in such other State or such tax properly due and paid in another municipality in this State which was not previously allowed as a credit against any other state or local tax in this State.

(C) The tax imposed by this Article is not imposed on such act or privilege to the extent such act or privilege may not, under the Constitution and statutes of the United States, be made the subject of taxation by the municipality.

36-3-3 **COLLECTION OF TAX BY RETAILERS.**

(A) The tax authorized by this Article shall be collected from the taxpayer by a retailer maintaining a place of business in this State and shall be remitted by such retailer to the Department. Any tax required to be collected pursuant to or as authorized by this Article and any such tax collected by such retailer and required to be remitted to the Department shall constitute a debt owed by the retailer to the State. Retailers shall collect the tax from the taxpayer by adding the tax to the gross charge for the act or privilege of originating or receiving telecommunications when sold for use, in the manner prescribed by the Department. The tax authorized by this Article shall constitute a debt of the taxpayer to the retailer until paid, and, if unpaid, is recoverable at law in the same manner as the original charge for such sale at retail. If the retailer fails to collect the tax from the taxpayer, then the taxpayer shall be required to pay the tax directly to the Department in the manner provided by the Department.

(B) Whenever possible, the tax authorized by this Article shall, when collected, be stated as a distinct item separate and apart from the gross charge for telecommunications.

36-3-4 **RETURNS TO DEPARTMENT.** On or before the last day of August, 2011, and on or before the last day of every month thereafter, the tax imposed under this Article on telecommunication retailers shall be returned with appropriate forms and information as required by the Department pursuant to the Illinois Simplified Municipal Telecommunications Tax Act (Public Act 92-526, Section 5-50) and any accompanying rules and regulations created by the Department to implement the Act.

36-3-5 RESELLERS.

(A) If a person who originates or receives telecommunications claims to be a reseller of such telecommunications, such person shall apply to the Department for a resale number. Such applicant shall state acts which will show the Department why such applicant is not liable for the tax authorized by this Article on any of such purchases and shall furnish such additional information as the Department may reasonably require.

(B) Upon approval of the application, the Department shall assign a resale number to the applicant and shall certify such number to the applicant. The Department may cancel any number which is obtained through misrepresentation, or which is used to send or receive such telecommunication tax-free when such actions in fact are not for resale, or which no longer applies because of the person's having discontinued the making of resales.

(C) Except as provided hereinabove in this Section, the act or privilege of originating or receiving telecommunications in this State shall not be made tax-free on the ground of being a sale for resale unless the person has an active resale number from the Department and furnishes that number to the retailer in connection with certifying to the retailer that any sale to such person is non-taxable because of being a sale for resale.

36-3-6 REBATES AND EXEMPTIONS. To the extent that the municipality's territory includes part of another unit of local government or a school district, the municipality may, by separate ordinance, rebate some or all of the amount of the tax authorized by this Article paid by the other unit of local government or school district. Any such rebate shall be paid by the municipality directly to the other unit of local government or school district qualifying for the rebate as determined by the municipality's ordinance, which shall not be filed with the Department.

36-3-7 SEVERABILITY. If any provision of this Article, or the application of any provision of this Article, is held unconstitutional or otherwise invalid, such occurrence shall not affect other provisions of this Article, or their application, that can be given effect without the unconstitutional or invalid provision or its application. Each unconstitutional or invalid provision, or application of such provision, is severable, unless otherwise provided by this Article.

(Ord. No. 2011-01; 01-05-11)

ARTICLE IV – WATER UTILITY TAX

36-4-1 **IMPOSITION OF WATER UTILITY TAX.** A tax is imposed on all persons engaged in the following occupations or privileges:

(A) The privilege of using or consuming water acquired in a Purchase at Retail and used or consumed within the corporate limits of the Village shall be taxed at the rate of **three percent (3%)** of the gross receipts and calculated on a monthly basis for each Purchaser.

36-4-2 **EXCEPTIONS; EXEMPTIONS.**

(A) None of the taxes authorized by this Article may be imposed with respect to any transaction in interstate commerce or otherwise to the extent to which the business or privilege may not, under the Constitution and statutes of the United States, be made the subject of taxation by this State or any political subdivision thereof; nor shall any persons engaged in the business of distributing, supplying, furnishing, or selling, or using or consuming water acquired in a Purchase at Retail, be subject to taxation under the provisions of this Article for those transactions that are or may become subject to taxation under the provisions of the "Municipal Retailers' Occupation Tax Act" authorized by Section 8-11-1 of the Illinois Municipal Code; nor shall any tax authorized by this Article be imposed upon any person engaged in a business or on any privilege unless the tax is imposed in like manner and at the same rate upon all persons engaged in the businesses of the same class in the Village, whether privately or municipally owned or operated, or exercising the same privilege within the Village. None of the within taxes shall be imposed on water sold directly by the Village but shall instead be imposed upon the sale of water by any other entity not otherwise excluded by this ordinance.

(B) The Village of Sadorus shall be exempted from the taxes imposed by this Article for such accounts attributable to buildings and facilities located in the Village.

36-4-3 **ADDITIONAL TAXES.** Such taxes shall be in addition to other taxes levied upon the taxpayer or a Person Maintaining a Place of Business in this State. All of the taxes enumerated in this Article are in addition to the payment of money, or value of products or services furnished to the Village by the taxpayer or Person Maintaining a Place of Business in this State as compensation for the use of its streets, alleys, or other public places, or installation and maintenance therein, thereon or thereunder of equipment used in the operation of its business.

36-4-4 **COLLECTION.** The tax authorized by this Article shall be collected from the Purchaser by the Person Maintaining a Place of Business in this State who delivers the water to the Purchaser. This tax shall constitute a debt of the Purchaser to the person who delivers the water to the Purchaser and if unpaid, is recoverable in the same manner as the original charge for delivering the water. Any tax collected by the Person Maintaining a Place of Business in this State delivering water shall constitute a debt owed to the Village by such Person Maintaining a Place of Business in this State. Persons delivering the water shall collect the tax from the Purchaser by adding such tax to the gross charge for delivering the water. Persons delivering the water shall also be authorized to add to such gross charge an amount

equal to **three percent (3%)** of the tax to reimburse the person delivering the water for the expense incurred in keeping records, billing customers, preparing and filing returns, remitting the tax and supplying data to the Village upon request. If the person delivering the water fails to collect the tax from the Purchaser, then the Purchaser shall be required to pay the tax directly to the Village in the manner prescribed by the Village. Persons delivering the water who file returns pursuant to this paragraph shall, at the time of filing such return, pay the Village the amount of the tax collected pursuant to this Article.

36-4-5 **REPORTS TO VILLAGE.** On or before the last day of each month, each Person Maintaining a Place of Business in this State who delivers the water to the Purchaser, in the case of the tax imposed by this Article, and each taxpayer shall make a return to the Village for the preceding month stating:

- (A) Its name.
- (B) Its principal place of business.
- (C) Its Gross Receipts, as applicable, during the month upon the basis of which the tax is imposed.
- (D) Amount of tax.
- (E) Such other reasonable and related information as the corporate authorities may require.

Each person making the return herein provided for shall, at the time of making such return, pay to the Village, the amount of tax herein imposed; provided that in connection with any return, the person may, if he so elects, report and pay an amount based upon a reasonable estimate of the total billings of business subject to the tax during the period for which the return is made (exclusive of any amounts previously billed) with prompt adjustments of later payments based upon any differences between such billings.

36-4-6 **CREDIT FOR OVER-PAYMENT.** If it shall appear that an amount of tax has been paid which was not due under the provisions of this Article, whether as the result of a mistake of fact or an error of law, then such amount shall be credited to the extent permitted by law.

36-4-7 **DEFINITIONS.** For the purpose of this Article the following terms shall have the meanings ascribed to them herein:

(A) **"Gross Receipts".** The consideration received for distributing, supplying, or selling water for use or consumption and not for resale, and for all services rendered in connection therewith valued in money, whether received in money or otherwise, including cash, credit, services and property of every kind and material and for all services rendered therewith, and shall be determined without any deduction on account of the cost of the service, product or commodity supplied, the cost of materials used, labor or service cost, or any other expenses whatsoever; provided, however that "Gross Receipts" shall not include (i) any amounts specifically excluded from the definition of gross receipts in Section 8-11-2(d) of the Illinois Municipal Code and (ii) that portion of the consideration received for the distributing, supplying, furnishing or selling water to the Village of Sadorus.

(B) **"Person".** Any natural individual, firm, trust, estate, partnership, association, joint stock company, joint adventure, corporation, limited liability company,

municipal corporation, the State or any of its political subdivisions, any State university created by statute, or a receiver, trustee, guardian, or other representative appointed by order of any court.

(C) **"Person Maintaining a Place of Business in this State"**. Any person having or maintaining within this State, directly or by a subsidiary or other affiliate, an office, generation facility, distribution facility, transmission facility, sales office or other place of business, or any employee, agent, or other representative operating within this State under the authority of the person or its subsidiary or other affiliate, irrespective of whether such place of business or agent or other representative is located in this State permanently or temporarily, or whether such person, subsidiary or other affiliate is licensed or qualified to do business in this State.

(D) **"Public Utility"** shall have the meaning ascribed to it in Section 3-105 of the Public Utilities Act, but shall include alternative retail water suppliers as defined in Section 16-102 of that Act.

(E) **"Purchaser"**. Any person who uses or consumes, within the corporate limits of the Village, water acquired in a Purchase at Retail, excluding any local governmental body or school district whose territory includes the municipality.

(F) **"Purchase at Retail"**. Any acquisition of water by a Purchaser for purposes of use or consumption, and not for resale.

36-4-8 **LIMITATION OF LIABILITY.** If the provisions of this Article with respect to the exemption of the Village of Sadorus from the taxes imposed by this Article or the application thereof are held unconstitutional or otherwise invalid, the amount of tax due as a consequence of such holding shall be limited to the amount that the taxpayer is authorized to charge and collect from such school districts and units of local government pursuant to the provisions of Section 9-221 of the Public Utilities Act or any successor thereto.

36-4-9 **NOTICE; ADDRESS LIST.** The Village Clerk is hereby directed to send a certified copy of this Article to all utilities which provide service to customers within the Village and to cooperate with such utilities in determining addresses of premises subject to the taxes herein described, including but not limited to the names and addresses of each school district and unit of local government which own facilities within the corporate limits of the Village.

36-4-10 **PRIOR ORDINANCES.** To the extent that the within Article conflicts with any prior ordinances relating to the taxation of water in the Village, the within Article shall prevail.

36-4-11 **EFFECTIVE DATE.** This Article shall be in full force and effect, following its passage, approval and publications as required by law and shall be effective with respect to (i) the use or consumption of water and (ii) Gross Receipts actually paid to the taxpayer for services billed on or after the adoption of this Article.

(Ord. No. 2016-04; 04-20-16)

ARTICLE V - ELECTRICITY TAX

36-5-1 **TAX IMPOSED.** A tax is imposed on all persons engaged in the following occupations or privileges:

(A) The privilege of using or consuming electricity acquired in a purchase at retail and used or consumed within the corporate limits of the Village at the following rates, calculated on a monthly basis for each purchaser:

(1)	First 2,000 KWH	0.303 cents per KWH
(2)	Next 48,000 KWH	0.199 cents per KWH
(3)	Next 50,000 KWH	0.179 cents per KWH
(4)	Next 400,000 KWH	0.174 cents per KWH
(5)	Next 500,000 KWH	0.169 cents per KWH
(6)	Next 2,000,000 KWH	0.159 cents per KWH
(7)	Next 2,000,000 KWH	0.157 cents per KWH
(8)	Next 5,000,000 KWH	0.154 cents per KWH
(9)	Next 10,000,000 KWH	0.152 cents per KWH
(10)	Over 20,000,000 KWH	0.149 cents per KWH

(B) Persons engaged in the business of distributing, supplying, furnishing, or selling natural gas for use or consumption, and not for resale, at a rate not to exceed **four percent (4%)** of the gross receipts therefrom.

36-5-2 **EXCEPTIONS.**

(A) None of the taxes authorized by this Article may be imposed with respect to any transaction in interstate commerce or otherwise to the extent to which the business or privilege may not, under the Constitution and statutes of the United States, be made the subject of taxation by this State or any political subdivision thereof; nor shall any persons engaged in the business of distributing, supplying, furnishing, or selling or transmitting gas or electricity, or using or consuming electricity acquired in a purchase at retail, be subject to taxation under the provisions of this Article for those transactions that are or may become subject to taxation under the provisions of the **"Municipal Retailer's Occupation Tax Act"** as authorized by **65 ILCS 5/8-11-1** of the Illinois Municipal Code; nor shall any tax authorized by this Article be imposed upon any person engaged in a business or on any privilege unless the tax is imposed in like manner and at the same rate upon all persons engaged in businesses of the same class in the Village, whether privately or municipally owned or operated, or exercising the same privilege within the Village.

(B) Any local governmental body or school district whose territory includes the Municipality shall be exempted from the taxes imposed by this Article for such accounts attributable to buildings and facilities located in the Village.

36-5-3 **ADDITIONAL TAXES.** Such taxes shall be in addition to other taxes levied upon the taxpayer or a person maintaining a place of business in this State. All of the taxes enumerated in this Article are in addition to the payment of money, or value of products or services furnished to the Village by the taxpayer or person maintaining a place of business in

this State as compensation for the use of its streets, alleys, or other public places, or installation and maintenance therein, thereon or thereunder of poles, wires, pipes or other equipment used in the operation of its business.

36-5-4 **COLLECTION.** The tax authorized by this Article shall be collected from the purchaser by the person maintaining a place of business in this State who delivers the electricity to the purchaser. This tax shall constitute a debt of the purchaser to the person who delivers the electricity to the purchaser and if unpaid, is recoverable in the same manner as the original charge for delivering the electricity. Any tax collected by the person maintaining a place of business in this State delivering the electricity shall constitute a debt owed to the Village by such person maintaining a place of business in this State. Persons delivering the electricity shall collect the tax from the purchaser by adding such tax to the gross charge for delivering the electricity. Persons delivering electricity shall also be authorized to add to such gross charge an amount equal to **three percent (3%)** of the tax to reimburse the person delivering electricity for the expense incurred in keeping records, billing customers, preparing and filing returns, remitting the tax and supplying data to the Village upon request. If the person delivering the electricity fails to collect the tax from the purchaser, then the purchaser shall be required to pay the tax directly to the Village in the manner prescribed by the Village. Persons delivering the electricity who file returns pursuant to this Section shall, at the time of filing such return, pay the Village the amount of the tax collected pursuant to this Article.

36-5-5 **REPORTS TO VILLAGE.** On or before the last day of each month, each person maintaining a place of business in this State who delivers the electricity to the purchaser, in the case of the tax imposed by **Section 36-5-1(A)** of this Article, and each taxpayer, in the case of the tax imposed by **Section 36-5-1(B)** of this Article, shall make a return to the Village for the preceding month stating:

- (A) Its name.
- (B) Its principal place of business.
- (C) Its gross receipts or kilowatt-hour usage, as applicable, during the month upon the basis of which the tax is imposed.
- (D) Amount of tax.
- (E) Such other reasonable and related information as the corporate authorities may require.

Each person making the return herein provided for shall, at the time of making such return, pay to the Village, the amount of tax herein imposed; provided that in connection with any return, the person may, if he so elects, report and pay an amount based upon a reasonable estimate of the total billings of business subject to the tax during the period for which the return is made (exclusive of any amounts previously billed) with prompt adjustments of later payments based upon any differences between such billings, and the taxable gross receipts or kilowatt-hour usage, as applicable.

36-5-6 **CREDIT FOR OVER-PAYMENT.** If it shall appear that an amount of tax has been paid which was not due under the provisions of this Article, whether as the result of a mistake of fact or an error of law, then such amount shall be credited to the extent permitted by law.

36-5-7 DEFINITIONS. For the purpose of this Article the following terms shall have the meanings ascribed to them herein:

"Gross Receipts": The consideration received for distributing, supplying, furnishing or selling gas for use or consumption and not for resale, and for all services rendered in connection therewith valued in money, whether received in money or otherwise, including cash, credit, services and property of every kind and material and for all services rendered therewith, and shall be determined without any deduction on account of the cost of the service, product or commodity supplied, the cost of materials used, labor or service cost, or any other expenses whatsoever; provided, however that "Gross Receipts" shall not include (i) any amounts specifically excluded from the definition of gross receipts in Section 8-11-2(d) of the Illinois Municipal Code and (ii) that portion of the consideration received for the distributing, supplying, furnishing, or selling gas to any local governmental body or school district whose territory includes the municipality.

"Person": Any natural individual, firm, trust, estate, partnership, association, joint stock company, joint adventure, corporation, limited liability company, municipal corporation, the State or any of its political subdivisions, any State university created by statute, or a receiver, trustee, guardian, or other representative appointed by order of any court.

"Person Maintaining a Place of Business in this State": Any person having or maintaining within this State, directly or by a subsidiary or other affiliate, an office, generation facility, distribution facility, transmission facility, sales office or other place of business, or any employee, agent, or other representative operating within this State under the authority of the person or its subsidiary or other affiliate, irrespective of whether such place of business or agent or other representative is located in this State permanently or temporarily, or whether such person, subsidiary or other affiliate is licensed or qualified to do business in this State.

"Public Utility": Shall have the meaning ascribed to it in Section 3-105 of the Public Utilities Act, but shall include alternative retail electric suppliers as defined in Section 16-102 of that Act.

"Purchaser": Any person who uses or consumes, within the corporate limits of the Village, electricity acquired in a Purchase at Retail, excluding any local governmental body or school district whose territory includes the Municipality.

"Purchase at Retail": Any acquisition of electricity by a Purchaser for purposes of use or consumption, and not for resale, but shall not include the use of electricity by a Public Utility directly in the generation, production, transmission, delivery or sale of electricity.

36-5-8 LIMITATION OF LIABILITY. If the provisions of this Article with respect to the exemption of school districts and units of local government from the taxes imposed by this Article or the application thereof are held unconstitutional or otherwise invalid, the amount of tax due as a consequence of such holding shall be limited to the amount that the taxpayer is authorized to charge and collect from such school districts and units of local government pursuant the provisions of Section 9-221 of the Public Utilities Act or any successor thereto.

36-5-9 NOTICE; ADDRESS LIST. The Village Clerk is hereby directed to send a certified copy of this Article to all utilities which provide service to customers within the Village and to cooperate with such utilities in determining addresses of premises subject to the

taxes herein described, including but not limited to the names and addresses of each school district and unit of local government which own facilities within the corporate limits of the Village.

36-5-10 **PRIOR ORDINANCES.** To the extent that the within Ordinance conflicts with any prior Ordinances relating to the taxation of electricity and/or natural gas in the Village, the within Ordinance shall prevail.

36-5-11 **EFFECTIVE DATE.** This Article shall be in full force and effect, following its passage, approval and publications as required by law and shall be effective with respect to (i) the use or consumption of electricity and (ii) Gross Receipts actually paid to the taxpayer for services billed on or after the **2nd day of December, 2015.**

(Ord. No. 2015-06; 12-02-15)

CHAPTER 37

TREE CODE

ARTICLE I – GENERALLY

37-1-1 POLICY ESTABLISHED.

(A) These standards are to be considered as the standards for the Street Committee and an Ordinance Requiring Owners to Maintain Parkways.

(B) These standards apply to the planting of trees by the Department of Streets, individuals, business, or other organizations on right-of-ways owned and maintained by the Village.

(C) Exceptions to these standards can only be made with the ADVANCE approval of the Village Board. Anyone seeking an exception must seek a hearing before the Street Committee.

(D) These standards take effect when approved by the Village Board.

37-1-2 TREE SUPERINTENDENT.

The Board President shall designate an individual to serve as “Tree Superintendent” who shall be charged with administering this Chapter and overseeing trees in the Village.

37-1-3 PLANTING LOCATIONS.

(A) Species and cultivars that exceed a trunk diameter of **fifteen (15) inches** at breast height within **forty (40) years** are NOT to be planted where the parkway is less than **five (5) feet** wide.

(B) Trees must be planted at least **ten (10) feet** from driveways and alleys, **ten (10) feet** from fire hydrants, **ten (10) feet** from utility poles, **thirty-five (35) feet** from intersections, **thirty-five (35) feet** from traffic signals, and **five (5) feet** from a property line.

(C) Trees planted under utility lines must be of species and cultivars whose height at maturity will not interfere with the lines.

(D) Trees planted along existing Village streets are to be spaced at **thirty (30) feet to forty (40) feet** intervals for medium to large tree species and **twenty (20) feet to thirty-five (35) feet** for small tree species.

(E) There should be adequate space allowed for a sidewalk when trees are planted along unpaved streets or along streets without curbing.

(F) When sufficient space is not available for a public right-of-way as a result of street widening or buried utilities, trees may be planted on private property not more than **ten (10) feet** from the public right-of-way if the property owner gives permission by signing a memorandum of understanding with the Village. This Article provides that it is the responsibility of the property owner to provide for all maintenance, including pruning, watering, and removal, during the existence of such trees.

(G) Trees may be planted by the Village along publicly-owned sidewalks that go through subdivisions, not following streets, when the Street Committee deems the planting beneficial to the community as a whole. The trees may be planted either on public right-of-ways or on private property subject to the provisions of paragraph (F) of this Section.

37-1-4 **KINDS OF TREES.** The Village has determined for the health and longevity of our community trees, certain tree species shall be prohibited from being planted. In addition, to best diversify our community tree canopy, the Village has compiled and, from time to time, will update an approved species list all as issued by the Village Tree Superintendent. These lists are maintained by the Village and can be found by contacting the Village.

37-1-5 **QUALITY OF TREES.**

- (A) All trees must be true to species, variety, and/or cultivar, and each plant must be labeled when delivered.
- (B) All incoming trees must meet current ANSI z60 standards for nursery stock.
- (C) All trees must have normal trunks, leaders, tops, and branches typical of the species, variety, or cultivar, and exhibit evidence of proper nursery pruning practices.
- (D) All trees must be certified free of inspect pests and diseases by the Department of Agriculture, Division of Entomology, State of Illinois.
- (E) All trees must be free of mechanical injuries and not show evidence of recent or previous wounds on the trunk.
- (F) All trees must be nursery grown and must have received proper fertilizing, watering, top and root pruning as is normally needed for that particular kind of tree. Plants must have been grown in nursery conditions for the past **two (2) years** under soil and climate conditions similar to that of the Village.
- (G) Plants on the list of approved medium to large trees must have trunks at least **one and one-half (1 ½) inch** in diameter measured **six (6) inches** above the ground and a soil ball of at least **twenty-four (24) inches** in diameter. Plants on the list of small trees must be at least **one (1) inch** in diameter measured **six (6) inches** above the ground and have a soil ball of at least **eighteen (18) inches** in diameter.

37-1-6 **PLANTING PROCEDURES.**

- (A) All trees must be planted following ISA best management practices and ANSI planting standards. Copies of these standards are available by contacting the Tree Superintendent.
- (B) The planting hole should be **four (4) times** larger in diameter than the diameter of the root ball and the same depth as the height of the root ball.
- (C) The root ball should be placed in the hole so that the plants are planted with the top of the ball flush with not more than **one (1) inch** higher than the top of the hole.
- (D) After placing the plant in the hole, the hole should be filled with backfill so that no air pockets are left beneath or around the ball. The backfill should be tamped so that it is packed firmly.
- (E) The twine holding the burlap around the ball must be cut and the burlap loosened from around the top of the ball. Do NOT attempt to remove the burlap from beneath the ball. Any plastic or treated burlap used to protect the ball during shipment must be removed before planting. Low profile baskets should be specified or baskets should be cut down by at least a third.
- (F) The trunks should be vertical after planting.

(G) Excess soil should be removed from the site and a layer of mulch with a diameter of at least **three (3) feet** with a depth of **three (3) inches** should be placed around the tree.

(H) Plants should be watered at the time of planting.

(I) A lawn-mower guard of the type approved by the Street Committee should be placed around the base of the trunk.

(J) Staking is not typically recommended; however, when necessary, follow current recommendations.

(K) Plants should be judiciously pruned after planting to remove broken, weak, and interfering branches and multiple leaders. **(See Attachment "C")**

37-1-7 EARLY MAINTENANCE.

(A) **General.** Newly planted trees, shrubs and other plants require special maintenance for one or two growing seasons following planting. All maintenance practices shall follow approved arboricultural standards.

(B) **Watering.** Ample soil moisture shall be maintained following planting. A thorough watering once in **five (5) to ten (10) days**, depending on soil type and drainage provisions, is usually adequate during the growing season. A soil auger can be used to check the adequacy of moisture in the soil ball and/or backfill.

(C) **Fertilization.** Adequate quantities of the essential nutrient elements should be available after new root growth starts. However, provision of good drainage and adequate moisture of the backfill, or the soil ball on balled plants, is more important than fertilization immediately following planting.

(D) **Insect and Disease Control.** Frequent and thorough inspections shall be made to determine with measures for the control of insects and diseases shall be taken. Plants are in a weakened condition following transplanting and they are more susceptible to insects, especially borders, and disease than are vigorously growing trees. Where it is necessary to spray, insecticides or fungicides shall be used that are labeled for the purpose intended.

(E) **Pruning.** Pruning newly planted trees shall consist of removing dead, broken or injured branches; the suppression of rank, uneven growth that affects form. Water sprouts shall be removed when they reach the diameter of a pencil.

Pruning shall be practices as often thereafter as needed to assure sturdy crotch development.

Tree crowns should be elevated as growth characteristics and location dictate. Newly planted trees need not have lower branches removed until they are well established. Pruning practices will continue for new trees to ensure a strong central leader in addition to crotch development. Trees extending into private property from the Tree Superintendent property may be pruned by property owner utilizing accepted standards of care in consultation with Tree Superintendent.

37-1-8 GENERAL MAINTENANCE.

(A) **Pruning and Removal.** No topping or dehorning of trees shall be permitted, except by written permission of the Superintendent. Proper cabling and bracing shall be substituted for this practice wherever possible.

All large, established trees shall be pruned to the following height to allow free passage of pedestrians and vehicular traffic: At least **seven (7) feet** over sidewalks and a minimum clearance of **fourteen (14) feet** over all streets.

It shall be the policy of the Superintendent to cooperate with the municipal or utility lighting engineer, and vice versa, in the placement and selection of lighting standards and the development of a system of tree pruning that will give effective street illumination.

All cuts shall be made following best arboricultural practices outlined in ISA BMP's and ANSI standards (available in Streets Dept.). No stubs shall be left. No spurs or climbing irons shall be used in the trees, except when trees are to be removed.

All dead branches shall be removed; branches that cross or rub should be pruned to eliminate the problem. Wound dressing is not necessary unless pruning elms or oaks during the growing season.

All pruning of elms and oaks should only be done when absolutely necessary during the growing season to prevent spreading disease.

To prevent the spread of infectious diseases, all pruning tools must be disinfected before being used on a new tree.

Whenever streets are to be blocked off to public service, all police and fire departments shall be notified of the location and length of time the street will be blocked. Notifications shall be given these departments upon the removal of such barriers or if such barriers are to remain longer than originally expected.

To protect the public from danger, suitable street and sidewalk barriers, highway cones, or signs shall be used when pruning a tree. Signals, flares or flasher lights shall be placed on all barriers or obstructions remaining in the street after dark.

The stumps of all removed trees shall be cut to at least **six (6) inches** below the ground level, the soil cavity shall be filled with soil and then leveled.

(B) **Spraying.** Suitable precautions shall be taken to protect and warn the public that spraying is being done.

Spraying shall be done only for the control of specific diseases or insects, with the proper materials in the necessary strength, and applied at the proper time, to obtain the desired control. All spraying practices shall conform to federal and state regulations.

Dormant oil sprays shall not be applied to Sugar Maple, Japanese Maple, Beech, Flowering Dogwood, Hickory, Walnut, and most crabapple trees. Dormant oil sprays shall be applied only when the air temperature is at least **forty (40) degrees** for a period of **twenty-four (24) hours** after spraying.

(C) **Fertilization.** Fertilization of public trees shall follow the recommendations of the Natural History Survey or other accepted arboricultural standards.

Methods of application of fertilizers shall be specified by the Village Maintenance Supervisor.

(D) **Cavities.** Extensive cavity work should be performed on trees only if they are of sufficiently high value to justify the cost. All cavity work shall conform to the National Arborist Association or other acceptable arboricultural standards.

(E) **Cabling and Bracing.** As a general rule, cables should be located above the crotch at a point approximately **two-thirds (2/3)** of the distance between the crotch and tops of the branch ends. Rust-resistant cables, thimbles, and lags should be used. The ends of a cable should be attached to hooks or eyes of lags or bolts inserted near the ends of the branches; thimbles must be used in the eye splice in each end of the cable. In no instance shall cable be wrapped around a branch.

All cabling and bracing practices with screw rods shall follow National Arborist Association or other accepted arboricultural standards.

37-1-9 **TREE PROTECTION.**

(A) **Construction Zone.** All trees shall be protected within construction zones by following specifications outlined in the management plan.

(B) **Utility Installations (Underground).** All installations of the underground utilities upon the public right-of-way are subject to approval by the Village. Any and all installations that impact on public trees due to underground conflicts (roots) are specifically subject to the review and approval of the Tree Superintendent before the project starts.

37-1-10 **ENFORCEMENT.** In the event any of the provisions of the above article are violated, the Village shall have the authority to seek any one or any combination of the following remedies:

(A) Injunctive relief.

(B) A fine for each violation in an amount not to exceed **One Hundred Dollars (\$100.00).**

(C) Entitlement to have any tree removed which is in violation with the cost of said removal as a lien against the abutting property and judgment against the party responsible for the violation.

The foregoing remedies shall be available to the Village following a determination by the Tree Superintendent that the Article has been violated, and a **ten (10) day** notice to abate has been served upon the owner of the adjacent property and/or violator, personally or by certified mail addressed to the owner or resident at the abutting property, and/or violator's address with a copy by first class mail. Notwithstanding any notice requirements or any other rights or requirements provided by law, the Village shall be entitled to removal of any violating trees as is deemed appropriate by the tree inspector.

37-1-11 **DAMAGES.** If any individual causes the injury, mutilation, or death of a tree or shrub located on Village-owned property, as determined by the Tree Superintendent in consultation with professional, the cost or repair or replacement of such tree, shrub or other plant shall be born by the party in violation. The replacement value of trees and shrubs shall be determined in accordance with the then-current revision of "Guide for Plant Appraisal" as published by the International Society of Arboriculture.

(Ord. No. 2018-03; 05-16-18)

TREE CODE

APPENDIX A

TREES APPROVED FOR PLANTING ALONG
PUBLIC RIGHT-OF-WAYS

MEDIUM TO LARGE TREES (HEIGHT 40' AND UP)

Acer nigrum - Black Maple
Acer rubrum - Red Maple
Acer saccharum - Sugar Maple
Alnus cordata - Italian Alder
Alnus glutinosa - European Alder
Celtis laevigata - Sugar Hackberry
Celtis occidentalis - Hackberry
Cercidiphyllum japonicum - Katsura Tree
Cladrastis lutea - Yellowwood
Corylus colurna - Turkish Filbert
Eucommia ulmoides - Hardy Rubber Tree
Fraxinus Americana - White Ash
Fraxinus excelsior - "Hessei" - Hesse European Ash
Fraxinus quadrangulata - Blue Ash
Ginkgo biloba - Maidenhair Tree (only male trees approved)
Gymnocladus dioica - Kentucky Coffee Tree (only male trees approved)
Liquidambar styraciflua - Sweetgum
Liriodendron tulipifera - Tulip Tree
Magnolia acuminata - Cucumber Tree
Nyssa sylvatica - Sour Gum, Black Tupelo
Phellodendron amurense - Amur Corktree
Pyrus calleryana - Any of the cultivars, including "Aristocrat" and "Redspire"
Sassafras albidum - Sassafras
Quercus alba - White Oak
Quercus bicolor - Swamp White Oak
Quercus coccinea - Scarlet Oak
Quercus imbricaria - Shingle Oak
Quercus macrocarpa - Burr Oak
Quercus robur - English Oak
Quercus rubra or borealis - Red Oak
Taxodium distichum - Baldcypress
Tilia Americana - American Basswood
Tilia x euchlora - Crimean Linden
Tilia tomentosa - Silver Linden
Ulmus parvifolia - Lacebark Elm
Zelkova serrata - Japanese zelkova

SMALL TREES (LESS THAN 35' TALL)

Acer buergerianum - Trident Maple
Acer campestre - Hedge Maple
Acer ginnala - Amur Maple
Acer griseum - Paperbark Maple
Acer miyabei - Miyabe Maple
Acer tataricum - Tatarian Maple
Amelanchier arborea - Shadbush, Serviceberry
Amelanchier laevis - Shadbush, Serviceberry
Carpinus betulus - European Hornbeam
Carpinus caroliniana - Hornbeam, Ironwood
Cornus alternifolia - Pagoda Dogwood
Cornus Florida - Flowering Dogwood
Crataegus species - Hawthorns; only thornless cultivars are approved
Halesia Carolina - Caroline Silverbell
Koelreuteria paniculata - Goldenraintree
Magnolia virginiana - Laurel or sweetbay magnolia
Malus species and varieties - Crabapple (only varieties and cultivars resistant to scab disease and fireblight are approved)
Ostrya virginiana - Hophornbeam, Musclewood
Prunus sargentii - Sargent Cherry
Prunus serrulata - Japanese Flowering cherry
Staphylea trifolia - American Bladdernut
Syringa reticulata - Japanese Tree Lilac

APPENDIX B

TREES PROHIBITED FOR PLANTING ALONG PUBLIC RIGHT-OF-WAYS

NOTE: There are some trees on this list of prohibited plants that are excellent for use in yards and parks; however, for one reason or another, such as being evergreen or producing an abundance of undesirable fruits, they are not suitable for planting along streets. Species on this list and species not included on the approved lists may, under certain circumstances, be planted along streets if ADVANCE approval is given by the Street and Alley Department and the Shade Tree Committee. The reasons for including species on the prohibited list is given below in parentheses.

- Abies species - All species and varieties of firs (evergreen)
- Acer negundo - Box elder (weak wood, disease problems)
- Acer platanoides - Norway maple (disease problems)
- Acer saccharinum - Silver maple (weak wood, disease problems)
- Aesculus glabra - Ohio buckeye (messy fruit)
- Aesculus hippocastanum - Horsechestnut (messy fruit)
- Ailanthus altissima - Tree-of-heaven (weak wood, extremely weedy)
- Betula papyrifera - Paper-bark birch, White birch, canoe birch (disease problems and insect pests)
- Betula pendula - European white birch (disease problems, insect pests)
- Betula nigra - River birch, red birch (disease problems, insect pests)
- Carya species - All species and varieties of hickories and pecans (messy fruit)
- Castanea species - All species and varieties of chestnuts (messy fruit)
- Catalpa bignonioides - Catalpa (weak wood, messy fruit)
- Catalpa speciosa - Catalpa (weak wood, messy fruit)
- Cercis Canadensis - Redbud (weak crotching, difficulty in "raising" for vehicular traffic)
- Crataegus species - Hawthorns (thorns), thornless varieties are acceptable
- Elaeagnus angustifolia - Russian olive (disease problems)
- Fagus grandiflora - American beech (messy fruit, too large)
- Fagus sylvatica - European beech (messy fruit, too large); columnar forms are acceptable
- Fraxinus pennsylvanica - Green ash
- Ginkgo biloba - Female ginkgo trees (messy fruit); male trees acceptable
- Gleditsia triacanthos - Honey locust (disease problems, insect pests)
- Gymnocladus dioicus - Female Kentucky coffee tree (messy fruit); male trees are acceptable
- Ilex opaca - American holly (evergreen, insect pests)
- Juniperus species - All species and varieties of junipers and cedars (evergreen)
- Juglans species - All species and varieties of walnuts, butternuts, and pecans (messy fruit)
- Maclura pomifera - Osage orange, Hedge-apple (thorns, messy fruit); thornless, male varieties are acceptable
- Magnolia x soulangiana - Saucer magnolia (low branching and spread)
- Malus species - All large-fruited apples and apples susceptible to scab disease and fire blight
- Morus species - All (messy fruit)
- Paulownia tomentosa - Empress Tree, Royal Paulownia (not hardy)

Picea species - All species and varieties of spruces (evergreen)
Pinus species - All species and varieties of pines (evergreen)
Platanus x acerifolia - London plane tree (disease problems)
Platanus occidentalis - Sycamore (disease problems)
Populus species - All (weak wood, messy fruit)
Prunus species - All cherries and plums, except as on approved lists (disease problems, messy fruit, short-lived)
Pseudotsuga menziesii - Douglas fir (evergreen)
Pyrus communis - All large-fruited pears (disease problems, messy fruit)
Quercus palustris - Pin oak (often has iron chlorosis locally)
Robinia pseudoacacia - Black locust (messy fruit, disease problems and insect pests)
Salix species - All willows (weak wood, messy)
Sophora japonica - Japanese pagoda tree (questionably hardy)
Sorbus aucuparia - Mountain ash (fire blight)
Thuja species - All species and varieties of arborvitae (evergreen)
Tilia cordata - Littleleaf linden (branch angles, difficulty in "raising" for vehicular clearance)
Tsuga species - All hemlocks (evergreen)
Ulmus americana - American elm (Dutch elm disease)
Ulmus pumila - Siberian elm, erroneously called Chinese Elm (weak wood, messy)
Ulmus rubra or fulva - Red elm, Slippery elm (disease problems)

TREES BY COMMON NAMES

NOTE: The official lists are those above using the more precise scientific names; these lists of trees by common names are unofficial but are provided for the convenience of the lay person.

MEDIUM TO LARGE TREES APPROVED FOR PLANTING

Ash - Blue
White
Hesse European
Alder - European
Italian
Baldcypress
Basswood - American
Black tupelo
Corktree - Amur
Cucumber Tree
Elm - Lacebark
Filbert - Turkish
Ginkgo - Only male trees
Hackberry
Hardy Rubber Tree
Japanese Zelkova
Katsura Tree
Kentucky Coffee Tree - Only male trees
Linden - American
Crimean
Silver
Maidenhair Tree (Ginkgo) - Only male trees
Maple - Black
Red
Sugar
Oak - Burr
English
Red
Scarlet
Shingle
Swamp white
White
Sassafras
Sour Gum
Sugar Hackberry
Sweetgum
Tuliptree
Yellowwood

SMALL TREES APPROVED FOR PLANTING

Bladdernut - American
Carolina silverbell
Cherry-Sargent, Japanese flowering
Crabapple (only those resistant to apple scab and fire blight)
Dogwood - Flowering
 Pagoda
European hornbeam
Goldenraintree
Hophornbeam
Hornbeam
Ironwood
Japanese tree lilac
Magnolia - Laurel or Sweetbay
Maple - Amur
 Hedge
 Miyabe
 Paperbark
 Tatarian
 Trident
Musclewood
Serviceberry - Tree form
Shadbush

TREES PROHIBITED FOR PLANTING ALONG STREETS

Apple - All large-fruited apples and apples susceptible to scab disease and fire blight
Arborvitae - All
Ash - Green
Beech - All except columnar species
Birch - All
Box elder
Buckeye, Ohio
Catalpa
Cedar - All
Cherry - All except on approved lists
Chestnut - All
Cottonwood - All
Crab apple - see restrictions under "Apple"
Douglas fir
Elm - American
 Red or Slippery
 Siberian
Empress tree
Fir - All
Ginkgo - Female trees
Hawthorn - All except thornless varieties
Hedge-apple
Hemlock - All
Hickory - All
Holly, American
Horsechestnut
Japanese pagoda tree
Juniper - All
Kentucky Coffee Tree - Female
Linden - Littleleaf
Locust - Black
 Honey
London Plane Tree
Magnolia - Southern or Evergreen, Saucer
Maple, Norway
Maple, Silver
Mimosa tree
Mountain Ash
Mulberry - All
Oak - Pin
Osage orange
Pear - All large-fruited pears
Pecan
Pine - All
Plum - All
Poplar - All

Redbud
Royal Paulownia
Russian olive
Silk tree
Spruce - All
Sycamore - All
Tree-of-heaven
Walnut - All
Willow - All

CHAPTER 38

UTILITIES

-- RESERVED --

CHAPTER 40

ZONING CODE

ARTICLE I – ESTABLISHING ZONING

40-1-1 **TITLE, EFFECTIVE DATE, PRINTING IN PAMPHLET FORM.**

(A) **Title.** This Code shall be known as the “1983 Comprehensive Amendment to the Zoning Ordinance of 1971 as subsequently amended” and is herein referred to as “this Code”.

(B) **Effective Date.** This Code shall become effective **ten (10) days** after its adoption as provided by law.

(C) **Printing in Pamphlet Form.** The Village Clerk shall certify to the passage and approval of this Code and cause it to be printed in pamphlet form.
(See 65 ILCS 5/11-13-1) (Ord. No. 83-10-3)

40-1-2 **PURPOSE.** The zoning regulations and standards herein adopted and established have been made for the purpose of:

(A) promoting the public health, safety, comfort, morals, and general welfare;

(B) dividing the Village into zones or districts restricting therein the location, erection, construction, reconstruction, alteration and use of buildings, structures and land for residences, businesses, manufacturing, and other specified uses;

(C) protecting the character and stability of the residential and business areas within the Village and to promote the orderly and beneficial development of such areas;

(D) regulating the intensity of use of lot areas, and to regulate the area of open spaces surrounding buildings, necessary to provide adequate light and air and safety from fire and other dangers, and to protect the public health;

(E) establishing building lines and the location of buildings designed for residential, business, manufacturing, and other uses within such areas;

(F) fixing reasonable standards to which buildings or structures shall conform therein;

(G) prohibiting uses, buildings, or structures incompatible with the character of such districts;

(H) preventing overcrowding of land and undue concentration of structures consistent with the overall character of the Village;

(I) conserving the taxable value of land and buildings throughout the Village;
and,

(J) defining and specifying the powers and duties of the administrative officers and bodies provided herein. (See 65 ILCS 5/11-13-1)

40-1-3 **DEFINITIONS.** Unless otherwise expressly stated, the following words shall, for the purpose of this Code, have the meaning herein indicated. Any pertinent word or term not part of this listing, but vital to the interpretation of this Code, shall have its usual definition.

(A) For the purpose of easy reference, all words or terms which are capitalized are defined herein.

(B) The present tense includes the future tense.

(C) The masculine gender includes the feminine and the neuter.

(D) The singular number includes the plural, and vice versa.

(E) The word "shall" is always mandatory; the word "may" is always permissive.

(F) The word “person” includes a partnership, association, firm, trust, club, company, or corporation as well as the individual.

(G) The word "USED" or "OCCUPIED" or "located" as applied to any land, BUILDING, USE, STRUCTURE, or PREMISE shall be construed to include the words “intended, arranged, or designed to be USED or occupied or located.”

(H) The word “LOT” shall include the words “plot” and “parcel”.

(I) The words “Village board” shall mean the Board of Trustees of the Village of Sadorus.

(J) The words “Hearing Officer” shall mean the Zoning Hearing Officer of the Village. (Ord. No. 2022-0-7; 11-29-22)

ACCESS: A way or means of approach to provide physical entrance to a property.

ACCESSORY BUILDING or STRUCTURE: A *building* or *structure* subordinate to and used for the purposes customarily incidental to the *main* or *principal use, building, or structure*. It may be either attached to or detached from the *principal building or structure*. In no case shall it dominate in area, height, extent, or purpose of the *principal use, building, or structure*.

ACCESSORY USE: A use incidental to and subordinate to the *main* or *principal use, or structure*. It shall not dominate in area, extent, or purpose of the *principal use, building or structure*.

AGRICULTURE: The growing, harvesting and storing of crops including legumes, hay, grain, fruit and truck or vegetable crops, floriculture, horticulture, mushroom growing, orchards, forestry and the keeping, raising and feeding of livestock or poultry, including dairying, poultry, swine, sheep, beef cattle, pony and horse production, fur farms, and fish and wildlife farms; farm *buildings* used for growing, harvesting and preparing crop products for market, or for use on the farm; roadside stands, farm *buildings* for storing and protecting farm machinery and equipment from the elements, for housing livestock or poultry and for preparing livestock or poultry products for market, farm *dwellings* occupied by farm *owners, operators, tenants or seasonal or year-round hired farm workers*. It is intended by this definition to include within the definition of *agriculture* all types of agricultural operations, but to exclude therefrom industrial operations such as canning or slaughterhouse, wherein agricultural products produced primarily by others are stored or processed.

ALLEY: A permanent service *right-of-way* which affords only a secondary means of *access* to *property* abutting such *right-of-way* and is not intended for general traffic circulation.

ALTERATION: Any change in the bearing wall, columns, beams, girders, or supporting member of a *structure*, any change or rearrangement in the floor area of a *building*, any enlargement of a *structure* whether by extending horizontally or by increasing in *height*, and/or any movement of a *structure* from one (1) location or position to another.

AREA, BUILDING: The total area taken on a horizontal plane at the largest floor level of the *main* or *principal building* and all *accessory buildings* on the same *lot* exclusive of uncovered porches, terraces, steps, or awnings, marquees, and non-permanent *canopies* and planters.

AREA, LOT: The total area within the *lot lines*.

AUTOMOBILE: A self-propelled, free-moving *motor vehicle* for the conveyance of persons on a *street* and having a seating capacity for not more than **ten (10) persons**.

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*. A *basement* is counted as a story and included in whatever standards are used to control the intensity of development if it is used for storage purposes pertaining to the *principal use, for dwelling unit* purposes, or for office space or similar function.

BLOCK: *Property* abutting on **one (1) side** of a *street* and lying between the **two (2)** nearest intersecting or intercepting *streets*, or between the nearest intersecting or intercepting *street* and railroad *right-of-way*, waterway, unsubdivided area, or other definite boundary.

BUILDING: An enclosed *structure* having a roof supported by columns, walls, arches, or other devices and *used* for the housing, shelter or enclosure of persons, animals, equipment, goods or materials of any kind or nature.

BUILDING, MAIN OR PRINCIPAL: The *building* in which is conducted the *main* or *principal use* of the *lot* on which it is located.

BUILDING RESTRICTION LINE: A line usually parallel to the front, side, or rear *lot line* set so as to provide the required *yards* for a *building* or *structure*.

CONSTRUCTION: The excavation of earth to provide for a foundation, basement or cellar; and/or, the addition to or removal from a *lot* or tract of land of earth or water so as to prepare said *lot* or tract of land for the *construction* of a *structure*; and/or, the act of placing or affixing a component of a *structure* upon the ground or upon another such component; and/or, the placing of *construction* materials in a permanent position and fastening in a permanent manner; and/or, the demolition, elimination, and/or removal of an existing *structure* in connection with such *construction*.

COVERAGE: The percentage of the *lot area* covered by the *building area*.

DISTRICT: A section or sections within the Village within which certain zoning or development regulations apply.

DWELLING: Any *building*, but not a *travel trailer*, designated for residential living purposes and containing one (1) or more *dwelling units*.

DWELLING UNIT: One or more rooms, designed, occupied, or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the *dwelling unit* for the exclusive use of a single family maintaining a household.

DWELLING, SINGLE FAMILY: A *dwelling* containing one (1) *dwelling unit*.

DWELLING, TWO-FAMILY (2): A *dwelling* containing two (2) *dwelling units* with one (1) *dwelling unit* arranged on the same story or in stories above the other *dwelling unit*.

DWELLING, MULTI-FAMILY: A *dwelling* containing three (3) or more *dwelling units*.

ESTABLISHMENT: A business, retail, office, or commercial *use*. When used in the singular this term shall be construed to mean a single *use, building, structure, or premises* of one (1) of the types here noted.

FAMILY: One (1) person, or two (2) or more persons related by blood, marriage or legal adoptions, or not more than three (3) unrelated persons, maintaining a common household in a *dwelling unit*.

FARM: A parcel of land used for agricultural activities.

FRONTAGE: That portion of a *lot* abutting a *street* or *alley*.

GRADE: The average of the elevations of the surface of the ground measured at all corners of a *building*.

HEIGHT:

(A) **As applied to a Building:** The vertical distance, measured from the average established grade at the front building line, to the highest point of the top of the cornice for flat roofs, to the deckline for mansard roofs, or to the mean *height* level between eaves and ridge for gambrel, gable, or hip roofs. Where a *building* is located upon a natural terrace or slope up from the front *lot line*, the *height* may be measured from the average ground level at the front building wall.

(B) **As applied to a Story.** The vertical measurement between the surface of any floor and the surface of the floor next above it, or if there is no floor above, then the vertical measurement between the surface of the floor and the ceiling next above it.

(C) **As applied to an Enclosed or Unenclosed Structure.**

(1) **Detached Structure.** The vertical measurement from the average level of the surface of the ground immediately surrounding such *structure* to the uppermost portion of such *structure*.

(2) **Attached Structure.** Where such *structure* is *attached* to another *structure* and is in direct contact with the surface of the ground the vertical measurement from the average level of the surface of the ground immediately adjoining such *structure* to the uppermost portion of such *structure* shall be the *height*. Where such *structure* is *attached* to another *structure* and is not in direct contact with the surface of the ground, the vertical measurement from the lowest portion of such *structure* to the uppermost portion shall be the *height*.

HOME OCCUPATION: Any occupation or profession for gain or support which meets the following limitations:

(A) is carried on as an *accessory use* in a *dwelling unit* by a member or members of the immediate family residing on the premises;

(B) there is no activity, construction, or display which would indicate from the exterior of the *building* or *dwelling unit* that the *building* or *dwelling unit* is being used for any purpose other than residential, except as provided in (C), below;

(C) there are no signs, other than a name plate, not more than **one (1) square foot** in area, and not internally illuminated;

(D) no item or article is sold, or offered for sale, except a finished article produced on the premises;

(E) no equipment, mechanical or electronic, is used except equipment which is incidental to the occupation, and which in the opinion of the Zoning Administrator, does not or will not create objectionable noise, vibrations, odors, or electronic impulses, or otherwise create a nuisance.

HOTEL: A *building* containing separate accommodations for use by primarily transient persons. A *hotel* may contain restaurants, barber shops, and other accessory services for serving primarily its residents and only incidentally the public.

JUNK YARD or AUTOMOBILE SALVAGE YARD: A *lot*, land, *building*, or *structure*, or part thereof used primarily for the collecting, storage, and/or sale of scrap metal, or for the collecting, dismantling, storage, and salvaging of machinery or vehicles not in running condition and for the sale of parts therefrom.

KENNEL: A *lot* or *premises* on which **six (6)** or more dogs or **six (6)** or more cats (or any combination thereof) at least **six (6) months** of age are kept, boarded, bred or retained, for compensation; or a *lot* or *premises* on which dogs and/or cats are raised and offered for sale, adoption, or exchange, with or without compensation.

LOT: A designated parcel, tract or area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed or built upon as a unit.

LOT AREA: The total area within the *lot lines* of a *lot*, excluding any *street right-of-way*.

LOT, CUL-DE-SAC: A piece of land occupied or intended to be occupied by a *principal building* or *principal buildings* or utilized for a principal *use* and *accessory uses*, thereto, and which piece or parcel has frontage on a *cul-de-sac* at least **thirty (30)** feet in width, as measured along the chord of the arc, where such frontage provides the principal means of access to a *street*.

LOT, INTERIOR: A *lot* other than a *corner lot*.

LOT LINE, FRONT: The line dividing a *lot* from a *street*. On a *corner lot* only one (1) *street* line shall be considered as a front line, provided that where the length of a shorter *street* line is less than eighty percent (80%) of the length of the longer *street* line, the shorter *street* line shall be considered as the *front lot line*.

LOT LINE, REAR: The *lot line* opposite the *front lot line*. In the case of an irregular, triangular or gore-shaped *lot*, it shall mean a line within the *lot*, a minimum of ten (10) feet long and parallel to and at the maximum distance from the *front lot line*.

LOT LINE, SIDE: Any *lot line* other than a *front* or *rear lot line*.

LOT LINES: The lines bounding a *lot*.

LOT OF RECORD: A *lot* which is part of a subdivision, the map of which has been recorded in the office of the Recorder of Champaign County, or a parcel of land, the deed of which was on record as of the effective date of this Code.

MOBILE HOME: A moveable or portable unit, designed and constructed to be towed on its own chassis, comprised of frame and wheels, and designed to be connected to utilities for year-round occupancy and to provide complete independent living facilities including provisions for cooking, sleeping, and sanitation. The term includes units containing parts that may be folded, collapsed or telescoped when being towed and then be expanded to provide additional cubic capacity, and units composed of two (2) or more separately towable components designed to be joined into one integral unit capable of being again separated into components for repeated towing. *Mobile homes* must be constructed according to the Federal Mobile Home Construction and Safety Standard. Compliance with this standard is indicated by metal plat attached to the exterior tail light end of the *mobile home*. A *mobile home* manufactured prior to 1976 shall not be permitted unless the applicant for the Zoning Permit can provide a letter from the manufacturer that the *mobile home* meets the minimum requirements of the Federal Mobile Home Construction and Safety Standards. (See Section 40-4-2 for Standards for *Mobile Homes* on Individual *Lots*; See Section 40-4-3 for Standards for *Mobile Homes* in a *Mobile Home Park*.) (See 210 ILCS 115/2.10)

MOBILE HOME PARK: A designated contiguous parcel of land planned and improved for the placement of five (5) or more *mobile homes*.

MOBILE HOME SITE: A designated parcel of land in a *mobile home park* intended for the placement of an individual *mobile home*, for the exclusive *use* of its occupants.

MOBILE HOME STAND: That part of an individual *mobile home site* which has been constructed for the placement of a *mobile home*.

MODULAR HOME: A residential structure that is produced in a factory in one or more sections; it not built around a wheeled chassis and must be trucked to the site. The home is then affixed to a permanent foundation. Modular housing as herein defined shall be considered as single family dwellings.

MOTEL: A *building* or group of *buildings*, whether *detached*, *semi-detached* or *attached*, containing accommodations for primarily transient *automobile* travelers. The term *motel* includes such *buildings* designated as tourist courts, tourist cabins, motor lodges, and other similar terms.

MOTOR VEHICLE: A self-propelled free-moving vehicle for the conveyance of goods or persons on a *street*.

NONCONFORMING LOT, STRUCTURE, OR USE: A *lot, sign, structure* or *use* which was lawful prior to the adoption, revision, or amendment of the zoning ordinance, but which fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning *district*.

NONCONFORMING PREMISES: A *nonconforming lot* with a *nonconforming structure* located on it.

OPEN SPACE: The unoccupied space open to the sky on the same *lot* with a *structure*.

OWNER, OWNERSHIP: An individual, firm, association, syndicate, partnership, corporation, company, organization, trust, or any other legal entity having a proprietary interest in a *use, structure, premises, lot* or tract of land.

PARKING GARAGE OR LOT: A *lot, court, yard*, or portion thereof *used* for the parking of *vehicles* containing one or more *parking spaces* together with means of *ingress* and *egress* to a public way.

PARKING SPACE: A space *accessory* to a *use* or *structure* for the parking of one (1) *vehicle*, the size of which shall be nine (9) feet by twenty (20) feet.

PERMANENT FOUNDATION: A permanent support for buildings that are constructed of conventional foundation materials such as concrete or cement blocks. The foundation footings shall extend below the frost line.

PREMISES: A *lot* or tract of land and any *structure* located thereon.

PROPERTY: The general term denoting, either singularly or in combination, an area, *lot*, parcel, tract, plot, unit, or otherwise designated portion of land.

PUBLIC WATER SYSTEM: Any system, other than an individual well, that is operated by a municipality, governmental agency, or a public utility for the furnishing of potable water.

RIGHT-OF-WAY: The entire dedicated tract or strip of land that is to be *used* by the public for circulation and service.

SCHOOL: A *building* or group of *buildings*, and all associated *structures*, facilities, and grounds in and on which instruction is given.

SCREENING: A method of visually shielding or obscuring one abutting or nearby *structure* or *use* from another by fencing, walls, berms, or densely planted vegetation.

SETBACK LINE: That line that is the required minimum distance from the *street right-of-way* line or any other *lot line* that establishes the area within which the *principal structure* must be erected or placed.

SIDEWALK: That paved portion of the *right-of-way* designed and intended for the movement of and use of pedestrian traffic.

SIGN: Any name, identification, description, display, illustration or device which is affixed to or represented directly or indirectly upon a *building, structure* or land which is placed out-of-doors and in view of the general public and which directs attention to a product, place, activity, person, institution, or business.

SIGN, FREESTANDING: A *sign* which is completely or principally self-supported by posts or other supports independent of any *building* or other *structure*.

SIGN, PROJECTING: A *sign*, other than a wall *sign*, which projects from and is supported by, or attached to, a wall of a *building* or *structure*.

SIGN, WALL OR WALL MOUNTED: A *sign* displayed on or visible through a wall of a *building* or *structure* so as to be seen primarily from the direction facing that wall of the *building* or *structure*. A wall *sign* attached to the exterior wall of a *building* or *structure* does not project more than **twenty (20) inches** therefrom.

SPECIAL USE: A *use* which may be permitted in a *district* pursuant to, and in compliance with, procedures specified herein.

STREET: A thoroughfare within the *right-of-way* which affords the principal means of **access** to abutting **property**. A *street* may be designated as an avenue, a boulevard, a drive, a highway, a lane, a parkway, a place, a road, a thoroughfare, or by other appropriate names. **Streets** are identified generally as follows:

- (A) **Major Street:** County and primary *streets*.
- (B) **Minor Street:** Township roads, *subdivision streets*, and other local roads.

STREET, PRIVATE: A service way providing **access** to a *property* for the *use* of a limited number of persons or purposes and which has not been publicly dedicated.

STREET SIDE OF CORNER LOT: That portion of a *corner lot* abutting a *street right-of-way*, which is not a *front lot line*.

STRUCTURE: Anything **constructed** or erected with a fixed location on the surface of the ground or affixed to something having a fixed location on the surface of the ground. Among other things, *structures* include *buildings*, walls, fences, billboards and *signs*.

STRUCTURE, ATTACHED: A *structure* connected to another *structure*.

STRUCTURE, DETACHED: A *structure* not connected to another *structure*.

STRUCTURE, MAIN OR PRINCIPAL: The *structure* in or on which is conducted the main or principal *use* of the *lot* on which it is located.

TRAVEL TRAILER: A vehicle designed for recreational *use* and which cannot be defined as a *mobile home* under the terms of this Code.

USE: The specific purpose for which land, a *structure* or *premises*, is designed, arranged, intended, or for which it is or may be occupied or maintained. The term “permitted *use*” or its equivalent shall not be deemed to include any **nonconforming use**.

VARIANCE: A deviation from the regulations or standards adopted by this Code which the Board of Appeals is permitted to grant when strict enforcement would cause undue hardship owing to circumstances unique to the individual *property*, *lot*, *structure* or *premises* for which the **variance** is sought.

VETERINARY HOSPITAL: A place where animals or pets are given medical or surgical treatment by a licensed veterinarian. *Use* as a *kennel* shall be limited to short term boarding and shall only be incidental to a **veterinary hospital use**.

WINDOW: An opening in an exterior wall of a *building*, other than a door, which provides all or part of the natural light or ventilation, or both, to an interior space.

YARD: An **open space**, other than a *court*, of uniform width or depth on the same *lot* with a *structure*, lying between the *structure* and the nearest *lot line* and is unoccupied and unobstructed from the surface of the ground upward - except as may be specifically provided by the regulations and standards herein.

YARD, FRONT: A *yard* extending the full width of a *lot* and situated between the *front lot line* and the nearest line of a *principal structure* located on said *lot*. Where a *lot* is located such that its rear and *front lot lines* each abut a *street right-of-way line* both such *yards* shall be classified as *front yards*.

YARD, REAR: A *yard* extending the full width of a *lot* and situated between the rear *lot line* and the nearest line of a *principal structure* located on said *lot*.

YARD, SIDE: A *yard* situated between a side *lot line* and the nearest line of a *principal structure* located on said *lot* and extending from the rear line of the required *front yard* to the front line of the required *rear yard*. The *street* side of a *corner lot* shall have a minimum setback of **fifteen (15) feet** in all *districts* including any *accessory buildings*.

ZONE: See *district*.

ZONING HEARING OFFICER: (See Section 40-1-3(J))

ARTICLE II - GENERAL PROVISIONS

DIVISION I - OFFICIAL ZONING MAP

40-2-1 **PROVISIONS FOR OFFICIAL ZONING MAP.** In order to implement this Code and to achieve the objectives in **Section 2**, the entire Village is divided into the following zoning districts:

- A - Agricultural *District*
- R - Residential *District*
- C - Commercial *District*
- I - Industrial *District*

The boundaries of the listed zoning districts are hereby established as shown on a map designated the “Official Zoning Map of Sadorus, Champaign County, Illinois.” This map and all information and notations shown on the map shall be a part of this Code. The original of this map is property attested and is on file with the Village Clerk.

40-2-2 **ANNEXED TERRITORY.** All territory which may hereafter be annexed to the Village shall be classified in the “A” Agricultural *District* unless a different classification is established by a pre-annexation agreement procedure as provided by the laws of the State of Illinois, or the zoning classification is amended as provided in this Code.

40-2-3 **VACATION OF PUBLIC STREET OR PUBLIC WAY.** Whenever any *street* or other public way is vacated by official action of the Village, the zoning *district* adjoining each side of such *street* or public way shall be automatically extended to the center of such vacation and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended *districts*.

40-2-4 **RULES FOR THE INTERPRETATION OF DISTRICT BOUNDARIES AS SHOWN ON THE OFFICIAL ZONING MAP.** Boundaries of *districts* as shown on the Zoning Map are generally intended to coincide with the centerline of *streets* or with *property* lines. If, on the map, the boundary line of a *district*

- (A) approximates the line of a *street*, the boundary line shall be interpreted to be the centerline of the *street*,
- (B) approximates the boundary line of a platted *lot*, the *district* boundary line shall be interpreted to be the *lot line*,
- (C) divides the platted *lot* or unplatted or unsubdivided *property* into *district* parts, the *district* boundary line shown on the map shall be determined by the scale appearing on the map; and
- (D) is shown adjoining or coincident with a railroad, it shall be deemed to be in the center of the railroad right-of-way and distances measured from a railroad shall be measured from the center of the designated main line track.
- (E) In the event that a *district* boundary cannot be located to the satisfaction of the *property* owner, the matter shall be referred to the Hearing Officer as provided for in **Article VIII**.

40-2-5 **RESERVED.**

[NOTE: All bold/italics words are found in the list of definitions.]

DIVISION II - DISTRICT REGULATIONS AND STANDARDS

The regulations and standards set by this Code within each *district* shall be minimum regulations and standards and shall apply uniformly to each class, kind, or type of *structure, use,* or land except as hereinafter provided.

40-2-6 CONSTRUCTION AND USE.

(A) No *building* or *structure* shall be erected, converted, enlarged, reconstructed, moved or structurally altered nor shall any *building* or land be used except for the purpose permitted in the *district* in which the *building* or land is located.

(B) No *building* or *structure* shall be erected, converted, enlarged, reconstructed, moved or structurally altered, except in conformity with the *height, yard, area* per family, parking and other regulations prescribed herein for the *district* in which the *building* is located.

(C) The minimum yards and other *open spaces,* including *lot* areas per family required by this Code, shall be provided for each and every *building* or *structure* hereafter erected, and such minimum yards, *open spaces,* and *lot* areas for each and every *building* or *structure* whether existing at the time of passage of this Code or hereafter erected shall not be encroached upon or be considered as a yard or *open space* requirement for any other *building* or *structure.*

(D) Every *building* hereafter erected or structurally altered shall be located on a *lot* as herein defined and in no case shall there be more than one main *building* on one *lot* except provided as follows:

In the event that a *lot* is to be occupied by a group of **two (2)** or more related *buildings* to be used for institutional, commercial or industrial purposes in the Business or Industrial Districts; there may be more than **one (1)** main *building* on the *lot* when adequate *open space* is provided between all *buildings,* in accordance with the following standards.

(1) The required depth of such *open space* shall be determined in relation to the *height* and length of each such *building* wall as follows:

The minimum depth of the *open space* shall be **fifteen (15) feet,** plus **two (2) feet** for each story in *height,* plus **one (1) foot** for each **fifteen (15) feet** in length of such wall.

(E) No *building* shall be erected on any *lot* unless such *lot* abuts a public *street* or has permanent easement of *access* to a public *street.*

(F) The *uses* permitted in **one (1) district** shall not be permitted in any other *district* unless specifically stated in **Article III.**

(G) Nothing in this Code shall be deemed to prohibit or regulate any public road or *street* improvement or any temporary *structure* incidental to that *construction* provided that the temporary *structure* shall be removed at the completion of such *construction.*

40-2-7 PRINCIPAL AND ACCESSORY USES. The *uses* listed as permitted are *principal uses.* A *building* or *use* that is *accessory* to a permitted *use* may be erected or established as an *accessory building* or *use* if:

(A) it is located on the same *lot* as the *principal use,*

(B) it is customarily incidental to the *principal use,*

(C) it complies with the other applicable regulations of this Code (**See Article V**);

and

(D) it is not erected or established prior to the erection of a *main building* where the establishment is a *principal use.*

40-2-8 RESERVED.

DIVISION III - SUPPLEMENTARY DISTRICT REGULATIONS AND STANDARDS

40-2-9 HEIGHT.

(A) Chimneys, church steeples, cooling towers, elevator bulkheads, fire towers, monuments, stacks, stage towers or scenery lofts, tanks, water towers, spires, radio or television towers or necessary mechanical appurtenances, are exempt from the *height* regulations as contained herein, provided their location shall conform where applicable to the regulations and standards of the Federal Communications Commission, the Civil Aeronautics Commission and other public authorities having jurisdiction and meet the minimum *setback* regulations in the *district* in which it is located.

(B) Public, semi-public or public service *buildings*, hospitals, institutions, churches, and *schools*, when permitted in a *district* may be erected above *height* limits specified for the *district* provided all the required *yards* are increased by **one (1) foot** for each foot of *building height* above the specified *height* limit.

40-2-10 SETBACK LINE. All *buildings* and all *main* or *principal structures* shall be positioned in conformance with the *setback line* regulations and standards specified hereinafter for the *district* in which they are located.

40-2-11 YARDS. Notwithstanding any other provisions of this Code, the minimum *yard* dimensions specified hereinafter shall not be reduced except through action by the Hearing Officer.

Except as otherwise provided, required *yards* shall be kept unobstructed and open to the sky for their entire depth and area. No *building, structure*, or portion thereof, or mechanical equipment shall be erected in, occupy, or obstruct a required *yard*, except as follows:

(A) Private driveways, service drives, easements, *sidewalks*, flag poles, arbors, fences, light poles, hydrants, uncovered patios and decorative, recreational and utility owned apparatus may be placed in any required *yard*.

(B) **Intrusions Into Yards.** To the extent indicated below, the following features of principal *buildings* may intrude into required *yards* without thereby violating the minimum setback requirements:

<u>Features</u>	<u>Maximum Intrusion</u>
(1) Cornices, chimneys, planters or similar architectural features	Two (2) feet
(2) Fire escapes	Four (4) feet
(3) Porches, if unenclosed and at ground level	Six (6) feet
(4) Balconies	Four (4) feet
(5) Canopies, roof overhangs	Four (4) feet
(6) Filling station pumps and pump islands may occupy the required <i>yards</i> , provided however, that they are not less than fifteen (15) feet from <i>street</i> lines.	

(C) A fence, hedge or wall which materially impedes vision and is not more than **three and one-half (3 ½) feet** in *height* may project into or enclose any required *front* or *side yards* to a depth from the *street* line equal to the required depth of the *front yard*. Fences or walls may project into or enclose other required *yards* provided such fences and walls do not exceed a *height* of **seven (7) feet**.

(D) For the purpose of the *side yard* regulations, a two-family *dwelling*, or a *multi-family dwelling*, shall be considered as one *building* occupying one *lot*.

(E) Where *lots* have double frontage, the required *front yard* shall be provided on both *streets*.

(F) The required *side yard* on the *street* side of a *corner lot* shall be the same as required *front yard* on such *street*, except that the *building width* shall not be reduced to less than **thirty-two (32) feet** and no *accessory building* shall project beyond the required *front yard* on either *street*.

40-2-12 **SEPTIC TANKS.** In all *districts*, established by this Code or by amendments that may be later adopted, any new installation of private sewerage systems shall be designed, constructed, operated and maintained in conformity with the following requirements:

(A) Illinois Private Sewage Disposal Licensing Act, **225 ILCS 225/1 to 225/24**, as now or hereafter amended; and

(B) Illinois Private Sewage Disposal Code, as amended, promulgated by the Director of the Illinois Department of Public Health.

ARTICLE III - PRINCIPAL USES AND STANDARDS OF DISTRICTS

40-3-1 GENERAL INTENT OF ZONING DISTRICTS.

(A) **A - Agricultural District.** This *district* is intended to preserve the rural character of the Village outskirts while providing differing types of residential usage and selected business uses.

(B) **R - Residential District.** This *district* is intended to preserve the residential character of the Village while providing the possibilities for differing types of residential usage.

(C) **C - Commercial District.** This *district* is intended to provide development in line with consumer needs of the Village and its service area while preserving the existing commercial area.

(D) **I - Industrial District.** This *district* is established to provide for storage and manufacturing uses compatible with the needs and character of the Village.

40-3-2 TABLE OF PRINCIPAL USES AND SPECIAL USES.

P - Permitted *Use*

S - Special *Use*

A	R	C	I	Table of Principal <i>Uses</i> and Special <i>Uses</i>
				Residential <i>Uses</i>
P	P	S		<i>Single Family Dwelling</i>
	P	S		<i>Two Family Dwelling</i>
	P			<i>Multi-Family Dwelling</i>
S	S			<i>Mobile home on Individual lot</i>
S				<i>Mobile Home Park</i>
		P		<i>Hotel or Motel</i>
S				<i>Travel Trailer Camp</i>
				Resource Production and Agricultural <i>Uses</i>
P	P	P	P	<i>Agriculture, including customary accessory uses</i>
S				Commercial Greenhouse
		P		Garden Shop
P		P		Roadside Stand Operated by Farm Operator
				Public and Quasi-Public Facilities
P	P	P		Church or Temple
S	S	P	P	Municipal or Government <i>Building</i>
S	S	P	P	Police Station or Fire Station
P	P			Public Elementary <i>School</i> , Junior and Senior High <i>School</i>
		P		Public Library
P	P	P		Public Park or Recreational Facility
		P		Water Treatment Plant
				Commercial Transportation <i>Uses</i>
			P	Railroad Freight Terminals
			P	Railway Station
				Business <i>Uses: Agricultural</i>
S			S	Farm Chemicals and Fertilizer Sales; including incidental storage And mixing of blended fertilizer
		P		Farm Equipment Sales and Services
S		P	P	Feed and Grain (Sales Only)

A	R	C	I	Table of Principal <i>Uses</i> and Special <i>Uses</i>
				Business <i>Uses</i>: Agricultural
S			P	Grain Storage Elevator and Bins
		P		Roadside Produce Sales Stand; optional by farm operator
				Business <i>Uses</i>: Automobile Sales and Service
		P	P	Automobile , Truck Trailer, or Boat Sales Room (all indoors)
		P	P	Automobile Repair and Service
			S	Automobile Salvage Yard (Junkyard)
		P	P	Automobile Washing Facility
		P	P	Gasoline Service Station
		P	P	Public Maintenance and Storage Garage
				Business <i>Uses</i>: Businesses, Private Educational and Financial Services
		P		Bank, Savings and Loan Association
		P		Business Office
		P		Insurance and Real Estate Offices
S	S			Private Kindergarten or Day Care Facility
		P		Professional Office
				Business <i>Uses</i>: Food Sales and Service
		P		Dairy Store
		P		Drive In Restaurant
		P		Restaurant (indoor-service only)
		P		Supermarket or Grocery Store
		P		Tavern or Night Club
				Business <i>Uses</i>: Personal Services
		P		Barber Shop
		P		Beauty Shop
	S	P		Dressmaking Shop
		P		Dry Cleaning Establishment
		P		Medical or Dental Clinic
		P		Self-Service Laundromat
				Business <i>Uses</i>: Recreation
		P		Bowling Alley
S		S		Indoor Recreational Development
S		P		Lodge or Private Club
S		S		Public Camp or Music Festival
S				Riding Stable
				Business <i>Uses</i>: Retail Trade
		P		Antique Sales and Service
		P		Apparel Shop
		S	S	Building Material Sales
		P		Drugstore
		P		Electrical or gas appliance sales and service
		P		Florist
		P		Furniture Store – Office Equipment Sales
		P		Gift Shop
		P		Hardware Store
		P	P	Lawnmower Sales and Service

A	R	C	I	Table of Principal <i>Uses</i> and Special <i>Uses</i>	
				Business <i>Uses</i>: Retail Trade	
		P		Used Furniture Sales and Service	
				Business <i>Uses</i> Miscellaneous	
S				Kennel	
S				Veterinary Hospital	
		P	P	Warehouse	
		P	P	Wholesale Business	
¹ P	P			Home Occupation	
				Industrial <i>Uses</i>	
			S	Food and Kindred Products Manufacturing	
			S	Lumber and Wood Products Manufacturing	
			S	Stone, Glass, and Clay Products Manufacturing	
			S	Other Manufacturing	

¹ See Definition of Home Occupation for requirements.

40-3-3 SCHEDULE OF AREA, HEIGHT, AND PLACEMENT REGULATIONS BY ZONING DISTRICT.

Zoning District	Minimum Lot Size		Maximum Height		Required YARDS (Feet)			Maximum Lot Coverage	Special Provisions	
	Area (SqFt)	Width ⁴ (Feet)	Feet	Stories	Front Setback Street R-O-W		Side ³ Yard (Feet)			Rear Yard (Feet)
					Major Street (Feet)	Minor Street (Feet)	(each) (Feet)			
Agricultural (<i>Mobile Home Park</i>)	20,000	100	50		30	25	10	25	20%	
Residential	7,500 (7,500 for 1 st Dwelling Unit and 2,500 for each additional dwelling unit for two family and Multi-Family Dwelling)	65	35	2 ½	30	25	5	5	30%	
Commercial	6,500	65	45	3	30	25	5	7	65%	¹ and ²
Industrial	10,000	10	45		30	25	10	10	50%	¹ and ²

(Ord. No. 2013-06; 11-06-13)

40-3-4 FOOTNOTES TO SECTION 40-3-3, SCHEDULE OF AREA, HEIGHT, AND PLACEMENT REGULATIONS BY ZONING DISTRICT.

- ¹ A building on any lot in this district abutting or adjacent to any residential district shall maintain the same side and rear yard as required in the adjacent residential district.
- ² All driveways, loading and parking areas and storage areas abutting, or adjacent to any residential district shall be screened with shrubs or evergreen trees planted and maintained at a minimum height of four (4) feet and of such density so as to obscure from residential districts such activities conducted on a lot. A solid wall or fence at a minimum height of four (4) feet may

be erected along the rear *lot line* of the business *property* as a substitute for the required rear *lot line* landscaping.

- ³ ***Side yard where lines are not parallel:*** Where a side wall of a *building* is not parallel with the side *lot line*, or where a *side yard* is irregular, the average *side yard* width may be considered the required minimum width, provided that the *side yard* at any point shall not be narrower than **five (5) feet** nor less than **one-half (1/2)** the required minimum width as required by this Section, whichever is greater.
- ⁴ Irregularly shaped *lots* with *frontage* on a cul-de-sac and which *frontage* provides the principal means of access to a *street*, shall have a minimum *front lot frontage* of **thirty (30) feet** in width.

Average *lot* width of irregularly shaped *lots* on a cul-de-sac shall be measured by estimating the average of the *front lot line* width, measured at the chord of the arc and the *rear lot line* width, measured at the chord of the arc.

ARTICLE IV - STANDARDS FOR SPECIFIC SPECIAL USES

The following Schedule, Section 40-4-1, provides standards and requirements for specific *uses* labeled as “S-*Special*,” in Section 40-3-2. Those *uses* labeled “S” in Section 40-3-2 and not listed in Section 40-4-1 shall comply with the applicable standards in Section 40-3-3 for the *district* in which the *special use* is located. The number 1 in parentheses within Table 40-4-1 indicates a Footnote at the conclusion of Table 40-4-1.

40-4-1 SCHEDULE OF AREA, HEIGHT AND PLACEMENT REGULATIONS FOR SPECIAL USES.

Special Uses Or Use Categories	Minimum Fencing Required	Minimum Lot Size		Maximum Height		Required Yards (feet)		Side Yard	Rear Yard	Explanatory or Special Provisions
		Area Acres	Width Ft.	Feet	Stories	Front Setback from Street Centerline				
						Major	Minor			
<i>Automobile Salvage Yard (Junk Yard)</i>	See Special Provisions	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	All vehicles, parts, and equipment shall be stored within a completely enclosed <i>structure</i> or within an area screened by a solid fence at least 6' high and shall not be visible over the solid fence.
Food and Kindred Products Manufacturing; Lumber and Wood Products Manufacturing; Stone, Glass & Clay Products Manufacturing	6' wire mesh	(1)	(1)	(1)	(1)	100	100	50	50	Not permitted closer than 300' from the Residential or Commercial <i>districts</i> or any residential, institutional, or public assembly <i>use</i> .
Riding Stable	6' wire mesh	1A	(1)	(1)	(1)	(1)	(1)	(1)	(1)	Not permitted within 100' of the Residential <i>district</i> or Residential or Institutional <i>use</i> .
<i>Veterinary Hospital</i> or <i>Kennel</i> (entirely enclosed)		1A	(1)	(1)	(1)	(1)	(1)	(1)	(1)	Enclosed <i>Kennels</i> and <i>Veterinary Hospitals</i> shall not permit animals to be kept either temporarily or permanently outside the <i>Kennel</i> or <i>Hospital Buildings</i> . One <i>Single Family Dwelling</i> may be permitted on the site provided it is for occupancy by the <i>Owner</i> or employee of the <i>Kennel</i> or <i>Veterinary Hospital</i> .
<i>Veterinary Hospital</i> or <i>Kennel</i> (animals are kept temporarily or permanently outside of <i>Kennel</i> or <i>Hospital Building</i>)	6' wire mesh fence to encompass outdoor animal exercise and/or training area	1A	(1)	(1)	(1)	(1)	(1)	100	100	Any outdoor animal exercise and/or training area shall be 200' from any adjacent residential <i>Structure</i> and/or <i>Use</i> and shall have a noise buffer of evergreen shrubs or trees a minimum of 4' in <i>height</i> installed separating the exercise and/or training area from any adjacent residential <i>structure</i> and/or <i>use</i> . One <i>single family dwelling</i> may be permitted on the site provided it is for occupancy by the <i>owner</i> or employee of the <i>kennel</i> or <i>veterinary hospital</i> .

40-4-2 MANUFACTURED HOMES ON INDIVIDUAL LOTS. The following provisions shall apply for a manufactured home to qualify as a conventional *single-family dwelling*.

- (A) Not more than **one (1) manufactured home** shall be placed on any individual *lot*, nor shall any *manufactured home* be placed on any individual *lot* whereon another principal building exists.
- (B) The wheels and towing devices (tongue and hitch) of a *manufactured home* shall be removed.
- (C) Removal of wheels and towing devices does not qualify a *manufactured home* as a conventional *single-family dwelling* unless said *manufactured home* is placed on a *permanent foundation*.
- (D) The *manufactured home* shall meet the requirements of the Illinois Mobile Home Tie-Down Act. (See 210 ILCS 120/1 et seq.)
- (E) The *manufactured home* must be constructed according to the Federal Mobile Home Construction and Safety Standards.
- (F) The regulations and standards set by this Code within the applicable *districts* shall apply.
- (G) Additions to *manufactured homes* shall meet the requirements of this Section as well as other applicable Sections of the Zoning Code.

40-4-3 MANUFACTURED HOME PARKS.

(A) *Manufactured home parks* shall be subject to the following provisions and the provisions of 210 ILCS 115/1 et seq.

(B) **General Provisions.**

- (1) It shall be unlawful to construct, alter or expand any *manufactured home park* unless a Special Use Permit is issued pursuant to the following provisions and the provisions of **Section 40-7-19**.
- (2) After the effective date of this Code, no *manufactured home park* shall be operated within the Village without having first obtained a permit to operate from the Illinois Department of Public Health.
- (C) All applications for a Special Use shall contain the following:
 - (1) Name and address of applicant.
 - (2) Location and legal description of the proposed *manufactured home park*.
 - (3) Plans and specifications of the proposed *manufactured home park* development including, but not limited to the following:
 - (a) A map indicating the area and dimensions of the tract of land;
 - (b) The number, location, and size of all *manufactured home sites*;
 - (c) The location and width of all public and private *streets*, roadways, and walks;
 - (d) The availability of water;
 - (e) Location of the sewage disposal system;
 - (f) All *buildings* existing or to be *constructed* within the *manufactured home park*;
 - (g) The location of internal lighting and electrical systems.

(D) **Density of Manufactured Home Park.**

- (1) A *manufactured home park* shall contain at least **five (5) manufactured homes**.
- (2) A *manufactured home park* shall contain not more than **eight (8) manufactured home sites** for each gross acre of land.

(E) **Required Setbacks and Screening for Manufactured Home Park exterior boundary:**

- (1) All *manufactured home stands* shall maintain the following *setbacks* from *manufactured home park* boundaries facing public *streets*:
 - (a) County, primary, or *major street* 35 feet

- (b) Township Roads, Subdivision *streets*,
local roads or *minor streets* 25 feet
 - (2) There shall be a minimum *side* and *rear yard* of **fifteen (15) feet**.
 - (3) The *manufactured home park* shall be screened from adjacent *property* and the *street* with shrubs or evergreen trees planted and maintained at such density so as to obscure the view of the Park from the adjacent *property* and the *street*. A solid wall or fence at a minimum *height* of **four (4) feet** may be erected along the rear *lot line* of the *manufactured home park* as a substitute for the required rear *lot line* landscaping.
- (F) **Manufactured Home Site Requirements.**
- (1) All *manufactured home sites* within a *manufactured home park* shall have a minimum area of **five thousand (5,000) square feet** for a single *manufactured home* and **seven thousand (7,000) square feet** for a “double wide” *manufactured home* shall maintain the following *setbacks* from *manufactured home park* boundaries facing public *streets*.
 - (2) All *manufactured homes* shall maintain the following minimum *setbacks* from the boundaries of its *manufactured home site*:
 - (a) The minimum distance between the *manufactured home* and *site* boundary adjacent to private *streets* or roads shall be **fifteen (15) feet**.
 - (b) The minimum distance between the entrance side of the *manufactured home* and the *manufactured home site* boundary shall be **twenty (20) feet**.
 - (c) All other *setbacks* shall be a minimum of **ten (10) feet**.
 - (3) The *manufactured home* shall be skirted with fire resistant materials and shall be equipped with an inspection door to allow access to the underside of the home.
 - (4) A *manufactured home stand* or pad shall be provided of sufficient size to accommodate the *manufactured home* to be located thereon. *Manufactured home stands* shall be concrete slabs, or runways, constructed so as not to shift or settle unevenly under the weight of a *manufactured home* or other forces due to frost, vibration, wind or water.
 - (5) The *manufactured home* shall meet the requirements of the Illinois Mobile Home Tie-Down Act. (See 210 ILCS 120/1 to 120/7)
 - (6) Each *manufactured home* space shall have **two (2) off-street parking spaces**.

[ED. NOTE: Mobile homes are now referred to as manufactured homes.]

ARTICLE V - ACCESSORY STRUCTURES AND USES

Accessory structures and *uses* customarily incidental to the *main* or *principal structures* are permitted in all *districts*. In addition, the following standards for *accessory structures* and *uses* shall apply:

40-5-1 **HOME OCCUPATIONS.** *Home occupations* as defined in Section 40-1-3 are permitted as an *accessory use* in any *home*.

40-5-2 **HEIGHT OF RESIDENTIAL ACCESSORY BUILDINGS.** The maximum *height* of a residential *accessory building* shall be fifteen (15) feet.

40-5-3 **YARDS FOR DETACHED ACCESSORY BUILDINGS AND STRUCTURES.**
(A) **Yards for Detached Accessory Buildings and Structures in the Agricultural and Residential Districts.**

- (1) **Detached Accessory Building.**
 - (a) **Front Yard.** The minimum *front yard* dimension shall be determined according to the *setback line* provisions specified in Section 40-3-3.
 - (b) **Side Yard.** No *detached accessory building* shall be located less than five (5) feet from any side *lot line*.
 - (c) **Rear Yard.** No *detached accessory building* shall be located less than five (5) feet from any rear *lot line*.
- (2) **Detached Accessory Structure.** The regulations and standards specified in Section 40-3-3 shall apply to all *detached accessory structures*. Private driveways, service drives, easements, *sidewalks*, flag poles, arbors, fences, light poles, hydrants, uncovered patios, and decorative, recreational, or utility owned apparatus may be placed in any required *yard*.

(B) **Yards for Detached Accessory Buildings and Structures in the Commercial and Industrial Districts.**

- (1) **Detached Accessory Building.**
 - (a) **Front Yard.** The minimum *front yard* dimensions shall be determined according to the *setback line* in Section 40-3-3.
 - (b) **Side Yard.** Section 40-3-3 shall apply.
 - (c) **Rear Yard.** Section 40-3-3 shall apply.
- (2) **Detached Accessory Structure.** The regulations and standards specified in Section 40-3-3 shall apply to all *detached accessory structures*. Private driveways, service drives, easements, *sidewalks*, flag poles, arbors, fences, light poles, hydrants, uncovered patios, and decorative, recreational or utility owned apparatus may be placed in any required *yard*.

40-5-4 **OFF-STREET PARKING.**

(A) **General Provisions.**

- (1) All off-*street parking spaces* shall be located on the same *lot* or tract of land.
- (2) The minimum size of off-*street parking spaces* shall be at least nine (9) feet wide by twenty (20) feet long.

(B) **Parking Requirements.** No *building* shall be erected unless there is provided on the *lot*, space for the parking of automobiles or trucks in accordance with the following minimum requirements:

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- (1) **Bowling Alley.** Five (5) *parking spaces* for each *alley*.
- (2) **Business, Professional, or Public Office Building, Studio, Bank, Medical or Dental Clinic.** Three (3) *parking spaces* plus one (1) additional *parking space* for each four hundred (400) square feet of floor area over one thousand (1,000).
- (3) **Church.** One (1) *parking space* for each eight (8) seats in the main auditorium.
- (4) **College or School.** One (1) *parking space* for each eight (8) seats in the main auditorium or three (3) spaces for each classroom, whichever is greater.
- (5) **Community Center, Library, Museum or Art Gallery.** Ten (10) *parking spaces* plus one (1) additional space for each three hundred (300) square feet of floor area in excess of two thousand (2,000) square feet.
- (6) **Dwellings.** Two (2) *parking spaces* for each *dwelling unit*.
- (7) **Hospital, Sanitarium, Home for the Aged, or Similar Institution.** One (1) *parking space* for each four (4) beds.
- (8) **Hotel.** One (1) *parking space* for each three (3) sleeping rooms or suites plus one (1) space for each two hundred (200) square feet of commercial floor area contained therein.
- (9) **Manufacturing or Industrial Establishment, Research or Testing Laboratory, Creamery, Bottling Plant, Warehouse or Similar Establishment.** One (1) *parking space* for every two (2) employees on the maximum working shift plus space to accommodate all trucks and other vehicles used in connection therewith.
- (10) **Mortuary or Funeral Home.** One (1) *parking space* for each fifty (50) square feet of floor space in slumber rooms, parlors, and individual funeral service rooms.
- (11) **Private Club or Lodge.** One (1) *parking space* for every ten (10) members.
- (12) **Restaurant, Night Club, Café, or Similar Recreation or Amusement Establishment.** One (1) *parking space* for each one hundred (100) square feet of floor area.
- (13) **Retail Store or Personal Service Establishment.** One (1) *parking space* for each two hundred (200) square feet of floor area.
- (14) **Rooming or Lodging House.** One (1) *parking space* for each two (2) sleeping rooms.
- (15) **Sports Arena, Stadium or Gymnasium (Except School).** One (1) *parking space* for each five (5) seats or seating spaces.
- (16) **Theatre or Auditorium (Except School).** One (1) *parking space* for each five (5) seats or bench seating spaces.

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SIGNS.

(A) **General Provisions.** All *signs* hereafter constructed or otherwise established, moved, altered or changed within the Village limits shall comply with the following regulations. The repair, maintenance and/or alteration of *nonconforming signs* shall be as for *nonconforming structures*.

(B) **Permitted Signs.** The following *signs* are allowed in all *districts* without a permit. *Signs* specified in this Section are permitted in addition to the *signs* permitted in Section 40-5-5(D) and 40-5-5(E), but are subject to the conditions and limitations set forth herein.

- (1) **Public Signs.** *Signs* of a public, non-commercial nature, to include safety *signs*, danger *signs*, trespassing *signs*, traffic *signs*, *signs* indicating scenic or historical points of interest, memorial plaques, and the like, and all *signs* erected by or on order of a public officer in the performance of a public duty.

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- (2) **Flags.** Flags bearing the official design of a nation, state, municipality, or educational institution.
- (3) **Institutional Signs.** Any *sign* or bulletin board setting forth or denoting the name of or simple announcement for any public, charitable, educational, or religious institution when located on the *premises* of such institution, provided such *sign* or bulletin board or both shall not exceed a total of **twenty (20) square feet** in display surface. If *building* mounted, these *signs* shall be flat wall *signs* and shall not project above the roof line or front façade of the *building*. If *free-standing*, the total *height* shall not exceed **six (6) feet**.
- (4) **Community Event Signs.** *Signs* advertising a public entertainment or event of public interest, provided the placing of the *signs* shall be approved and the locations designated by the Zoning Administrator. These *signs* shall remain in place for no more than **twenty-one (21) days** before and **fourteen (14) days** after the event and may not exceed **ten (10) square feet** in area.
- (5) **Political Campaign Signs.** *Signs* or posters announcing the candidates seeking public political office and/or political issues, and data pertinent thereto, up to an area of **ten (10) square feet**. These *signs* shall be confined to private *property*, and shall be removed within **fourteen (14) days** after the election for which they are erected.
- (6) **Holiday Sign.** *Signs* or displays which contain or depict a message pertaining to a national or state holiday, and no other matter, and which are displayed for a period not to exceed **forty-five (45) days**.
- (7) **Individual Property Sale or Rental Signs.** Any on-*premise sign* announcing the name of the *owner*, manager, realtor, or other person directly involved in the sale or rental of the *property* or announcing the purpose for which it is being offered.
Signs may be *freestanding*, or *wall mounted* only. *Signs* may not emit direct illumination and must be removed within **fourteen (14) days** after a sale or rental of *property*. The following standards shall apply:

	Maximum # Permitted	Maximum Area of <i>Sign</i>	Maximum <i>Height</i> of <i>Freestanding Sign</i>	Location of <i>Sign</i>
Residential <i>District</i>	One per <i>structure</i>	10 square ft.	10 feet	10 feet minimum <i>setback</i> from <i>property</i> line.
Agricultural & Commercial <i>Districts</i>	One per <i>property frontage</i>	50 square ft.	15 feet	10 feet minimum <i>setback</i> from <i>property</i> line.
Industrial <i>District</i>	One per <i>property frontage</i>	150 square ft.	25 feet	10 feet minimum <i>setback</i> from <i>property</i> line.

- (8) **Construction Signs.** Any *sign* announcing the names of architects, engineers, contractors, or other individuals or firms involved with the *construction, alteration, or repair* of a *building* (but not including any advertisement of any product) or announcing the character of

the *building* enterprise or the purpose for which the *building* is intended.

Such *signs* shall be confined to the site of the *construction, alteration,* or repair and shall be removed within **twenty-one (21) days** after completion of the work. Said *signs* shall conform to the standards provided in paragraph (G) above.

- (9) **Portable Signs.** If a *structure* supporting a *sign* is a vehicle, that vehicle shall not be parked on public or private *property* so as to make display of the *sign* the principal purpose of parking the vehicle, unless display of the *sign* is specifically permitted by this Code.

(C) **Prohibited Signs.** The following *signs* are specifically prohibited by this Code:

- (1) Any *sign* which, by reason of its size, location, movement, content, coloring, or manner of illumination, constitutes a traffic hazard or a detriment to traffic safety by obstructing, the vision of motorists or by obstructing, or detracting from, the visibility of any official traffic control device, as determined by the Zoning Administrator.
- (2) Moving *signs* or flashing *signs*.
- (3) Any *sign* which for **thirty (30) consecutive days** has directed attention to a product, place, activity, person, institution, business which is no longer in operation at that location.

(D) **Business Signs.** In the Agricultural and Commercial *Districts*, the following additional *sign* regulations shall apply:

- (1) The total surface area of all *projecting, free-standing, wall* or combination *signs* shall be limited to **two (2) square feet of sign** (or total *signs*) for each lineal foot of front width of business *building* or business unit; or **one (1) square foot of sign** for each lineal foot of *lot frontage*, whichever is greater; provided that the total surface area of any one *sign* shall not exceed **one hundred (100) square feet**. Only **one (1) side** of a business *building* facing a *street* shall be considered to be the front.
- (2) On *buildings* including more than one business, the front width of each individual unit shall be used to determine the maximum *sign* area for that business.
- (3) Projecting *signs* shall not project more than **three (3) feet** from the principal *building*.
- (4) No *sign* shall project above the highest point of roof *structure* of the *building* to which it is attached.
- (5) *Freestanding signs* shall project not more than **two (2) feet** into any required *yard* and shall not exceed **twenty (20) feet** in *height*.
- (6) *Signs* shall not project into any public *right-of-way, street, or alley*.

(E) **Industrial Signs.** In the Industrial *District*, the following additional regulations shall apply:

- (1) The surface area of all *projecting, freestanding, wall* or combination *signs* shall not be greater than **two (2) square feet** for each lineal foot of front width of business *building* or business unit, or **one and one-half (1.5) square feet** for each lineal foot of *lot frontage* or whichever is greater, provided that the maximum total surface area for the aforementioned *signs* shall not exceed **one hundred (100) square feet**. However, the maximum permitted surface area for any one of the aforementioned *signs* may be increased by **one (1) square foot** for each **two (2) lineal feet** that the *signs* are set back from the required *setback line*. Only the setback from **one (1) street** and/or *setback line* shall be permitted for increase.
- (2) No point of any *sign* shall project more than **ten (10) feet** above the highest point of the roof *structure* of the *building* of which it is attached.
- (3) Projecting *signs* and marquees shall not project more than **three (3) feet** from the principal *building*.
- (4) *Freestanding signs* shall project not more than **two (2) feet** into any required *yard* and shall not exceed **twenty (20) feet** in *height*.
- (5) *Signs* shall not project into any public *right-of-way, street, or alley*.

ARTICLE VI - NONCONFORMITIES

40-6-1 PURPOSE. The requirements imposed by this Section are designed to guide the use of land by encouraging the development of *structures* and *uses* that are compatible with the predominant character of each *district*.

Within the *districts* established by this Code or by amendments that may later be adopted, there exists *lots, premises, structures, accessory structures, uses, and accessory uses* of land which were lawful before this Code was effective or amended, but which would be prohibited, regulated, or restricted under the provisions of this Code or future amendments, and

It is the intent of this Code to permit these *nonconformities* to continue until they are removed (except as otherwise herein provided), but not to encourage their survival. Such *nonconformities* are declared by this Code to be incompatible with the permitted *structures* and *uses* of land and *structures* in the *districts* involved. It is further the intent of this Code that such *nonconforming uses* of land, *premises, or structures* or *accessory structures* shall not be enlarged upon, expanded, or extended except as provided for herein, nor to be used as grounds for adding other *structures* or *uses* prohibited elsewhere in the same *district*.

40-6-2 NONCONFORMING LOTS. Any vacant *lot* that does not conform to one or more of the *lot* size (area dimensions) requirements of the *district* in which it is located may, nonetheless, be developed for any *use* permitted in that *district* if such vacant *lot*.

- (A) was recorded in the Champaign County Recorder of Deeds office prior to the effective date of this Section (or pertinent amendment thereto); and
- (B) is at least **thirty (30) feet** wide.

40-6-3 TWO OR MORE LOTS IN COMMON OWNERSHIP. If **two (2)** or more *lots* or combinations of *lots* and portions of *lots* with continuous *frontage* were of record and in common ownership on the effective date of this Section, and if one or more of those *lots* does not meet the minimum *lot* width, depth, or area requirements of the *district* in which it is located, the land involved shall be considered an undivided parcel. No portion of any such parcel shall be developed except in compliance with this Section, nor shall any such parcel be divided so as to create a *lot* that does not meet the requirements of this Section.

40-6-4 NONCONFORMING STRUCTURES. Any otherwise lawful *structure* which exists on the effective date of this Code, but which could not be erected under the terms of this Code because of requirements/restrictions concerning *lot* size, *height*, setbacks, or other characteristics of the *structure* or its location on the *lot* may lawfully remain, subject to the following provisions:

- (A) **Maintenance.** A *nonconforming structure* may be maintained by ordinary repairs.
- (B) **Enlargement, Alterations.** A *nonconforming structure* shall not be enlarged or altered in any way which increases its nonconformity.
- (C) **Relocation.** A *nonconforming structure* shall not be moved unless, after relocation, it will conform to all the regulations of the *district* in which it will be situated.
- (D) **Reconstruction.** A *nonconforming structure* which is destroyed by any means to an extent of more than **fifty percent (50%)** of its replacement cost at the time of destruction shall not be reconstructed except in conformity with the provisions of this Code.

40-6-5 NONCONFORMING USES. Any otherwise lawful *use* existing on the effective date of this Code that would not be permitted under the terms of this Code may lawfully continue, subject to the following provisions:

ZONING CODE 40-6-5

(A) **Extension/Intensification.** No *nonconforming use* occupying a *structure* may be extended to any part(s) of the *structure* not intended or designed for such *use*, nor shall such

ZONING CODE 40-6-6

nonconforming use be extended to occupy any land outside such *structure*. Similarly, no *nonconforming use* of land shall be intensified, or extended to occupy a greater area of land than was occupied by such *use* on the effective date of this Section.

(B) **Relocation.** No *nonconforming use* shall be moved, in whole or in part unless, upon relocation, it will conform to all pertinent regulations of the *district* in which it will be located.

(C) **Change of Use.** If no structural alterations are made, a *nonconforming use* of a *building* may be changed to another *nonconforming use* of the same or more restricted classification, but whenever a *nonconforming use* is changed to a more restricted *use* or to a conforming *use*, it shall not thereafter be changed to a less restricted *use*.

(D) **Discontinuance.** When a *nonconforming use* is discontinued for a period of **twelve (12) consecutive months**, it shall not thereafter be resumed, and any subsequent *use* of such land shall conform to the applicable *district* regulations. Any discontinuance caused by government action and without any contributing fault by the owner or operator shall not be counted in calculating the length of discontinuance.

40-6-6 **EXISTENCE OF NONCONFORMING USE.** The casual, intermittent, temporary, or illegal *use* of land or *buildings* shall not be sufficient to establish the existence of *nonconforming use* and the existence of a *nonconforming use* on a part of a *lot* or tract shall not be construed to establish the *nonconforming use* on the entire *lot* or tract.

ARTICLE VII - ADMINISTRATION AND ENFORCEMENT

DIVISION I - GENERALLY

40-7-1 **ADMINISTRATION.** The administration of this Code shall be vested in an office in the body of government of the Village as follows:

Zoning Administrator
Village of Sadorus Zoning Hearing Officer
Village of Sadorus Board of Trustees (Village Board)

40-7-2 **ZONING ADMINISTRATOR.**

(A) **Appointment.** This Code shall be administered and enforced by the Zoning Administrator appointed by the Village Board. The Zoning Administrator may be provided with assistance of such person as the Village Board directs.

(B) **Duties.** The Zoning Administrator shall have the authority and duty to administer this Code and shall:

- (1) issue all zoning permits and zoning compliance certificates where authorized by this Code and keep permanent records thereof;
- (2) conduct such inspection of *structures, uses* and *accessory uses* as are necessary to determine compliance with this Code;
- (3) maintain permanent records pertaining to *variances*, and *special uses* granted, modified or denied by the Hearing Officer and Village Board;
- (4) maintain permanent records of all amendments to this Code; and
- (5) make or cause to be made changes to the Official Zoning Map in the manner specified herein.

40-7-3 **ZONING PERMIT.**

(A) **Scope of Zoning Permit.** A zoning permit shall be obtained by the owner or lessee, agent of either the architect, engineer, or builder employed in connection with the proposed work from the Zoning Administrator before starting:

- (1) to establish, occupy or change the use of a *structure, accessory structure* or land either by itself or in addition to another *use*;
- (2) to construct or erect a new *structure* or *accessory structure* or part thereof;
- (3) to extend or move any *structure, accessory structure* or part thereof;
- (4) to extend, restore, or alter any *nonconforming use*, (issued only upon Hearing Officer granting of a variation to permit extension, restoration or alteration of the *nonconforming use*).

(B) **Application for Zoning Permit.** Applications for zoning permits shall be filed in written form with the Zoning Administrator in such forms as the Zoning Administrator shall prescribe and shall:

- (1) state the location of tract comprising the legal description of the property;
- (2) state the name and address of the owner, the applicant, and the contractor, if known;
- (3) describe the *uses* to be established or expanded;
- (4) be accompanied by a plan in duplicate, or duplicate prints thereof drawn approximately to scale (one set of said plans shall be retained by the Administrative Officer as a permanent record and one set shall be returned to the applicant) showing:

ZONING CODE 40-7-3

(a) the actual dimensions of the *lot* to be built upon;

- (b) the size, shape and locations of the *use* to be established in the *structure* or *accessory structure* to be constructed;
 - (c) the size, shape and location of all existing *structure*, *accessory structures* and *uses* on the *lot*;
 - (d) the water supply and sewage disposal facilities, including a true and correct copy of any permit required by the Village or Illinois Department of Public Health approving such facilities;
 - (e) other information that may be necessary to provide for the proper administration and enforcement of this Code.
- (5) include any *accessory structure* or *use* established or constructed at the same time the *main* or *principal structure use* was established or constructed;
- (6) each zoning permit for a *main* or *principal structure* or *main* or *principal use* shall also cover any *accessory structure* or *accessory use* established or constructed at the same time on the same *lot* or tract of land.
- (C) **Issuance of Zoning Permit.**
- (1) The Zoning Administrator shall retain the original copy of the zoning permit and shall make such permit whether approved or disapproved.
 - (2) **One (1) copy** shall be returned to the applicant, duly signed and marked as in (1) above.
 - (3) No zoning permit shall be issued until an application has been made for a Zoning Compliance Certificate. (The Zoning Compliance Certificate shall be applied for at the time of Application for Zoning Permit.)
- (D) **Expiration of Zoning Permit.**
- (1) If the work described on any zoning permit shall not have begun within **one hundred eighty (180) days** from the issuance thereof, said permit shall expire or be cancelled by the Zoning Administrator and written notice thereof shall be given to the applicant.
 - (2) If the work described on any zoning permit shall not have been substantially completed within **three hundred sixty-five (365) consecutive days** of the issuance thereof, said permit shall expire and shall be cancelled by the Zoning Administrator and written notice thereof shall be given to the applicant together with notice that further work as described on the cancelled permit shall not proceed until a new permit shall have been issued.
 - (3) A zoning permit issued for the establishment of a *use* of land where no *structures* are involved or on which land a *structure accessory* to the *main* or *principal use* not involving any *structure* shall not expire.

40-7-4 ZONING COMPLIANCE CERTIFICATE.

(A) **Scope of Zoning Compliance Certificate.** It shall be unlawful to use or occupy or permit the *use* or occupancy of any land or *structure* or part thereof hereinafter created, constructed, erected, changed, moved or wholly or partly altered or enlarged in its *use* or *structure* until a Zoning Compliance Certificate shall have been issued thereof, by the Zoning Administrator stating that the proposed *use* of the land and *structure* conforms to the regulations and standards of this Code.

There the Hearing Officer has granted a variation permitting the expansion, alteration or restoration of a *nonconforming use*, the Zoning Compliance Certificate shall state specifically wherein such *nonconforming use* differs from the regulations of this Code.

(B) **Application for Zoning Compliance Certificate.**

ZONING CODE 40-7-4

- (1) **New or altered Uses and Structures.** The Zoning Compliance Certificate shall be applied for at the time of application for the Zoning Permit.

ZONING CODE 40-7-5

- (2) **Nonconforming Uses.** The Zoning Compliance Certificate shall be applied for at the time of application for the Zoning Permit which is issued upon granting by the Hearing Officer of a variation permitting the alteration or restoration of the *nonconforming use*.
- (C) **Issuance of Zoning Compliance Certificate.**
- (1) When all work as described on the zoning permit is complete, the applicant shall notify the Zoning Administrator in writing. After examination of the premises to ascertain that all work described on the zoning permit has been conducted in compliance with the regulations and standards of this Code, the Zoning Administrator shall issue the Zoning Compliance Certificate.
- (2) Except in the case of the *use* of land where no *structure* is involved the issuance of the Zoning Compliance Certificate shall invalidate the zoning *use* permit issued for work conducted in connection with the premises involved.
- (3) The Zoning Administrator shall retain the original copy of the Zoning Compliance Certificate.
- (4) **One (1) copy** shall be returned to the applicant, duly signed.
- (5) On each successive date of inspection of land, the *use* of which does not involve a *structure* or on which land a *structure* is *accessory* to the *main* or *principal use* such *main* or *principal use* not involving any *structure*, and for which the zoning *use* permit does not expire, the Zoning Administrator shall issue a Zoning Compliance Certificate if such *use* has been conducted in conformance with the regulations and standards of this Code and shall be effective only until the next required date of inspection.
- (6) A temporary Zoning Compliance Certificate may be issued by the Zoning Administrator for a period not exceeding **six (6) months** during alterations or partial occupancy of a *structure* pending its completion, provided that such temporary certificates may require such conditions and safeguards as will protect the safety of the occupants and the public.

40-7-5 - 40-7-6 **RESERVED.**

DIVISION II – HEARING OFFICER

40-7-7 HEARING OFFICER. The position of Zoning Hearing Officer is hereby established in accordance with Illinois law. (See 65 ILCS 5/11-13-3)

40-7-8 APPOINTMENT. The Hearing Officer shall be appointed by the Mayor with the advice and consent of the Village Board.

40-7-9 TERM OF OFFICE - VACANCY. The Hearing officer shall hold office for **two (2) years** from the date of his appointment, until his successor has been selected and qualified.
With the advice and consent of the Village Board, the Mayor may remove the Hearing Officer for cause after a public hearing. Vacancies in the Hearing Officer position shall be filled for the unexpired term in the same manner as provided for his appointment.

ZONING CODE 40-7-10

40-7-10 **MEETING.** All meetings by the Hearing Officer shall be held at such times as he may determine. All meetings shall be open to the public. The Hearing Officer may adopt rules of meeting procedures consistent with this Code and the applicable Illinois Statutes. The Hearing Officer may administer oaths and compel the attendance of witnesses.

40-7-11 **RECORDS.** The secretary for the Hearing Officer shall keep minutes of the proceedings and examinations. These minutes shall indicate any official action taken. A copy of every rule, variance, order or recommendation of the Hearing Officer shall be filed immediately with the Village clerk and shall be a public record.

40-7-12 **PROCEEDINGS OF THE HEARING OFFICER.**

(A) **Meetings.** All meetings of the Hearing officer shall be held at such other time the Hearing Officer may determine. All meetings shall be held at some public place designated by the Hearing Officer and shall be open to the public. At any meetings of the Hearing Officer or at any hearings of the Hearing Officer, any interested person may appear and may be heard either in person or through his agent or attorney. The Hearing Officer shall administer oaths and compel the attendance of witnesses. All testimony by any witness shall be given under oath.

(B) **Office, Minutes and Records.** The Hearing Officer shall, with the assistance of the Zoning Administrator, maintain its office and keep its minutes, files and records in the office of the Village Clerk. The minutes of proceedings of the Hearing Officer shall show the vote on every question. Every rule, regulation, order, requirement, decision or determination by the Hearing Officer shall be contained in the minutes. The minutes, files and records of the Hearing Officer shall be open to inspection by the public at all reasonable times.

(C) **Rules.** The Hearing Officer may adopt such rules and procedures that are not in conflict with this Code or in conflict with the laws of the State of Illinois.

(D) **Powers and Duties.** The Hearing Officer shall have the following powers and duties:

- (1) All matters specifically referred to it by the provisions of this Code.
- (2) To hear and decide appeals where it is alleged there is error in any order, requirements, decision, or determinations made by the Zoning Administrator in the administration and enforcement of this Code.

40-7-13 **RESERVED.**

DIVISION III - VARIATIONS

40-7-14 **REGULATIONS FOR VARIANCES.** Variations shall be permitted by the Hearing Officer only when they are in harmony with the general purpose and intent of the regulations and only in cases where there are practical difficulties or particular hardship in the way of carrying out the strict letter of any of these regulations relating to the *use, construction, or alteration of buildings or structures* or the *use* of land.

The Hearing Officer may vary the application of the regulations imposed by this Code.

(A) to recommend any *yard, setback line, or spacing* between *buildings* of less dimension than required by the applicable regulation;

(B) to recommend any *structure* to exceed the *height* limitations imposed by the applicable regulations;

(C) to recommend greater maximum *lot coverage* of a *building* than required by the applicable regulations;

(D) to recommend a reduction in the number of *off-street parking spaces* required in connection with a *use,*

ZONING CODE 40-7-15

(E) to recommend the reconstruction of a *nonconforming structure* which has been destroyed or damaged to an extent in excess of **fifty percent (50%)** of its true value, as calculated from its assessed valuation, immediately prior to the occurrence, by fire, or an act of God, or by the public enemy, where the *board* shall find some compelling necessity requiring a continuance of the *nonconforming structure*.

(F) to permit the substitution of one *nonconforming use* for another *nonconforming use* if the substitution is more compatible with its surroundings than the former *use*.

40-7-15 **CRITERIA FOR EVALUATING VARIATION REQUESTS.** Before granting any request for a variation, and as a condition precedent to granting such a request, the Hearing Officer shall hear sworn evidence upon and determine:

(A) that the property in question cannot be economically used under the conditions allowed by the regulations;

(B) that the plight of the owner is due to unique circumstances; and

(C) that the variation, if granted, will not alter the essential character of the locality, impair adequate supply of light and air to adjacent property, increase the condition of traffic, diminish or impair property values in all localities.

Every decision or order of the Hearing Officer in granting a request for variation shall include a statement noting the specific reasons for granting the request.

40-7-16 **PROCEDURE ON REQUEST FOR VARIATION.**

(A) A request for variation in the application of the regulations proposed by the Hearing Officer shall be made in writing by the applicant and shall be filed with the Chairman of the Hearing Officer. These requests shall be accompanied by receipt showing the payment of the required fee.

(B) The Hearing Officer shall fix a reasonable time, not more than **thirty (30) days** in the future for the hearing on the request and inform the Secretary of the time and place of the hearing.

(C) The Secretary shall have notice of the hearing on the request published in a newspaper having general circulation within the Village at least **fifteen (15)** but no more than **thirty (30) days** prior to the hearing. The notice shall contain the time and place of the hearing, and particular location for which the variation is requested as well as a brief statement on the nature of the proposed variation.

(D) The Hearing Officer shall act upon the request and recommend to the Village Board within a reasonable period of time after the hearing that the request be granted or denied either in whole or in part.

(E) The Village Board, upon receiving recommendations from the Hearing Officer, shall act upon said recommendation within **thirty-one (31) days** and shall either accept or reverse the recommendations in whole or in part or return the request to the Hearing Officer for further study. It shall require **two-thirds (2/3) vote** of all Village Board members to reverse a recommendation as received from the Hearing Officer.

(F) Every variation shall be accompanied by findings that the requirements of **Section 40-7-15** have been met by the applicant for a *variance*.

40-7-17 - 40-7-18 **RESERVED.**

DIVISION IV - SPECIAL USES

40-7-19 **VILLAGE BOARD AUTHORIZES.** The Village Board may, by special permit, authorize those *special uses* noted in the Table of *Principal Uses* and *Special Uses*.

40-7-20 **CRITERIA FOR EVALUATING SPECIAL USE REQUESTS.** A *special use* shall not be recommended by the Hearing Officer and approved by the Village Board unless and until the applicant submits a written application to the Secretary for the Hearing Officer for a *special use* demonstrating:

- (A) that it is necessary for the public convenience at that location;
- (B) that it is so designed, located and proposed so that it will not be harmful to the DISTRICT in which it is proposed to be located or otherwise detrimental to the public welfare;
- (C) that it conforms to the applicable regulations and standards of and preserves the essential character of the *district* in which it is proposed to be located;
- (D) that it does not create overcrowding of public roads;
- (E) that it is compatible with surrounding land *use*; and
- (F) that the intensity of the proposed development does not impose any adverse effects on surrounding property.

40-7-21 **PROCEDURE ON REQUEST FOR SPECIAL USE.**

(A) Each application for special *use* shall be accompanied by the required fee.
(B) The Hearing Officer shall pick a reasonable time, not more than **thirty (30) days** in the future, for hearings on the request and inform the Secretary of the time and place that the hearing will be held. The Secretary shall give due notice of a hearing in writing to the person making the request, to the Hearing Officer and to any other persons directly interested in the outcome thereof. Public notice of the time and place of the hearing shall be published in a newspaper having general circulation in the Village at least **fifteen (15) days** but not more than **thirty (30) days** prior to the hearing.

(C) The Hearing Officer shall determine whether the requirements under **Section 40-7-20** have been met and that the granting of a *special use* will be in harmony with the general purpose and intent of this Code and will not be harmful to the *district* in which it is located.

(D) In granting any *special use* the Hearing Officer may recommend and the Village Board may prescribe special conditions of the permit to preserve the general public health, safety and welfare. The Hearing Officer shall submit a recommendation to the Village Board noting the findings which support the granting of the *special use* permit or the denial of the *special use* request.

(E) The Village Board, upon receiving a recommendation from the Hearing Officer, shall act upon said recommendation within a reasonable period of time not to exceed **thirty-one (31) days** and shall either accept or reverse the recommendation in whole or in part or return the request to the Hearing Officer for further study. It shall require **two-thirds (2/3) vote** of all Village Board members to reverse a recommendation of denial received from the Hearing Officer.

40-7-22 **RESERVED.**

DIVISION V - AMENDMENTS

40-7-23 **AMENDMENTS PROCEDURES.** Regulations imposed in the *districts* created by this Code may be amended; the amendment may be a change in the language or text of the Code, to be referred to as a text amendment; the amendment may be a change in the Zoning Map designation of property as a specific zoning classification, to be referred to as a map amendment. No such amendment shall be made without a public hearing before the Hearing Officer.

40-7-24 **CONDITIONS AND PROCEDURES ON AMENDMENTS.**

(A) A written application shall be submitted to the Hearing Officer.

ZONING CODE 40-7-24

- (1) Such application may be initiated by the Village Board, the Hearing Officer, the Zoning Administrator, or the Owners of more than **fifty percent (50%)** of the area involved.

ZONING CODE 40-7-25

- (2) Each such application initiated by the owners of more than **fifty percent (50%)** of the area involved shall be accompanied by the required fee.

(B) At least **fifteen (15) days** but not more than **thirty (30) days** notice of the time and place of the hearing of such action shall be published in a newspaper having general circulation in the Village. The notice shall also contain a brief description of the amendment.

- (1) If a text amendment: the notice shall include a brief description of the text and the proposed change in text.
- (2) If a map amendment: the notice shall include a brief description of the boundaries of a *district* which are proposed to be changed and a description of the area for which the change is proposed.

(C) If, prior to the hearing, signed and acknowledged objections to the change of the regulations or *districts* are filed with the Village Clerk by **twenty percent (20%)** or more of the owners of property of:

- (1) the *frontage* proposed to be altered; or
- (2) the *frontage* immediately adjoining or across the *alley* from the property; or
- (3) the *frontage* directly opposite the *frontage* to be altered.

Then the amendment shall not be passed except by favorable vote of **two-thirds (2/3)** of all the members of the Village Board.

40-7-25

RESERVED.

ARTICLE VIII - FEES

40-8-1 FEES. A fee shall be paid in accordance with the schedule specified herein by an applicant at the time an application is filed and shall not be refundable.

- (A) Zoning Permit.
 - New Residence Construction (including *mobile home* on Individual *lot*) \$30.00
 - New Commercial, Industrial or Other Principal Construction \$30.00
 - New *Accessory Structure* Construction \$10.00
 - Residence Alteration \$10.00
 - Commercial, Industrial or Other Principal Alteration \$15.00
 - Establish *Use* where no *Building* is involved; Move *Structure* from one *lot* to another; Demolition of *Structure*; Change of *Use*; Alteration of *Accessory Structure* \$5.00
 - Establish, Expand, Alter *Mobile Home Park* (per site) \$5.00
- (B) Appeal Fees.
 - Variance Application \$25.00
 - Special Use* Application \$45.00
 - Amendment \$50.00
 - Appeal of Zoning Administrator’s Decision \$15.00
- (C) Exemptions from Fees.
 - (1) Government bodies, government owned and/or operated facilities, and *agriculture*.
 - (2) Private driveways, service drives, easements, *sidewalks*, flag poles, arbors, trellises, fences, light poles, hydrants, uncovered patios and decorative *yard* statues, recreational and utility owned apparatus may be placed in any required *yard*.
 - (3) Poles, towers, wires, cables, conduits, vaults, laterals, pipes, mains, valves or any other similar distribution equipment for telephone or other communications, electric power, gas, water and sewer lines; provided that the installation shall conform where applicable to the rules and regulations of the Illinois Commerce Commission, the Civil Aeronautics Administration and other public authorities having jurisdiction.
 - (4) *Agriculture*, except *buildings* and *structures* used for agricultural purposes shall be required to conform to *setback lines*. In the event that land and *structures* cease to be used for agricultural purposes, then and only then shall the remaining provisions of the Zoning Code and accompanying fees apply.

ARTICLE IX - APPEALS

40-9-1 **PROCEDURE ON APPEALS.** An appeal from any order, requirement, decision or determination may be taken to the Hearing Officer by any persons aggrieved or by any office or department of the Village.

(A) The appeal shall be taken by the applicant within **forty-five (45) days** of the action complained of by filing a notice of appeal with the Hearing Officer. The notice of appeal shall describe the order, requirement, decision, or determination appealed from and shall specify the grounds for the appeal.

(B) The Hearing Officer shall fix a reasonable time, not more than **thirty (30) days** in the future, for the hearing on the appeal and shall give due notice of a hearing, in writing, to the appellants, the Hearing Officer and other persons directly interested in the outcome of the appeal. It shall be necessary to publish any notice of a hearing on an appeal.

(C) The Hearing Officer shall decide the appeal within a reasonable time after the hearing. On an appeal the Hearing Officer shall be limited to a determination of the questioned action and it may reverse or affirm the action appealed from or modify the same and to that end the Hearing Officer shall have all the powers under this Code. The Hearing Officer shall not by its decision on an appeal, permit a variation in the application of the regulations of this Code.

40-9-2 **STAY OF PROCEEDINGS.** An appeal stays all proceedings in furtherance of the action appealed from, unless after the notice of appeal has been filed, the Hearing Officer shall determine that by reasons of the facts a stay would cause imminent peril to lives or property. In this event the proceedings shall not be stayed otherwise than by a restraining order which may be granted by order of the court of competent jurisdiction.

(See 65 ILCS 5/11-13-12)

ARTICLE X - PENALTIES

40-10-1 **VIOLATION OF CODE.** The owner or agent of a *building* or premises in or upon which a violation of any provision of this Code has been committed or shall exist, or the agent, architect, *building* contractor or any other person who commits, takes part or assists in any violation or who maintains any *building* or premises in or upon which such violation shall exist, shall be punishable by a fine not less than **Ten Dollars (\$10.00)** and not more than **Five Hundred Dollars (\$500.00)** for each and every day that such violation continues. Any such person, having been served with an order to remove any such violation, failing to comply with said order within **ten (10) days** after such notice or continuing to violate any provision of the regulations made under authority of this Code in the respect named in such order, shall be subject to a civil penalty of **Five Hundred Dollars (\$500.00)**.

(See Section 1-1-20 also)

ARTICLE XI - GENERAL PROVISIONS

40-11-1 **VALIDITY.** If any section, subsection, sentence, clause or phrase of this Code is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Code.

40-11-2 **REPEAL OF CONFLICTING ORDINANCES.** All ordinances or parts thereof in conflict with this Code are hereby repealed to the extent necessary to give this Code full force and effect.

40-11-3 **NON-INTERFERENCE WITH GREATER RESTRICTIONS OTHERWISE IMPOSED.** It is not the intent of this Code to abrogate, annul, impair, or interfere with any private restrictions on land except that when this Code imposed greater restrictions upon the use of land or *buildings* than those imposed by existing private covenants or restriction, then the provisions of this Code shall control.

(Ord. No. 83-10-3)

(Ord. No. 2022-0-7; 11-29-22)